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AZERBAIJAN



One of the biggest stories of 2009 in Azerbaijan was the shooting by a student at the State Oil Academy that left 13 people dead and another 13 wounded. Coverage of this story highlighted stark differences in the media, as pro-government, oppositionist, and independent media all covered the story differently. Furthermore, the incident allowed citizen journalism and online news sources to show their potential as additional or alternative news sources: these sources scooped traditional media with footage from the scene.

Politically speaking, 2009 was an active year, as constitutional and legislative changes dominated discussions in the media and received significant international attention. The government proposed changes to 29 articles of the constitution, most notably the elimination of presidential term limits. The referendum passed with more than 90 percent approval, according to the central Election Commission. However, members of the opposition and journalists decried what they allege to have been significant irregularities, including stuffing ballot boxes, multiple voting, and intimidation. Furthermore, although the changes were announced in December, they became the subject of public debate on state television only a few weeks before the referendum was held, and even then were limited to about three hours a week, according to RFE/RL.¹ The Council of Europe's Venice Commission, which reviews constitutional issues in member states, characterized the removal of presidential term limits as "a serious setback on Azerbaijan's road to a consolidated democracy."

The amendments also contained provisions that observers in the media and civil society charge will hamper the role of the press as watchdog. Article 32 amendments added protections to individual privacy; now permission is required to capture video images in people and use them in media reports. Article 50 changes mandate a right of reply for individuals in the media regardless of whether reports deemed damaging to one's reputation are true or not.

Azerbaijan continues to top lists for the number of journalists imprisoned, with more added in 2009. Worse, 68-year-old Novruzali Mamedov, in the midst of a 10-year jail sentence for treason, died of a stroke while in custody. Some reports suggest he was denied access to adequate health care.

Azerbaijan's overall score is much the same as it was last year. This is the case despite a modestly lower score for Objective 1 (Freedom of Speech); Objective 1 experienced the largest change of any single objective, losing 0.20 point. Two other objectives experienced slight increases: Objective 4 (Business Management) by 0.18, and Objective 5 (Supporting Institutions) by 0.19. Objective 2 (Professional Journalism) and Objective 3 (Plurality of News) remained much the same.

¹ "Azerbaijanis Pass Controversial Proposal To Scrap Presidential Term Limits." Radio Free Europe/Radio Liberty. March 18, 2009. http://www.rferl.org/content/Azerbaijanis_Vote_On_Controversial_Proposal_To_Scrap_Presidential_Term_Limits/1512634.html

AZERBAIJAN AT A GLANCE

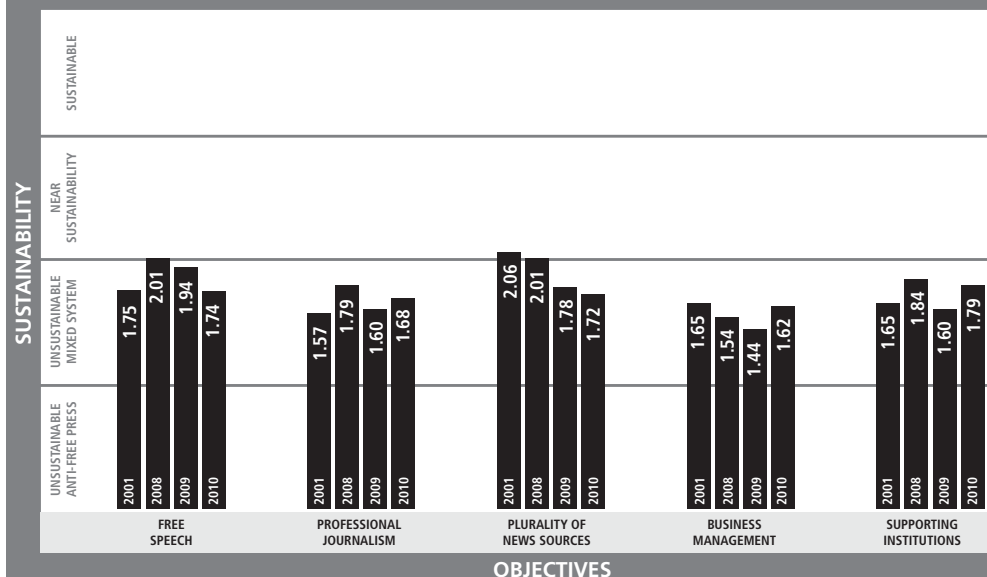
GENERAL

- > **Population:** 8,238,672 (July 2009 est., *CIA World Factbook*)
- > **Capital city:** Baku
- > **Ethnic groups (% of population):** Azeri 90.6%, Dagestani 2.2%, Russian 1.8%, Armenian 1.5%, other 3.9% (1999 census)
- > **Religions (% of population):** Muslim 93.4%, Russian Orthodox 2.5%, Armenian Orthodox 2.3%, other 1.8% (1995 est., *CIA World Factbook*)
- > **Languages (% of population):** Azerbaijani (Azeri) 90.3%, Lezgi 2.2%, Russian 1.8%, Armenian 1.5%, other 3.3%, unspecified 1% (1999 census)
- > **GNI (2008-Atlas):** \$33.23 billion (World Bank Development Indicators, 2009)
- > **GNI per capita (2008-PPP):** \$7,770 (World Bank Development Indicators, 2009)
- > **Literacy rate:** 98.8% (male 99.5%, female 98.2%) (1999 census, *CIA World Factbook*)
- > **President or top authority:** President Ilham Aliyev (since October 31, 2003)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 32 dailies, 45 weeklies, 85 monthlies; Radio stations: 10 AM, 17 FM; Television stations: 17 (7 in Baku, 10 regional)
- > **Newspaper circulation statistics:** Most widely read publication is the opposition newspaper *Yeni Musavat*
- > **Broadcast ratings:** Top three television stations: ANS-TV (news), Azad TV (entertainment), AzTV (state-owned) (AGB/Nielsen)
- > **News agencies:** Turan, Trend, APA, Day.Az., Azertac.
- > **Annual advertising revenue in media sector:** Newspaper: \$500,000; Television: \$30 million; Radio: minor
- > **Internet usage:** 1,485,000 (2008 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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.

OBJECTIVE 1: FREEDOM OF SPEECH

Azerbaijan Objective Score: 1.74

Changes to the constitution, resulting proposed changes to the law, continued unfairness in broadcast licensing, and persistent harassment and arrests of critical journalists and bloggers all contributed to a modestly lower score, reflective of a deteriorating environment for freedom of speech and freedom of the media. Four indicators in particular showed a noticeable decline: indicator 1 (legal and social protections for freedom of speech), indicator 2 (broadcast licensing), indicator 5 (guarantees of editorial independence and legal advantages for state media), and indicator 9 (free entry into the journalism profession). Other indicators remained more or less unchanged. Indicator 2 received the lowest score, slightly more than half a point behind the overall objective score, while indicator 3 (market entry) and indicator 8 (media are not restricted in use of foreign sources) scored somewhat more than half a point higher.

Azerbaijan's constitution guarantees protection of free speech and other basic human rights. Article 47 covers freedom of speech and thought, while article 50 states explicitly: "Everyone is free to look for, acquire, transfer, prepare, and distribute information," and "Freedom of mass media is guaranteed. State censorship in mass media, including press, is prohibited." The provisions have historically not been evenly upheld by the government or society at-large, and panelists felt this held true again in 2009.

Additionally, other articles of the constitution clouded this picture somewhat, and it was made cloudier after the referendum in March that amended the constitution. The old article 32 ("right for personal immunity") covered privacy and related rights, including provisions such as "gaining, storing, using, and spreading information about a person's private life without his/her consent is not permitted." Article 32 was amended to include specific provisions concerning the media. Section III of article 32 now includes the following: "No one may be subjected to being followed, videotaped or photographed, tape recorded, or subjected to similar actions without his or her consent save activities in cases prescribed by law." Other, similar provisions were added as well. Article 50, which until this year consisted entirely of the two sections listed above, now includes a third section: "Everyone's right to refute or react to the information published in the media and violating his or her rights or damaging his or her reputation shall be guaranteed."

According to Shahbaz Khuduoglu, director of Chap Evi Publishing House, the March 18 referendum proved to be a further blow to the protection of free speech in Azerbaijan.

"We do not see moderation or liberalization in the government's approach to free speech and media freedom," he concluded. He also pointed to the fact that the official number of cases of government prosecution of journalists went down, whereas the actual number of those arrested and tried was higher than in the previous year. The discrepancy came about because journalists were arrested for crimes that were not nominally related to their professional duties, such as terrorism, drug abuse, etc.

Alasgar Mammadli, a media lawyer for IREX, also argued that 2009 saw further restrictions of free speech and media freedom. He characterized the constitutional amendments as detrimental to the protection of free speech. He specifically pointed to the article 32 provisions that prohibit taping and photographing without prior consent of the individual. These new privacy regulations were seen as potentially detrimental because they do not differentiate between ordinary citizens and public officials. In the absence of a "public officials" category, the amendment was largely seen as an attempt to guard government officials from unwanted media exposure.

In his February 20 interview with ANS TV, the president's legal advisor, Shahin Aliyev, said that the government will look into a number of further amendments, including introduction of a "public officials" definition in order to bring Azerbaijan into compliance with Western standards. However, by the end of 2009 there was no movement in that direction.

Another issue of concern is the amendment to article 50 that guarantees each individual's right to refute information about his or her private life. According to Mammadli, the current reading of the amendment left space for maneuver and falsification. "The amendment should have specified that each individual had the right to deny false information. But denial of true information will mislead the public and contribute to disinformation."

Freedom of the press is often interpreted by some as freedom to publicize information that is not necessarily true. Both government and political opposition-affiliated media enjoyed the freedom to run unverified or false information as news. An independent survey conducted by the Media Council revealed that the two newspapers that ran the highest number of defamatory articles were the pro-government *Iki Sahil* and the pro-opposition *Azadlig* newspapers.

In March, new provisions were introduced to article 19 of the Law on Mass Media. These include the suspension or total closure of a media outlet, based on a court's decision, if its editor does not possess a university diploma, is a foreigner, or has two or more convictions within one calendar year. In the opinion of Ayten Mammadova, senior reporter for *Azadlig*, the new law makes it too easy to close down an unfavorable

media outlet given that the judicial system in the country is not independent.

Changes early in May 2009 to the broadcasting law increased the maximum of a seven-day suspension for infringement of regulations to one month. Mammadli considered that length too harsh because it would inevitably lead to serious financial repercussions for the broadcaster. "It is death for a TV station, which has obligations to its advertisers, to stop its broadcasts for one month every time it makes a mistake," he said. Another detrimental amendment to the law provides for closure of a television station if the number of regulatory infringements exceeded three per year. This aggravated the atmosphere of pressure on independent television stations, especially for programs broadcast live. In Mammadli's view, the toughness of the measure was intended to raise dependence of broadcasters on the government.

Azerbaijan remained infamous for the number of journalists arrested or already languishing in jail. Eynulla Fatullayev, a critical journalist and editor-in-chief of *Realniy Azerbaijan* newspaper, remained in custody on charges of terrorism, inspiring national hatred, and tax evasion. In December, prison officials, in a search of his cell, claimed to have found 0.22 gram of heroin and added penalties for drug possession to his sentence. The editor-in-chief of noted opposition newspaper *Azadlig*, Ganimat Zahid, also remained in custody, arrested on charges of hooliganism despite several presidential decrees that pardoned a number of other prisoners. His brother, journalist Zahid Sakit, was pardoned

by a presidential decree in April 2009 after almost three years in prison. All three cases were largely seen as politically motivated to stop government criticism in media.

In 2009, an additional six journalists and two bloggers were convicted on criminal charges and imprisoned: editor Serdar Elibeyli and reporter Ramiz Tagiyev from *Nota* newspaper; *Milletim* newspaper editor Faramaz Allahverdiyev; *Azadlig Harakatchilari* union boss Tahmasib Novruzov; Fanat.az journalists Zahid Ezemet and Nadir Mukhtarli; *Ideal* newspaper founder Nazim Quliyev, and; bloggers Adnan Hajizade and Emin Milli. In the last case, the two were assaulted while at a restaurant; after reporting the assault, they were instead charged with hooliganism.

Panelists showed the divide between established media and the nascent blogosphere in Azerbaijan by saying the arrest of Hajizade and Milli was not a particular threat to media freedom. They argued that the bloggers were not known by the general public and did not represent credible media in Azerbaijan. Panelists noted that Hajizade and Milli graduated from universities in the US and Germany, respectively, and—in the opinion of the panelists—enjoyed close connections with those embassies in Azerbaijan. However, the arrest of the bloggers sent a warning to the entire online media community about their security and safety, especially given the fact that NTRC has been engaged in talks with European organizations about the possible introduction of regulations for the Internet sector.

Licensing of broadcast media remained political in Azerbaijan. The National Television and Radio Council (NTRC) remained nominally in charge of the licensing process but was largely seen as the implementing instrument of the president's office. Five out of six national television stations are considered to be close to government. According to Khuduoglu, there has been total government control over the broadcast licenses in place, and therefore there are a limited number of television stations in Azerbaijan. "In short, a person from the street will not be able to get a license," he concluded. For example, around 5,000 Sumgayit city residents petitioned NTRC for a local television frequency in 2009, but their request was denied. NTRC claimed that a frequency was not available for tender. The case has being appealed in the Court of Appeal.

Recent examples of questionable licensing include two television stations that received licenses in 2008 and started broadcasting in 2009. Regional broadcasters Sheki and Yevlax TV won their licenses in the absence of other contenders and were believed to be backed by people close to government circles. No new broadcast licenses were issued in 2009.

Khalid Aghaliyev from the Media Rights Institute pointed out the shortcomings in the formation of the NTRC. In his view,

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.

there should have been transparency and public debates as to who should be nominated to the NTRC and what characteristics the members should have. None of these took place in Azerbaijan. "Therefore, it is no surprise that this entity works under the direct supervision of the government and fails to demonstrate an objective policy."

Mammadli also considered that the Council of Europe–mandated NTRC failed to meet European recommendations and standards. Nine candidates, nominated by the president, serve as its board members, and there was neither competition nor alternative candidates to choose from. Its current composition does not reflect the political spectrum in the country.

Unlike broadcast media, print media enjoyed unlimited market entry. The registration procedure for newspapers and magazines was further simplified in 2009 with the introduction of a "single window" system for entrepreneurs. In contrast with previous years, founders of new print media were expected to undergo the same simplified registration procedure as other entrepreneurs with the Ministry of Taxes and submit a letter of intent to the Ministry of Justice outlining details of the proposed media outlet, such as its title, founders' contact details, etc. According to new regulations, they are entitled to start up the new media organization five days after submission of these materials. But in practice, it was taking up to three weeks for the Ministry of Justice to issue a certificate of registration. Nevertheless, media owners hailed the introduction of the new registration procedure, saying that it made the process less complicated and bureaucratic in comparison with previous years, when they had to undergo full-scale registration with the Ministry of Justice, which could take months.

However, other laws do treat media differently than other businesses. Changes to the law in 2009 saw a deterioration of broadcasters' control over their own property. According to changes made to the broadcast law, broadcasters are expected to apply for permission two months in advance should they choose to sell their property, and only if permission is granted may they sell it. This came as an additional lever of control over television and radio station owners and was viewed as narrowing their property rights.

On a positive note, in 2009 Azerbaijani print media continued to enjoy a VAT exemption for production and distribution.

While some physical attacks against journalists were reported in 2009, fortunately none of these attacks were serious. Other minor forms of harassment are also a common nuisance for media professionals. The government's record of prosecuting crimes against journalists remains poor. Investigations into the murder of the editor-in-chief of *Monitor*, Elmar Huseynov,

in 2005 have not yielded results. Huseynov had a history of several imprisonments and lawsuits with government officials.

State media continued to receive preferred treatment over opposition and independent media. Tarana Tarverdiyeva, a training instructor with Women's Media Watch, observed that state media access to public information is easier than for commercial media. Opposition media encounter difficulties in getting high-ranking officials to speak and share information. Journalists who work for pro-government media have better chances of getting interviews and information on important issues. Only state-run AzTV is accredited to tape the president's daily meetings. Mammadova observed that all newspapers willing to cover presidential meetings are referred to the official Azertac news agency, whose reporting is favorable to the government.

By law, state-financed AzTV has editorial independence from the government. However, in practice it serves as a propaganda tool for the government. In 2009, AzTV received AZN 30 million (\$37 million) from the state budget; funding for public İTV decreased from AZN 14 million (\$17.5 million) in 2008 to AZN 8.5 million (\$10 million) in 2009, whereas independent television stations received no funding at all.

Despite efforts by civil society and the international community, libel is still a criminal offense, and journalists can be—and routinely are—imprisoned for defamatory writing. According to Azerbaijan's laws, it is the defendant's obligation to prove his or her innocence in a libel case. In 2009, according to Agaliyev, 49 defamation cases against journalists were filed. State officials continued to enjoy preferential treatment before courts, and none of the libel cases against journalists resulted in verdicts in their favor. The absence of an independent judiciary contributes to self-censorship among journalists and editors.

However, panelists took as a positive sign the fact that two bills on defamation were prepared in cooperation with international experts and submitted to parliament. By the end of 2009, a campaign to lobby for the bills continued, and there was hope that it might be adopted in 2010.

Mammadova stressed that difficulty accessing public information contributed to defamatory reporting. "State television itself failed to provide information during the scandal with the *Eurosong* vote-rigging. Even the body that deals with information itself failed to help journalists—to prevent them from running false information," she said. Tahir Mammadov, head of the public affairs department for public broadcasting, disagreed with the statement, saying that his mobile was on throughout the entire period for all media, including pro-opposition *Azadlig*, to contact him.

Panelists agreed that not all government agencies are aware of their obligation to provide information. The opposition media have difficulty getting the information they require to inform their audience. Panelists noted that the Foreign Affairs Ministry and, to a lesser degree, the Natural Resources and Ecology Ministry are often better about releasing information.

Panel participants welcomed the presidential order that every state agency should create its own website to facilitate access to public information.

Azerbaijani media generally enjoy unrestricted access to international news and news sources. Although some foreign radio broadcasts remained banned from Azerbaijan, this posed more of a problem for the average citizen than media professionals, as many alternative means are available to access international news. Media outlets use news sources of their choice, and there are no problems citing foreign news sources.

Entry into the journalism profession is mostly free. Practicing journalism does not require a special license. However, some state activities may be covered only by journalists working for state media. Further, one of the new requirements to start up a new media outlet is that the editor-in-chief must hold a university degree. Panelists agreed that is a way to ensure high editorial standards, which they agreed is a problem for the Azerbaijani media.

Panelists felt that it is too easy to become a journalist, to the detriment of professional standards. Tarverdiyeva recalled that in Soviet years, in order to become a journalism student, applicants had to have two years of experience with media and articles printed in newspapers. "Nowadays we end up with journalism students who applied for other faculties, failed, and are forced to study journalism in order to get a diploma."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.68

The score for this objective remained roughly the same as last year, thanks to almost all indicators remaining unchanged. Only indicator 5 (pay levels for journalists) showed some change, increasing slightly. All indicators scored very close to the overall objective score.

Fair and objective reporting remains a luxury that only a few media outlets can afford. This is partly because newspapers are mostly started as state organs, to further a specific political purpose, or to promote an individual's ambitions. Launched as a propaganda tool, founders of these newspapers care very little about professional standards and quality. In a statement to the press, the chairman of the

Media Council, Aflatun Amasov, said that one person could be behind 10 such newspapers.

Tarverdiyeva observed that too often journalists are not expected to conduct background research into a story and lack perspectives from all sides concerned. It is particularly true in stories that concern military, social, and financial matters. "Instead of trying to get to the core of the issue and investigate its reasons, they often choose to run with think-tanks' made-up concepts. Too often, in the absence of facts, opinion is delivered as news," she said.

At television stations, to raise audience ratings in an effort to attract advertising, there is a proclivity for criminal news and reporting scandals. Commercial Khazar TV's evening news program runs footage of corpses accompanied by music to advertise its criminal news angle. All popular entertainment shows are known to have used *podstava* (paid actors) to exacerbate tension during news programs to raise ratings.

Regarding ethics, all media share a single journalism code. In 2009, Women's Media Watch continued its campaign to urge all media outlets to develop their own guidebook for journalists. Independent ANS TV has long had its own guidebook, updated regularly and mandatory for all new employees. However, the editor-in-chief of the influential newspaper *Zerkalo*, Elchin Shikhlinski, considers such a guidebook redundant and a waste of time.

Public perception of media ethics is also shaped by fraudsters. ANS TV exposed a group of people who had been using journalist credentials and posing as staff from its investigative television program *Ich Kheber* to extort money in the regions. ANS TV launched hotline to report future abuse of its name.

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).

Mammadov considered that the reason for such a high number of lawsuits against journalists is partly because there is not a strong media self-regulatory mechanism in place. "As long as we turn a blind eye to cases when some people abuse their status as journalists and write lies and defamation, there will be cases when journalists are prosecuted," he said. Mammadov drew a parallel between the local situation and the media councils in the EU, saying that in some EU countries the latter enjoy a high decree of authority, including the ability to suspend or even close down guilty newspapers. In his view, such a practice would lead to a higher decree of accountability on behalf of journalists. "As a spokesman myself, I often find myself in situations when newspapers report complete lies. I call their editor, and they tell me that they heard the 'information' at a funeral or wedding and promise to immediately change it. It can hardly be called a responsible journalism," Mammadov said. In his view, newspapers rectify their mistakes when it is too late and the damage has been done. Therefore, citizens are forced to take matters to courts.

However, there are some efforts underway to this end, and not without controversy. In 2009, the Media Council continued its efforts to expose what it called "racketeer" newspapers. In September, the chairman of the Media Council, Aflatun Amashov, announced that there were 200 racketeer newspapers in Azerbaijan. "We have already named 80 such newspapers. Soon we will announce another 30 of them," he said. Amashov sent a message to "those who were behind" such newspapers to stop. Amashov's fight against blackmail of citizens under the guise of journalism received resistance. One of these newspapers, *Tezadlar*, filed a lawsuit against Amashov.

Panelists acknowledged that they all practice self-censorship to some extent. In their view, self-censorship emerged as a result of a large number of lawsuits, attacks against journalists, and impunity of those who committed them. "It became too easy to target journalists. And editors openly tell their employees that they should be able to defend themselves. Many reporters interpret this as 'the survival of the drowning person is in the hands of the drowning person,'" said Tarverdiyeva. Aytekin Alkhasli, reporter for ANS TV and Radio, noted that regional media professionals face a more difficult situation than those working for national outlets: "As a regional correspondent of ANS TV, I enjoy incomparably more freedom as to what I report and how I report."

The April 30 shooting at the State Oil Academy revealed that government, opposition, and independent media interpret coverage of key events differently. Some pro-government media tried to downgrade the significance of the event, whereas some pro-opposition media exaggerated the story,

making it into a terrorist attack on the state. All seven national television stations were given instructions not to run emotional footage from the scene, and censorship was exercised throughout the days following the incident.

In contrast with traditional media, Internet media proved to be fast and effective in their coverage. Within minutes after the incident, students and eyewitnesses uploaded footage taken with mobile cameras onto YouTube and various other sites. It was an eye-opening experience for many to see that nontraditional media, not taken seriously before, left behind traditional media, including television, for coverage of hot news.

Gabil Abbasoglu, editor-in-chief of the popular *lent.az* online news agency, admitted that the State Oil Academy incident revealed a number of shortcomings that could be prevented. The website of APA news agency, an umbrella company that includes *lent.az*, totally collapsed, unable to handle the huge number of visitors.

A survey conducted by Women's Media Watch on May 2 revealed that many Internet users regarded the State Oil Academy tragedy as a turning point. "It proved that television stations, newspapers, and news agencies were not able to deliver news as it was happening. Also, it was great to know that we now have a channel to get uncensored news. Frankly, I have more confidence in Internet news, because it is not censored," IT specialist Aziz Elkhanoglu told the survey.

Pay levels of journalists differ slightly depending on where they work. But generally speaking, journalists are not among the well-paid in Azerbaijan. Independent and opposition media struggle to get advertisements to survive. Government-affiliated media generally do better, but even they do not offer competitive salaries. Journalists believed that one of the reasons for the underdevelopment of investigative journalism is the lack of financial incentives. Etibar Babayev, director of Baku Slavic University Television Studio, observed that journalists are expected to produce stories every day in order to keep the media organization running, whereas investigation requires days, if not weeks, of research—something that media outlets simply cannot afford.

The prevalence of entertainment programming over news and information programs became a real problem in the fall 2009. To remain competitive in the race for audience ratings, commercial television stations gave preference to entertainment programs and conflict-based reality shows. Alkhasli said, "It is a shame to see that some stations run concerts all day long, like *Gutb* television in Guba."

In October, the head of the presidential administration, Ramiz Mehdiyev, submitted an op-ed on the necessity to stop the trend; it was published in the official Azerbaijan

newspaper. The op-ed opened up heated debates over the issue that proved to be of concern for many people. All television stations were expected to “draw a lesson” from the op-ed and reconsider their programming policy. As a result, a number of entertainment shows either dropped completely or underwent changes to make their format more educational or informative. Thus, Lider TV’s *Car Show*, which enjoyed the highest popularity rating in Azerbaijan, stopped. Another popular entertainment show on Lider TV, *Dostum (My Friend)*, changed its format. Instead of having performers sing each night, they had to compete in a song competition.

ANS TV managed to avoid much of this shift to entertainment. Its vice president, Mir Shahin, told the press that the company continued to observe a balance between entertainment and current-affairs programming and did not see the need for drastic changes. “We want rules to be applied for everyone,” Mir Shahin was quoted as saying, an apparent hint that pro-government television stations were the ones to be blamed for ratings competition.

Facilities and equipment used by media vary by media type and individual outlet. In Baku, many media enjoy equipment that is modern and efficient. Facilities in some of the regions underwent modernization in 2009. Television stations in Sheki, Guba, Yevlakh, and other areas received new equipment with the government’s support. Alkhasli said she was originally impressed by the latest digital equipment of the local television station in Khachmaz but soon learned that its professional standards failed to be as good. Further, poor Internet access and up-link opportunities remain problematic for media in the regions.

Among television channels, ANS TV and İTV are seen as offering quality niche reporting. Among newspapers, *Zerkalo*, *Ekho*, *Yeni Musavat*, and *Azadlig* offer niche reporting on business and social issues. Panelists thought that Khazar TV improved its news programming, especially by providing visuals and graphics.

Investigative reporting remains problematic in Azerbaijan. The opposition papers do not investigate; they merely print rumors or innuendo. Most broadcasters are controlled by the authorities or owned by friends of the ruling party and therefore do not engage in investigative journalism, either.

OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 1.72

The score for Objective 3 remained nearly unchanged compared with last year. Indicator 4 (news agencies) did improve somewhat, but this was offset by a similar loss for

indicator 7 (wide range of social and minority issues covered in media). Only indicator 3 (state media are nonpartisan) scored much differently than the overall objective score, lagging behind by slightly more than half a point.

Panelists agreed that with so many news media options, overall there is a notion of pluralism in the media. Media outlets give spin to stories to better suit their political interests. The same interview might be used by pro-government media to stress the country’s achievements while pro-opposition media use the same interview to highlight the government’s failures; independent media might go with a completely different angle. Therefore, one has to check several news sources in order to have a complete picture of the story. This seemingly pluralistic approach to news testifies to the compromise of editorial standards for the sake of political interests.

Difficulty obtaining opposing opinions affects fair reporting. While opposition media refuse or find it difficult to obtain information from the government, some government media outlets choose to completely ignore the political opposition’s views on issues. It is believed that all pro-government television stations have blacklist policies that determine who can be interviewed and what topics can be covered. The list is being constantly updated and is based on their loyalty level to government circles. Therefore, opposition leaders rarely appear on television, the people’s major source of information, except for some appearances on ANS or the public İTV.

Khuduoglu pointed out that the lion’s share of Azerbaijani media is still state-run. Nearly every state agency has its own newspaper, and their number and circulation contain some 80 percent of the whole media. Another 10 percent is run by political opposition parties. Only the remaining 5 to 10 percent of newspapers can claim political independence.

In 2009, the new AzTV İdman sports channel started broadcasting. This represented the government’s continued efforts to develop controllable media at the expense of commercially independent networks.

Bloggers and other Internet media continued to develop but are not yet seen as full-scale alternatives to traditional media sources, except in emergency situations like the April 30 shooting incident at the State Oil Academy. The slow development of Internet media is also linked to high tariffs for low-quality Internet service.

Access to domestic media is not restricted. Citizens can freely use social networks, such as Facebook, Twitter, YouTube, etc. A number of politicians, parliamentarians, and public activists use social networks. However, there is a mixed perception regarding privacy expectations of these networks.

For instance, in one incident *Yeni Musavat* and *Azadlig* newspapers published photos of a Nakhchevan official's child, taken from Facebook, to demonstrate his father's wealth.

NTRC's ban on RFE/RL, VOA, and BBC broadcasts on Azerbaijan's FM frequencies came into effect on January 1, 2009. Despite media reports regarding the continuation of negotiations for the resumption of these foreign broadcasts, NTRC chairman Nushirevan Maharramli confirmed that the "issue is over." There are no restrictions on listening to other foreign broadcasts or reading foreign news. Foreign print editions are not easily available, as there are a limited number of subscriptions, and only a few distribution companies provide foreign titles.

Internet tariffs remained relatively high, despite the Ministry of Communications and Information Technologies' efforts to bring prices down in January and then again in April 2009. But in most instances Internet providers failed to switch to new, lower tariffs and instead offered higher speed for the same tariffs. According to the Azerbaijan Internet Forum, 95 percent of Azerbaijan's Internet users still use low-quality dial-up, and only 5 percent had access to ADSL services.

State media continue to spend a predominant amount of time reporting on government leaders. AzTV carries detailed reports from the president's meetings and trips on a daily basis. Official Azerbaijan newspapers also have a twisted perception as to what its "official newspaper" status stands for. Its editor-in-chief, Bakhtiyar Sadikhov, has argued that the newspaper's tagline reads "the paper only publishes stories that reflect the interests of the state." In his view, the paper

serves the national interests of the country by keeping the public informed of the government's work.

Panelists agreed that there are plenty of news agencies gathering and distributing news. As Babayev put it, the problem is the quality, not the quantity. "There is no lack of news agencies. But as in previous years, there is a lack of information of public interest," he said.

Although news agencies are not selective in offering their services to all media outlets, government-affiliated media end up using the official Azertac and semi-official APA and Trend news agencies most often. However, Turan news agency is seen as offering alternative thinking and has a restricted subscription by independent and opposition media. Aghamaliyev said he enjoys the fact that news reporting by news agencies differs drastically: "I wouldn't want [pro-opposition] Turan to report similarly to [pro-government] APA."

All private broadcast media produce their own news programming. ANS TV maintained leadership for its independent news programs, which to some extent differs from the public İTV and commercial television stations seen as close to the government.

Transparency of media ownership still remains problematic. Among commercial television stations, only ANS TV's founding ownership was made clear to public and laid out on its website. "There is no uncertainty as to who owns ANS TV," said Mammadli. "But if you make a request regarding who is behind Space TV, someone will certainly show up, but this wouldn't be a real person who is behind it," he continued. Mammadli also said the same is true for many opposition newspapers as well. It is difficult to say who is behind which newspaper.

Mammadova said that the Council of Europe's efforts to establish the identity of the owners of ATV revealed names of wives of two high-profile officials. She considered that the identity of national television stations should be public information. Mammadov argued that it was not important for the public to know who the real founder behind a media organization was. "It is important that we know the people who manage them," he said.

Several newspapers are published in the languages of ethnic minorities. Alkhasli, a northern-regions-based reporter, said that she does not encounter problems while reporting on ethnic minorities. In her view, this is partly due to the fact that media representatives are aware and trained to be considerate of sensitive issues: "For instance, there was an incident in Gusar when a man of Lezgyin origin raped an Azeri woman. I covered the story but put aside his national identity."

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.

When covering religion, due to Azerbaijan's secular status, the media are cautious not to glamorize foreign religious influences wanting to propagate their religious views, including Wahhabis and others. Gender misbalance in the management of media has its effect on coverage of gender-related issues. Male bosses supervise women's programs, and issues of women's health, abortion, single mothers, etc. are still not seen as appropriate and therefore are not welcome in most media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 1.62

Panelists provided noticeably better scores for indicator 5 (government subsidies for private media) and indicator 7 (audience ratings and circulation data), leading to a small overall increase in the score for business management this year. The increase in indicator 7 made it the leading indicator, scoring just slightly more than half a point higher than the overall objective score. Other indicators remained the same as last year and scored very close to the overall objective score.

Selective placement of advertising remains a major reason for the poor business performance of media outlets. Panelists agreed that while editorial standards and professionalism remain as media's "muscles" to be worked upon to make the sector stronger, its "arteries" are advertising. Advertising by and large bypasses independent and pro-opposition media. With few exceptions—like Azercell, the mobile communications giant—private businesses do not place their advertisements in pro-opposition media, fearing pressure from the government. Therefore, independent and opposition media are largely dependent on subscriptions or individual sponsorships and financing by the owners.

According to distribution companies, only one newspaper, opposition *Yeni Musavat*, continued to work with profit in the absence of any advertising. Demand for the newspaper was so high that even pro-government distribution companies had to deliver it to meet their customers' needs. *Yeni Musavat* was founded, and is run, by former Musavat Party deputy chair Rauf Arifoglu. An experienced journalist and politician, Arifoglu managed to create a private daily newspaper that enjoys one of the highest circulations in the country. In September 2009, the newspaper launched its newly designed website, which has become similarly popular. To keep sales of its print copies high, its website is updated only after noon.

In his interview with Women's Media Watch, Arifoglu admitted that to keep *Yeni Musavat's* circulation high, at times his team had to compromise editorial standards by

running sensational headlines to grab the attention of what he called the "unhappy constituency." "Our audience is those who are not happy with government policy, and their needs cannot be ignored," he said.

Major opposition newspaper *Azadlig* was struggling to survive in the total absence of advertising. "No matter how good or bad our newspaper is, we won't get advertising. This is why a switch to color print is not an option for us. It won't bring advertising, and those who read us are happy to do so in black and white," *Azadlig* director Azer Ahmadov told WMW.

According to the law on mass media, advertising may not exceed 40 percent of the space in a print publication, but in practice most print media do not exceed 30 percent. For broadcasters, advertising may not exceed 15 minutes per hour or airtime.

Advertising agencies are developing, but generally advertising remains one of least transparent sectors. Most of the sponsorship and advertising deals were made possible after the advertiser's representatives were secretly given *shapka*, which is a bribe of between 5 percent and 40 percent of the total deal. Media that are struggling to make ends meet are forced to take or leave these terms. But even these packages have strings attached: advertisers are reluctant to back anything that could be interpreted as criticism of the government. Therefore, projects advocating human rights and democracy, investigative reporting, political debates, and true analytical journalism have no chance of getting commercial sponsorship. Only nonpolitical projects, such as cooking shows, style and fashion, health, song competitions, etc., receive sponsorship.

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.

In some instances, magazines have been launched to help entrepreneurs get around the 18 percent VAT on advertising: rather than going through an advertising agency, the business can use the magazine for some of its advertising needs.

While independent media struggle for sales, subscriptions to pro-government newspapers and magazines are mandatory for government agencies. For instance, the editor of the official newspaper, Bakhtiyar Sadikhov, said it was only natural that government employees are expected to subscribe to *Azerbaijan* to be aware of government affairs. Other pro-government newspapers such as *525-ci Qazet*, *Ses, Iki Sahil*, and *Sharg* also enjoy “financial help” with mandatory subscriptions.

There is no ban on selling advertising for state media outlets. For instance, state-financed *Azerbaijan* newspaper receives a large share of advertising from funeral announcements and condolence notes. It is seen as prestigious to place condolence notes in the newspaper that is read by decision-makers. Similarly, state-run AzTV enjoys an increase in advertising during public holidays, as companies pay for congratulatory messages to the Azerbaijani people, broadcast on the channel that is widely watched by government officials.

However, panelists saw it as a positive development that NTRC is trying to end advertising on AzTV and İTV. The chairman of the NTRC, Nushirevan Maharramli, said that NTRC has already submitted such recommendations to the government in order to ensure an equal playing field for commercial broadcasters. NTRC’s move met resistance from the leadership of AzTV and İTV. By the end of 2009, the government had not responded to NTRC’s suggestions.

In another positive development, 2009 saw the launch of the Media Support Foundation, established by presidential decree. Independent experts and foreign observers ridiculed the idea of setting up a government body to help media become independent of the government. However, many media leaders saw this as an opportunity to help struggling media benefit from gigantic oil profits. The editor-in-chief of *Zerkalo* newspaper, Elchin Shikhlinski, argued that US government funds support local media and that an AZN 10,000 (\$12,500) grant funding for a media organization is a drop in the ocean, especially in light of the profits the country is making.

The foundation’s first action after its launch, on the occasion of Azerbaijan Press Day, was to allocate AZN 10,000 in one-time support to each of more than 40 regularly operating print media and news agencies. Pro-government, pro-opposition, and independent media organizations were all on the list of grant recipients. The move was lauded by media leaders, including those from the opposition. The foundation

then continued to allocate grants based on competitions for journalists and media organizations. However, the head of the foundation, Vugar Safarli, was criticized for running the foundation too tightly. Journalists claimed it is easier to appeal to the European Court of Human Rights than for the foundation’s grant competition. They said there are too many bureaucratic obstacles to enter the competitions. The foundation’s charter envisions that only organizations that have been registered for more than one year are eligible to apply. This precondition keeps out media-rights organizations, which have been refused registration for political reasons or granted registration only recently.

Audience research usage by media outlets is somewhat sporadic. Newspapers have their own ideas about their readership based on perception rather than research. Television networks have more information about their ratings. To attract more advertising, television stations have routinely pointed to audience ratings produced by AGB/Nielson, an international ratings service. Television program schedules have been altered based on the findings. Thus, ANS TV’s *Elgizin cume akhshamlari* (Thursdays with Elgiz) show, which hit a record 20 percent audience share in Azerbaijan, was among the most viewed, and yet the most criticized, programs. Run during primetime at 10 pm, this reality-based scandal show was seen by some as demoralizing the public and socially detrimental. However, its high rating ensured it a second season, too.

Some television stations have reservations about the objectivity of the ratings. They claim ratings have deliberately been altered to divert attention from news and current-affairs programs in favor of entertainment shows.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 1.79

The small increase in score for this objective resulted primarily from panelists giving somewhat better scores for indicator 1 (trade associations) compared with last year. Otherwise, indicator scores remained mostly static. As with last year, indicator 3 (media-support NGOs) scored the highest, just slightly more than half a point higher than the overall objective score. The rest of the indicators fell within half a point of the score.

Trade associations and other supporting institutions have very little power to improve the protection of media rights and interests in Azerbaijan. There is no independent organization bringing together broadcasters. Attempts to obtain official registration for an association of regional broadcasters

failed in 2005-2006. In 2009, a group of leaders from Yevlax, Ganca, Lenkoran, and Khacmaz television stations announced their intent to establish a Regional Broadcasters' Council. By the end of 2009, it was not clear if this organization was registered or functioning.

The Media Council bills itself as a self-regulatory body able to reconcile opposing sides in cases of conflict between media and private companies. Following his re-election as its chairman, Aflatun Amashov is more aggressively advocating media-rights issues. His fight against racketeer journalists, described above, includes media close to the government. In his televised speech, Amashov said that some high-ranking government officials were behind some of the "racketeer" newspapers.

Several professional organizations are active but also possess little power to change the situation facing the media. The Journalists Union, created during Soviet years, is nominally the largest journalist organization. The Yeni Nesl Journalists Union and the Democratic Journalists League focus mainly on training. Mammadova said that the Journalists Union is a nominal structure and does not protect the rights of media professionals: "There are news media in Azerbaijan where journalists can be fired instantly, and no one stands up to resist it. Who needs a trade union if it is useless?"

Mammadli said that there are a number of media-rights NGOs that raise different issues of concern regarding media, but they fail to satisfactorily unite journalists to facilitate their own defense. Supporting NGOs include the Media Rights Institute and the Institute for Reporters Freedom and Safety. Their activities include documenting threats to media outlets and journalists, providing analyses of and tracking legal changes, and assisting journalists who find themselves in legal battles. The Women's Media Watch is relatively new.

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.

In January 2009, a group of senior journalists signed a petition calling on foreign donor organizations to stop giving grants to organizations that they called "non-journalist media NGOs." The petition said that these grant projects were not improving the situation for the media and were mismanaged or misappropriated. The petition claimed that these NGO even went so far as to make up cases to justify obtaining donor funds, but that in reality they fell short of protecting real journalists. Well-known journalists such Shahvalad Chobanoglu, Zamin Haji, Khalig Bahadur, Qan Turali, Seymur Baycan and many others signed the petition, which prompted debates in the media about the efficiency of media-rights organizations.

The legislature considered changes to the NGO law that would have prohibited NGOs from receiving more than half of their funding from foreign sources, forced registration with the state, and mandated that NGOs operating nationally have a presence in at least one-third of the country's *rayons* (administrative regions). Fortunately these provisions were struck from the final version passed in June, even though the law kept provisions preventing foreigners from starting NGOs and limitations on the activity of foreign NGOs.

Universities make attempts to provide practical knowledge for students of journalism. Baku State University and the Slavic University have television and radio studios. ANS TV has the US-Azerbaijan Journalism Academy together with the US Embassy in Azerbaijan. AzTV opened its Television and Radio Academy to provide in-house training for its employees. All of this was seen as a positive sign to improve journalists' professionalism.

Overall, panelists felt that the existence of alternative training programs for journalists who lack "traditional" education offered by NGOs is a positive sign. "These short-term courses, arranged by local and international organizations, successfully fill gaps that state education cannot provide. For instance, there is training for journalists writing on legal issues, the economy, and citizen journalism. They are free, convenient, and encourage personal development," said Mammadova.

Azarbaycan Printing House remains the most used printing facility. Despite a number of new private printing companies, formerly state-owned Azarbaycan is the cheapest. In 2009, *Azarbaycan* and, partially, *Zerkalo* newspapers offered color print newspapers, and several others switched from black and white to color.

However, newspaper distribution is mainly dependent on pro-government structures; the independent Qaya company continued to offer a rare alternative. Khuduoglu considered that the 40 percent, and in some instances up to 50 percent, distribution charge makes those considering starting up a print media outlet think twice before starting up a

newspaper business. He pointed out that only competition could bring down the distribution charges and boost the newspaper market. Mammadova noted that Qaya does not have a regional network, and distribution of newspapers willing to criticize the government in areas outside Baku is dependent on the pro-government Metbuat Yayimi or Azermetbuatyayim companies, which causes real problems for distribution throughout the country.

Even in Baku there is selective distribution of independent and opposition newspapers. For example, the chief of Baku's subway system banned the sale of opposition newspapers within the system, claiming he disagreed with what they wrote. The government directly interfered with distribution in the past by confiscating the kiosks of Qaya. These have not been returned despite a presidential decree ordering their return in 2005.

List of Panel Participants

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