
In addition, a series of legislative changes quickly approved by the parliament supported the government's oppressive actions. These changes include criminal charges for defamation against the president on social media; approving the use of censorship during martial law; and restricting media access to information on private property and businesses.



AZERBAIJAN

With the release of 14 political prisoners, 2016 started with hope for improvements in human rights and media freedom; however, the optimism was short lived. Several journalists and bloggers, including Zamin Haji and Mehman Huseynov, received formal warnings from law enforcement agencies to be “careful” with their social media activity, while others received threats from unidentified sources. Some of the political prisoners released in March, such as Khadija Ismayilova, cannot exit the country and have lost numerous court appeals. More activists were arrested during the summer months on various trumped-up charges. Twelve journalists and bloggers remain behind bars, while Gabala Football Club player Javid Huseynov, who was convicted as an accessory to murder after the fact in the death of journalist Rasim Aliyev, was released in October after serving just one year of his four-year sentence.

In April, armed conflict erupted between Azerbaijan and Armenia in the disputed Nagorno-Karabakh region with the highest casualties—more than 300—since signing the ceasefire in 1994. Media covering the situation, with a few exceptions, displayed poor reporting, airing multiple pieces of unverified information.

In July the president’s office announced a September 2016 referendum to modify the constitution. Proposed amendments included adding two vice presidents appointed by the president, extending the president’s term from five to seven years, and lowering the age requirement for president and members of parliament. European Commission experts predicted that these changes would further concentrate power. The reporting on the referendum campaign was kept under tight government control, with only positive discourse and reporting about these changes allowed on television and radio. Honest criticism and discussions took place exclusively on social media like Facebook.

These changes, 29 in all, were accepted by voters, each receiving between 89 and 94 percent “yes” votes. Monitors from the Parliamentary Assembly of the Council of Europe did not report serious irregularities. In February 2017, the president appointed his wife as first vice president.

In addition, a series of legislative changes quickly approved by the parliament supported the government’s oppressive actions. These changes include criminal charges for defamation against the president on social media; approving the use of censorship during martial law; and restricting media access to information on private property and businesses.

The July coup attempt in Turkey had far-reaching consequences in Azerbaijan, including the shuttering of the only television channel not connected to government officials.

Due to the restrictive media environment, participants in the Azerbaijan study will remain anonymous. An Azerbaijani journalist developed this chapter after a series of structured interviews in January 2017 with colleagues having first-hand knowledge of the media sector.

AZERBAIJAN at a glance

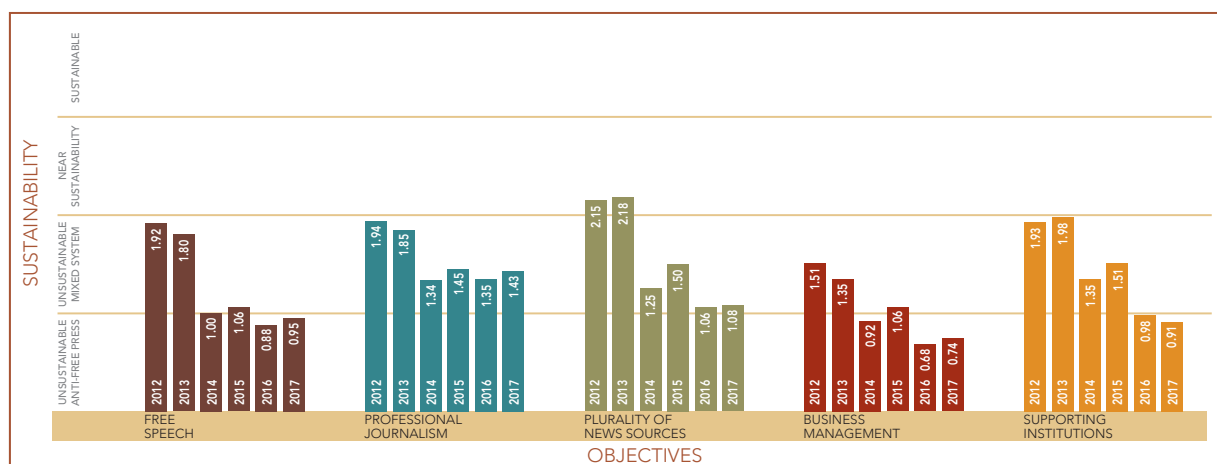
GENERAL

- > **Population:** 9,872,765 (July 2016 est. CIA World Factbook)
- > **Capital city:** Baku
- > **Ethnic groups (% of population):** Azerbaijani 91.6%, Lezgian 2%, Russian 1.3%,
- > **Armenian 1.3%, Talysh 1.3%, other 2.4% note:** almost all Armenians live in the separatist Nagorno-Karabakh region (2009 est. CIA World Factbook)
- > **Religions (% of population):** Muslim 96.9%, Christian 3% note: religious affiliation is still nominal in Azerbaijan; percentages for actual practicing adherents are much lower (2010 est. CIA World Factbook)
- > **Languages (% of population):** Azerbaijani (Azeri) (official) 92.5%, Russian
- > **1.4%, Armenian 1.4%, other 4.7% (2009 est. CIA World Factbook)**
- > **GNI (2015-Atlas):** \$63.33 billion (World Bank, 2017)
- > **GNI per capita (2015-PPP):** \$17,710 (World Bank, 2017)
- > **Literacy rate:** 99.8%; male 99.9%, female 99.8% (2015 est., CIA World Factbook)
- > **President or top authority:** President Ilham Aliyev (since October 31, 2003)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 36 dailies, 100 weeklies, 85 monthlies; Radio Stations: 9 AM, 17 FM; Television Stations: 23 (9 broadcasting nationwide, 14 regional)
- > **Newspaper circulation statistics:** Most widely read publications are the opposition newspapers *Yeni Musavat* and *Azadliq*
- > **Broadcast ratings:** Top three television stations: ANS-TV, Azad TV, and Khazar TV (AGB/Nielsen)
- > **News agencies:** Turan, Trend, APA, Day.Az, and 1news.az (all private);
- > **Azertag (state-owned)**
- > **Annual advertising revenue in media sector:** \$53.2 million total (State Statistics Committee 2016 Yearbook)
- > **Internet usage:** 7.5 million (July 2015 est. CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

▲ (increase greater than .10) □ (little or no change) ▼ (decrease greater than .10)

Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Azerbaijan Objective Score: 0.95

The Azerbaijani Constitution and legislation lag behind European standards in several facets, and the latest referendum in September 2016 did not raise the standards. While the Azerbaijani Constitution protects basic freedoms on paper, these freedoms are increasingly restricted each year by regulatory and legislative changes. Society is hungry for information, but has limited access to information. Highly restrictive regulations on news media funding, adopted in previous years, remain in force.

On paper, there are legal mechanisms that protect journalists' safety and sources of information, however, they are poorly observed. In theory, interfering with a journalist is criminally punishable, including imprisonment. However, according to one panelist, there have been an estimated 500 cases of attacks on journalists and the Criminal Code has not been applied even once.

Prosecutor General Zahid Garalov initiated a change in criminal code 148-1 to punish social network users who anonymously criticize the government. Press Council chairman and MP Aflatun Amashov supported the initiative. He also initiated a draft law to regulate activities of bloggers and social media users.

In recent months, several MPs and officials have publicly spoken about regulating online media through standalone legislation, mentioning the law "Of Hardening the Procedures for Registering Online Media and Increasing Responsibility,"

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

a result of the further politicization of television and radio licensing. The National Television and Radio Broadcast Council still does not issue information about vacant frequencies, and the bidding and application processes are not transparent. According to one panelist, in 2012, two groups of independent media professionals filed applications in the open tender by the Broadcast Council, but their bids were returned without clarification or justification.

During 2016, two changes to the Law on Mass Media were introduced, one on April 24 and the other on October 29. Both changes primarily aim to put even further limitations on freedom of the press. The change adopted with Article 3.1 of the law now prohibits the publication of a full photocopy or scan of a prosecution's paperwork in criminal cases. The agency that leads operations against religious extremism now controls the "activity of mass media personnel" in region subject to its operations. The agency will also approve the extent to which the public will be informed of the "format and volume" of these special operations, as dictated by the expanded law "On the Struggle Against Religious Extremism."

The National Assembly also passed draft legislation regarding martial law. In contradiction to Article 50 of the Constitution, which states that "state censorship of mass media outlets is prohibited," the new law allows for mass censorship when martial law is declared; in the territory or territories where martial law is introduced, a special "working regime" is applied to mass media outlets and where there are grounds supported by the law, orders will be given to relevant authorities to limit the media's activity or halt it completely. The draft law also allows military censors to scan information and materials from mass media outlets, establish a military censorship body, and control social media, electronic correspondence, telephone traffic, and radio programs.¹

A lawyer on the panel said the heaviest blow to journalists in 2016 was the introduction of a new article in the Criminal Code that protects the president's honor and dignity and criminalizes insult and libel by Internet users with fake names. Passed quickly on November 21, 2016, the law kills any hope of decriminalizing defamation and further distances Azerbaijan from international standards. The law proposes a fine of AZN 1,000 to AZN 1,500 (\$580 to \$870), compulsory public service of 360 to 480 hours, and up to one year in prison or two years in jail. It is unclear when or how the law will be invoked and panelists predicted negative consequences.

There were some positive events for media in 2016. In clarifying a section of the Administrative Violations Code about restricting access to information, the government affirmed a provision to protect whistleblowers by the principle of "non-persecution of functionary for disclosing the publicly-valuable information

¹ <http://azpolitika.info/?p=267920>

Rural, independent media critical of local problems are automatically labeled as “opposition media.” “As a journalist from a province, I can say rural media personnel are getting old and disappearing,” one panelist said. “For the entire country, I can count a handful of rural journalists or newspapers.”

about the legal violations,” added to the Article 6.1.11 of the Law on Access to Information. Now there is an administrative responsibility for the protection of a functionary who has disclosed “publicly-valuable” information about the violation of law.

There was no high-profile crackdown on news media in 2016 compared with previous years, but the atmosphere of fear remains as the government continues to initiate more restrictive laws. The government pressures the relatives of investigative journalists to try to stop their work. It has become a tradition of sorts to arrest journalists for drug possession—typically with planted evidence—and other charges. In 2015, a group of journalists who collaborated with Meydan TV, a non-profit media organization headquartered in Berlin, have faced restriction of movement. These journalists have been interrogated at the Chief Department of the Fight Against Organized Crime and by the General Prosecutor’s office multiple times and have gone through tax audits. Even after this scrutiny, they are still not able to travel outside of the country.

Khadija Ismayilova, a former Radio Free Europe/Radio Liberty correspondent and notorious critic of President Ilham Aliyev has been released on probation, but is unable to leave the country. Additionally, RFE/RL’s Azerbaijani service bureau has remained closed after being raided by police and tax officers in 2015. While Azerbaijani authorities freed 17 human rights defenders, journalists, and political activists, at least 24 government critics remained in prison, including 12 bloggers and journalists.

According to a local media representative, provincial governments do not particularly care about the freedom of speech and press. There, independent media face double the pressure faced in Baku. Rural, independent media critical of local problems are automatically labeled as “opposition media.” “As a journalist from a province, I can say rural media personnel are getting old and disappearing,” one panelist said. “For the entire country, I can count a handful of rural journalists or newspapers.” Another participant said if four or five years ago

publishing an independent newspaper in the region was risky, “today it is becoming suicidal.”

For the first time in years, the government attempted put some light restrictions on the Internet. Certain websites and articles from foreign press are blocked for certain periods of time, accessible only via VPN. As one panelist noted, despite a worsening situation, coverage of various issues on social networks expands every day.

In September, Farahim Ilgaroghlu, a journalist from the pro-government APA News Agency, was fired after engaging in an argument on Facebook about a photo from an opposition rally, disputing another pro-government journalist’s low number of attendees. Since his dismissal, he has been seeking asylum in Germany.

The ruling elite strictly control mainstream news media, both state and privately owned channels and companies. The privately-owned ANS TV lost its broadcast license due to demands from the Turkish government and the company was suddenly shut down in July 2016. Washington DC-based ANS journalist Ganira Atashova was attending press conference organized by Fethullah Gulen, a Turkish preacher and political figure who lives in Pennsylvania. Turkish President Tayyip Erdogan accused Gulen and his followers of launching the July 15 coup in Turkey. Although ANS never aired an interview with Gulen, there were claims one was announced, and rumors hold that the Turkish Ambassador asked the Azeri Foreign Minister to bar the interview from being aired and to “take measures” against the media company.

The Azeri government subsequently shut down the channel and its sister outlets, abolishing their licenses under the guise of promotion of terrorism. The process did not follow existing legal procedures and ANS TV, Radio, and Press offices were all sealed. The Grave Crimes Unit of the Prosecutor General’s Office launched a criminal investigation, interrogating senior managers and journalists for hours and barring them from leaving the country. Atashova was asked to return to Baku and was thereafter prevented from leaving the country. Despite the ANS Press Office filing a case disputing its closure, thus far the closure has been upheld.

Azadliq, the country’s leading print outlet known for criticizing the government, stopped publishing. The distribution company, which has close government ties, was not paying *Azadliq* sales of its copies. The newspaper was unable to pay salaries, nor was it able to pay its other debts. At nearly the same time, Azerbaijani law-enforcement launched its own “anti-terrorism” operation and arrested the newspaper’s finance director, Faig Amirli, for alleged links to the Gulen Movement. The investigation is still ongoing, however, because Amirli is the co-signee of *Azadliq*’s bank account, the newspaper cannot access the money.

Licensing remains extremely challenging in television and radio. No independent entities are allowed to get a license. There is no licensing for other media; for example, in order to start a newspaper, a simple note to the Ministry of Justice will suffice.

The government keeps full control over its media assets and there is no expectation of editorial independence in newsrooms there. This control includes both national media and local ones; in some provinces, governors' offices have tri-monthly newspapers printed with circulations between 500 and 1,500.

Defamation is still a criminal act and four people were arrested under this law in the last year. One of those arrested, Ikram Rahimov, is a journalist while the other two, Elgayit Karimov and Rahman Novruzov, are not; Karimov and Novruzov helped online media collect information on local governors. The fourth is former political activist Elsevar Mursalli, arrested for using derogatory words about a popular singer. Mehman Huseynov, a famous videoblogger, claimed he was tortured during a period of detention and was sued by a police chief. On March 3, 2017, the court sentenced Huseynov to two years' imprisonment.

While the government harasses and arrests journalists trying to do honest work, there are "racketeer" journalists who write and publish blackmail materials to extort money. They are justifiably prosecuted, one panelist said. According to him, in recent years, about five journalists have been arrested with these charges.

Access to information remains problematic. Restrictive provisions about access to information that were first introduced into legislation a year earlier have now been tailored to the Constitution. For example, Article 32 of the Constitution titled "Right to privacy" was revised as follows: "With the exception of cases defined by the law, the access to the electronic and paper-based data about third persons with the purpose of gaining information is prohibited."

According to the law on obtaining information, each government agency must have a website with all their produced information. However, journalists are unable to access information related to the "State Registry for private property" and "State Registry/Registration of Juridical Bodies." In the provinces, governors' websites have no legal information and are not updated for weeks. It is nearly impossible to get any information from municipalities or from law enforcement agencies in the provinces.

No formal licensing of journalists exist, but controls nonetheless exist. In one recent restrictive change, local journalists who write for foreign media outlets are required to get accreditation from the Foreign Ministry in order to be invited to special events. Azerbaijan has declared 180 international journalists persona-non-grata for visiting the disputed territory of Nagorno-Karabakh. One such journalist, Aleksandr Lapshin, a Russian-Israeli blogger, was detained in the Belarusian capital

of Minsk on an extradition request from Azerbaijan and was handed over to Azerbaijan on February 7.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.43

According to most panelists, there are not high standards of professionalism for Azerbaijani journalists. This can be attributed to a variety of factors, including poor quality education and a lack of opportunities for young journalists to work at professional media institutions. High standards have been forgotten in recent years with the spread of fake and low quality news. News is often used to blackmail people or institutions, sometimes for purely personal reasons. Many Azerbaijani editors simply do not have proper training and, because of the language barrier, do not have direct access to Western media that show higher standards.

While there are independent journalists who can produce professional interviews, many officials are unwilling to participate, and will only give interviews to biased television channels.

Because independent media struggle in Azerbaijan, there has been a rise in Azeri-language media based outside of the country, funded by external donors. Social media has helped fuel their popularity. However, many of these outlets are reliant on citizen journalism and may lack quality and analytical content, one panelist noted.

The Turan News Agency, based in Baku, has been a refuge for journalists that refuse to work for state media. However, they are underfinanced and unable to attract a broader group of journalists. Many outlets, including Turan News Agency, also lack access to the government sources of information, which leads to lower quality and less informative news.

Years ago, the Press Council, in conjunction with the Organization for Security and Cooperation in Europe's Baku office, developed a Code Professional Ethics for Azerbaijani Journalists. However this document, as one participant said, is made of basic concepts, like not plagiarizing or committing libel. Despite the Press Council's ethics code, none of its members, including the ones owned by its Board of Directors, follow the code.

The authorities use the ethical codes to strike against independent media. Only truly independent media outlets care about ethics, in part because they know that they can be dragged into court if they commit even minor violations, while state media do not observe a code of ethics. Individually, media outlets themselves either do not have ethics codes of their own or they are poorly observed.

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).

Partisan media represent either the government or opposition views, both in interviews and news content. Many outlets, one panelist said, feel that they are participants of a political process. This is true even for Meydan TV, based in Berlin. This approach obviously fails to meet professional standards of quality.

There is a significant amount of plagiarism in the media sector. Baku-based outlets often steal information from regional media outlets that do not have the resources to defend themselves from plagiarism.

With the exception of a few online news sites, self-censorship is at its height. Even posting on social media can lead to arrest. Although journalists from pro-government sources sometimes overcome self-censorship, it often ends poorly for them. A year ago, journalist Natig Javadli was fired from the newspaper *Bizim Yol* a day after his interview with Gubad Ibadoghlu, an expert critical of the government's economic policy, was published. Lider TV's Moscow-based journalist who asked a "wrong" question to Russian Foreign Minister Sergei Lavrov is among other journalists fired for deviating from the state narrative.

As one panelist said, there are problems with professionalism, but these situations are not necessarily due to a lack of

As one panelist said, there are problems with professionalism, but these situations are not necessarily due to a lack of professionalism. Perhaps, the lack of professionalism is a result of rampant self-censorship.

professionalism. Perhaps, the lack of professionalism is a result of rampant self-censorship.

Some independent media outlets in Azerbaijan have succeeded in bringing up skilled reporters, even though there are few of them. However, because their access to information is limited, they struggle to publish objective information. Information about public services, senior government official's commercial activities, and corruption is kept especially closeted in Azerbaijan. The handful of media outlets that break this "unwritten rule" get severely punished. Video-blogger Mehman Huseynov produced a short YouTube video about several senior officials' properties and was kidnapped by police and tortured according to a filmed interview conducted after his release. As noted above, when Huseynov complained he was accused of libeling the police and jailed. Given this difficulty speaking with officials or even covering events, journalists struggle to highlight major news events.

Because of media bias, citizens are often uninformed.

One panelist mentioned that during the September 2016 constitutional referendum, no balanced talk shows were held on any of the television channels in the country. People were left to vote in the referendum without much knowledge of what was being proposed.

Journalists have seen a significant loss in income due to devaluation of the currency and salaries that are barely sufficient for daily living expenses. Salaries in print journalism are particularly low, which may fuel corruption and a lack of transparency as outlets are taken over by oligarchs and racketeer journalists. For 10 to 12 hours of work a day, journalists receive approximately \$400 per month. Outlets also do not help cover medical expenses and many do not offer paid vacations. This turns journalists into a loyal and financially dependent group. "Dual accounting" practices and hiring journalists without a proper employment contract is widespread among news media outlets.

Censorship on social and political programs require traditional mainstream media to fill in the time gaps with entertainment programming. Entertainment programs dominate television and are, as one panelist said, banal and produced with a lack of taste.

There is very little programming on political issues, except a few where government officials or pro-government experts praise the government's foreign and internal policies. However, one participant said, independent monitoring of the media outlets show that even those limited and orchestrated shows pique interest among Azeri viewers. While most viewers watch Turkish or Russian channels for better quality entertainment programs, they switch to local programming for news.

Because of recent economic hardship, government funding of media has declined. Independent media outlets have been most affected by financial hardships. One panel participant said it is therefore impossible to talk about modern production facilities or equipment.

For many outlets, the same reporter covers everything from agriculture to sports, limiting the ability to develop expertise in any one beat. Current specialization areas include national budget and revenues, the shadow economy, criminal news, education, labor, entertainment, sports, and cultural news. However political censorship, the persecution of independent journalists, and the scarcity of independent media outlets can counteract that growth and rise in professionalism as outlets limit the type of specializations allowed. State and pro-government media slightly touch on some social issues, while taking sides to further guard the ruling elite's interests. Journalists do not tend to cover these issues without permission or instructions from their editors or owners.

After years of oppression, investigative journalism is almost absent from all the in-country television and radio stations. Any investigative programs are either one-sided or cover insignificant topics. Only Meydan TV and Azadlıq Radiosu (RFE/RL) regularly publish investigative materials. Meydan TV's investigation on Pasha Holding's investments and closure of new factories was based on publicly available materials and hard to classify as true investigative reporting, one participant argued. Both Meydan TV and Azadlıq Radiosu published an investigative report on a crackdown on religious groups in Nardaran, a small town near Baku considered the bastion of conservative Islam in Azerbaijan. The piece provided many details, which local media avoided.

Azadlıq Radio's investigative report on the embezzlement of state funds by high-ranking officials was confusing. The radio discovered that the president's Chief of Staff Ramiz Mehdiyev's wife Galina Mehdiyeva received a AZN 5,566 (around \$3,000) subsidy for her agricultural business. Many social network users ridiculed this investigative report, due to the insignificant amount of money. Previously, in 2012, a videotape surfaced with negotiations for selling parliamentary seats for millions of dollars and Azadlıq Radio published Ramiz Mehdiyev's refutation, without providing context and omitting initial accusations against him. In a later report, details about the claims against him were noticeably omitted.

OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 1.08

Similar to past years, no new licenses for television or radio stations were issued. The only resource that people partially trusted, the ANS news agency, was shut down this year. The

Likewise, state media only criticize the government or identify mistakes when the relevant ministry is abolished or the minister is dismissed or arrested after political clashes.

country finally switched to digital broadcasting signals in November and December, ending the use of analog signals. This left a large portion of the population without news, since many people do not have television sets that can receive digital signals. The Broadcast Council recommended citizens purchase decoders for analog televisions that would enable their devices to receive digital signals. For comparison, in neighboring Georgia the government distributed these decoders for free to qualifying families after the switchover.

While people still primarily get their news from television and radio, the Internet is gradually starting to take over. People feel Internet news sources are more trustworthy, with more balanced coverage and an interactivity that allows consumers to levy criticism and commentary. Print media, in turn, has lost its previous influence and sales. One panelists noted that all surviving newspapers with circulations between 10,000 and 12,000 copies a day are controlled by the government, which has led to print media's decline. The newspapers distribution system also has been hijacked by the ruling elites not only for monetary reasons, but also to control content.

In the provinces, people who read opposition newspapers publicly face pressure from local authorities. Furthermore, the low speed of the Internet in the provinces prevents user access to certain news websites.

On a positive note, in 2016 there were a few newly launched in-country media projects. Although some of them try to avoid the coverage of core political issues, it still inspires hope in independent media. One of them, Toplum.tv, tries to cover all major news topics and strives to be impartial and professional. There have also been individual attempts to launch educational and scientific projects online such as Yasilelm.com, Rezonans.com, and Odin.az, but they remain underfunded.

Access to web portals that distribute alternative news is being blocked, especially in recent months; this includes the RFE/RL Azeri service, Voice of America, and Meydan TV. All three mobile phone companies are not allowed to transmit breaking and political news.

What is noteworthy about 2016 is the expansion of Azerbaijani-language media aired from outside the country, which has been gaining new followers daily. Citizen journalists help these outlets

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.

by sending local videos. Still, the government tries to repress those who collaborate with these outlets.

No laws prohibit access to international media, even if in practice barriers, described below, do exist. Citizens can subscribe to international channels and print media, although it is often not affordable. This "freedom" was challenged when the *Fox Türk* channel was removed from cable packages, allegedly on orders from the National Broadcast Council, after an anchor criticized the Azerbaijani President for appointing his wife as his first vice-president.²

New regulations in anticipation of digital broadcasting propose changing the way foreign television is aired. These regulations require Azerbaijani citizens to pay for all foreign television channels except for TRT1, the public television of Turkey. Under these same regulations, foreign radio stations must get a frequency to be aired in the country. In 2009, the Azerbaijani services of RFE/RL, BBC and Voice of America were taken off the air from their FM frequencies, and no talks are currently being held to re-open them.

The National Television and Radio Broadcast Council (NTRBC) must approve the full list of cable television channels. Channels that can serve as a source of independent news are purposefully taken off the list, one panelist emphasized. Of the 260 channels approved by the NTRBC, 163 are Russian-language channels, of which 125 are of Russian origin.

There is no restriction of Internet usage, but website owners, editors, and reporters are regularly called to the prosecutor's

² FOX TV's Broadcast in Azerbaijan Ceased after Critical Video on Mehriban Aliyeva's Appointment as Vice-President <https://www.irfs.org/news-feed/fox-tvs-broadcast-in-azerbaijan-ceased-after-critical-video-on-mehriban-aliyevas-appointment-as-vice-president/>

office or to the Interior Ministry for conversations or direct warnings.

Government-controlled media portray the activities of state and governmental institutions positively. Such outlets do not invite people with opposing views to their programs or talk shows, airing only those politicians who show loyalty to the government. Their invitation to such shows ends when these politicians "abuse" their "trust" and start to criticize the government. Likewise, state media only criticize the government or identify mistakes when the relevant ministry is abolished or the minister is dismissed or arrested after political clashes.

Media outlets rarely produce their own news, and websites often copy each other's materials without any changes or references to the original source. News on television and radio cover the same news or topics in such similar ways, it is hard to tell the difference among them. ANS TV unsuccessfully tried to appease the government while simultaneously attempting to deliver a relatively wider point of view than state-owned media, but failed and consequently lost its broadcast license. During the April skirmish on the frontline between Azerbaijan and Armenian troops, ANS TV engaged in open propaganda, rather than reporting. Additionally, there are few news agencies in Azerbaijan and according to one panelist, only one—Turan News Agency—distributes objective and balanced news.

The majority of mainstream news resources, nationwide television stations, and radio stations are owned either by senior government officials or their close relatives, except a few remaining regional stations. Information about the founders and owners of private media outlets is usually open to public scrutiny, but information on media revenues, sources of funding, and taxes is either completely or partially hidden.

Diversity remains a major problem for many media outlets. This is especially true when it comes the media's ignorance of LGBTI issues, religious freedom, children's rights, gender equality, and other major social issues. Provincial media are no exception and almost never write about these topics. Unfortunately, neither the NTRBC nor the Press Council conducts monitoring in this area. State and private broadcasters only produce programs in, apart from Azeri, Russian and Armenian; the latter programming is beamed into Nagorno-Karabakh as propaganda.

Azerbaijanis can get national and international news both from pro-governmental and independent media, however since the provincial television and radio stations are under the even harsher control of local governors, media outlets in the capital city are not able to get alternative and independent news from the provinces.

OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 0.74

The management of media outlets is undeveloped in Azerbaijan. With the exception of a few newspapers and websites, the independent media outlets cannot piece together suitable staff. In the provinces, a newspaper staff may consist of just one or two employees. A weak market economy and the government's intolerant approach to independent media development are the main factors affecting the financial independence and sustainability of media outlets. As a result, independent media see little reason to invest in better management or business plans for self-sustainability and advertising strategies.

Independent media are not financially self-sustainable. Outlets must either be almost entirely reliant on official or unofficial government funding or dependent on foreign grants. Newspapers that receive grants from international donors often face problems with authorities, so this option is relevant now primarily for exile media. No provincial media outlet is capable of sustaining itself for a long period of time. While local grants and limited local advertising previously helped keep these outlets afloat, it is becoming increasingly difficult to continue operations with government restrictions on media and civil society.

An advertising market simply does not exist for independent and pro-opposition media: no local firms pay independent newspapers for advertising, only foreign organizations, embassies, or companies do so. Advertising via independent media is still unofficially forbidden. Many of the independent media outlets survive off multiple small donations from private sources, which helps them maintain some editorial independence. These outlets are not immune from bias, however, and sometimes show sympathy to certain political leaders or parties.

The government largely controls which media gets advertising. Non-government outlets claim that even large multinational corporations present in the country are reminded by the government not to advertise in independent newspapers. Even when newspapers get some advertising from large corporations, they try to avoid publishing any negative or critical article about these companies.

Smaller businesses, particularly private medical practitioners and clinics, used to feel relatively free to advertise in independent media to reach larger audiences. However, because of pressure imposed on them not to support outlets that may oppose the government, their advertising has starting to wane. One of the private clinics is currently facing such pressure for its advertisement placed in early 2016 in *Azadliq* newspaper, even though this newspaper no longer publishes. The owner of this

clinic has been interrogated by the Grave Crimes Department of the Prosecutor General's Office several times.

With government funding from the state budget and corrupt officials, pro-government media face few financial difficulties. Pro-government media command privileged advertising prices compared with independent media. On the eve of the elections, national television channels charged exorbitant amounts for airtime, and few candidates utilized it, including wealthy pro-government members of parliament. Still, television and radio channels still earn the brunt of advertising revenues.

According to official statistical data obtained by one of the panelists, the advertising market shrunk by 16 percent in the past year to reach only AZN 30 million (\$17.4 million). Television earned about \$11.3 million, radio earned \$1.76 million, while the Internet and print media earned about \$890,000 and \$800,000 respectively. With approximately 300 active online media outlets in Azerbaijan, this means each outlet earns an average of just \$8,500 per year and \$708 per month. In reality, the majority of them do not get any advertising, earning a couple thousand dollars a year, insufficient for a small-sized staff and payroll. One participant said the best indicator for the growth of independent media is an advertising market that is above 1 percent of total GDP. In Azerbaijan, the advertising market is just .047 percent of GDP.

The State Support Fund to Mass Media Outlets announces requests for applications twice a year and allocates grants to print outlets to cover certain areas or projects the government chooses as appropriate. There are no laws to regulate financing media in this format. Some of the beneficiaries of this initiative are state-owned media already funded by the national budget, like the newspapers *Azərbaycan* and *Xalq*. Current mainstream print media rely heavily on this funding. According to the

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.

selection criteria, the grants are allocated to newspapers with large circulation size and good sales at kiosks. However, there is no publicly available information regarding the actual circulation and sales statistics of the newspapers selected to receive these grants. Most provincial outlets cannot receive funding as they are unable to meet the minimum eligibility requirements. Grants under this mechanism range from AZN 30,000 to AZN 50,000 each (\$17,000 to \$28,000).

As one participant noted, the independence of editors is a relative term in Azerbaijan, and there is no editor who can say he or she is fully independent. There is no media outlet in Azerbaijan that completely preserves its independence from the government and opposition.

No independent research is conducted to understand the market and offer strategies to help improve media programming and content. There are also no trustworthy local firms to measure ratings. There are some small groups or firms that conduct ratings, but their objectivity is questionable. Even though they may be contracted by major firms such as AGB Nielsen, they are controlled by the authorities and will change results upon request. The government, however, may use real results for their internal decision making and the division of advertising money among the entities they control.

With no widely recognized statistics produced, each independent outlet defines its own ratings using various indicators. With many outlets also boasting online sites, they utilize tools and analytics to measure the number of visitors daily, weekly, and monthly.

One panelist believes independent ratings and research of media would probably work against media outlets with direct or indirect ties to the government. According to data provided by the NTRBC, 70 percent of television viewers prefer watching foreign channels broadcast via satellite. This almost proves government funding is wasted, as Azerbaijani-based media is not the main source for local news.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Score: 0.91

Unfortunately, there are no professional associations or trade unions for publishers, newspaper editors, and television and radio broadcasters in the country. A union once brought together editors-in-chiefs of major independent newspapers, but with the overall decline in freedom of speech and general attacks on media businesses, it no longer exists. An initiative to recreate the group to fight the monopolization of advertising that has been forcing out independent newspapers was foiled after a series of crackdowns on civil society organizations in 2013 and 2014.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- > 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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Professional associations in Azerbaijan, including those for journalists, are not independent and have been under direct control of the government for many years. The founders or activists from those unions, such as Azer Hasrat of the Journalist Trade Union of Azerbaijan (founded in 1997), are now among the most vocal pro-government activists. His successor, Mushfig Alasgarli, was appointed to the Supervisory Board of the State Fund for the Support of Mass Media Development by President Aliyev. Aflatun Amashov, the first head of the Committee to Protect Journalists RUH, then another independent journalists' union, now heads the Press Council, which reports to the president. Amashov also serves in the parliament and recently proposed a draft law to limit the activities of bloggers and social media users.

A handful of dedicated lawyers defend journalists in court. With limited financial means, all cases involving violations of journalists' rights are recorded and shared with public via media, in addition to the defense provided in the courtroom.

The current situation in Azerbaijan does not allow CSOs or civil society leaders to implement projects that defend freedom of speech and media independence. In 2014, NGO laws became stricter and led to arrests and increased pressure on NGO and CSO leaders and staff, many of whom defended media freedoms and interests. These include Institute for Reporters' Freedom and Safety and Media Rights Institute. Although some activities have been restored and persecution is softening both in and out of the country, there are not full-fledged operations as before.

There are currently open criminal cases against some 20 local and international NGOs, and tax fines and travel bans against a number of human rights defenders. Neither the NTRBC nor the Press Council and Journalist Trade Union have taken any action to lift these barriers.

In the southern portion of the country, home to close to 1 million people, there are only five or six registered NGOs, and only half of them active.

By law only state universities may have journalism programs and several do have a faculty of journalism; many experts believe that the quality of education provided by these institutions does not meet modern standards. Azerbaijan has a dire need for long-term modern education programs to train journalists, but given the struggles with NGOs, the development of these programs in the near future seems unlikely. However, sometimes organizations host short, two- to three-day training sessions for journalists.

Universities have recently implemented “talent examinations” for journalism school applicants, in addition to regular entrance exams. Because of this, 2016 saw a significant decrease in the number of students admitted to journalism programs. Fewer than 100 students were admitted to the Faculty of Journalism at Baku State University. With no applicants at Baku Slavic University, the journalism school was shut down. Because applicants would have had to take the talent examination several months earlier than entrance exams, some panelists theorize students simply missed the deadline.

Journalism training remains weak, keeping newspapers understaffed. Many training programs that equipped journalists with modern standards and institutions which protect journalists’ rights were shut down and have still not been able to restore activities in full after the crackdown on civil society groups. Baku School of Journalism was able to restore its long-term training programs in summer of 2016. Another course has started at the end of 2016 and will end in early 2017, after nearly a three-year freeze. Additionally, the Journalism School of the Democratic Initiatives Institute began operations and was able to conduct its first long-term training in journalism. However, a lack of resources and restrictions on foreign grantmaking limit further developments in this field.

Government entities control most media equipment and printing machines. Private printing facilities are hesitant to publish any newspapers, magazines, or materials that criticize the government or openly refuse to publish in fear

Facebook Live continues to gain popularity; one panelist said this is teaching people to film and become citizen journalists for online media outlets such as Sanjak, RFE/RL Azeri Service, Channel 13, Meydan TV, and others.

of government retribution. Only one printing facility, Çap Evi, remains independent, but recently took a hit after tax authorities fined them AZN 130,000 (\$75,000) for tax evasion. The owner believes this a response to printing opposition candidate and political prisoner Ilgar Mammadov’s pre-election posters. Regardless, the financial burden has severely limited their activities. Further hampering printing, at the end of 2016, when the Tax Code was being reviewed, the government restored an 18 percent VAT on imported newsprint.

ICT, digital audio, and video equipment brought into the country is charged a 40 percent VAT and customs duty at the border, much higher than the average world prices. While equipment is scarce, the lack of computers is the biggest issue in media outlets.

The number of kiosks in large cities is not proportional to the populations. Moreover, those which exist have been turned into or used as small convenience shops that sell everything from cigarettes to candies; one panel participant saying these stores accept only 30 papers per morning to sell.

The distribution of papers in the provinces is even more difficult, according to one panelist. Not only is the sale of these papers problematic, but the distribution of major independent media for free is prohibited.

While the Internet penetration rate has gone up every year, only one company in Azerbaijan provides Internet access, allowing it to control the Internet by reducing speed, limiting access, or blocking websites during rallies or times of political turmoil. On paper, a private firm issues domain names with the suffix “.az.” but it is clear that this firm leans towards the government or is in some way affiliated, as one panelist believes.

Facebook Live continues to gain popularity; one panelist said this is teaching people to film and become citizen journalists for online media outlets such as Sanjak, RFE/RL Azeri Service, Channel 13, Meydan TV, and others. Another popular Facebook page owner who served on the panel said, based on his own analysis of the data provided by Facebook, there is huge gap between the people who join his page from capital Baku and the rest of the country. Ten times more people in Baku join and engage on his page compared with the second and third largest cities of Sumgayit and Gandja.

List of Panel Participants

Due to the restrictive media environment, participants in the Azerbaijan study will remain anonymous. An Azerbaijani journalist developed this chapter after a series of structured interviews in January 2017 with colleagues having first-hand knowledge of the media sector.