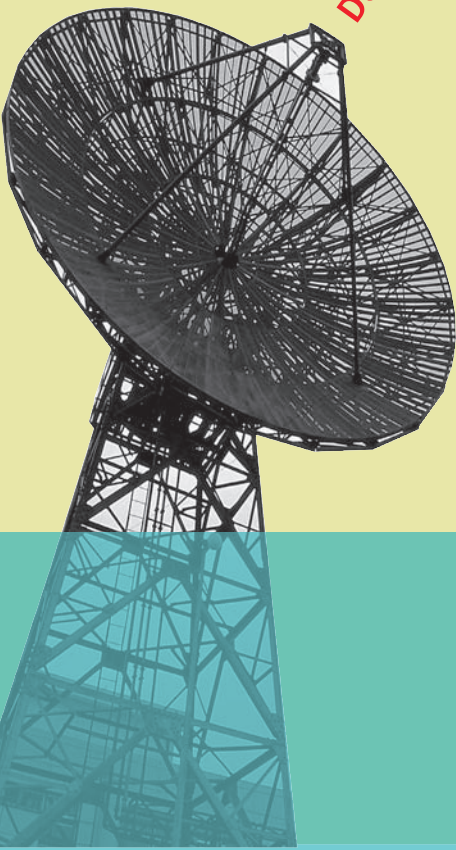


MEDIA SUSTAINABILITY INDEX

2003

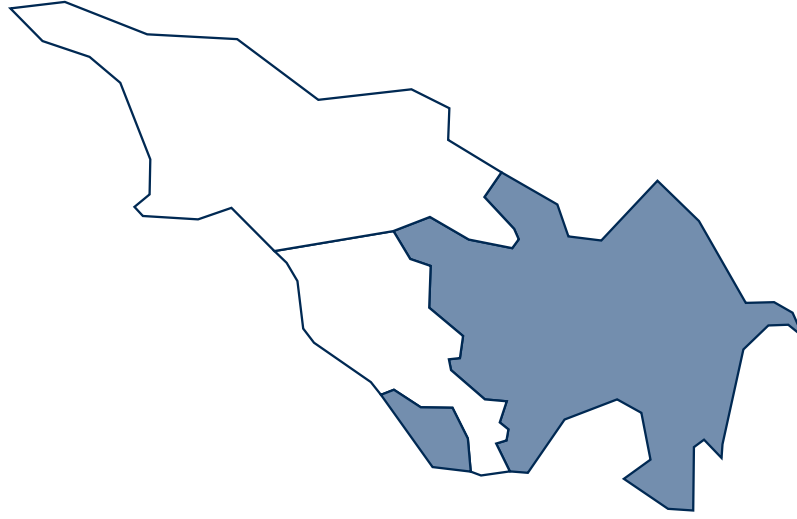
Development of Sustainable Independent Media in Europe and Eurasia





"Authorities will be held responsible if anyone from our newspaper is beaten, kidnapped, or murdered."





Introduction



For the media in Azerbaijan, 2003 was a somewhat disappointing year, according to many observers. The country is mired in a difficult economic situation, there is a continuing lack of pluralism in the media, news outlets remain dependent on sponsors or afraid to challenge power, the level of professionalism is still low, and basic freedoms are restricted.

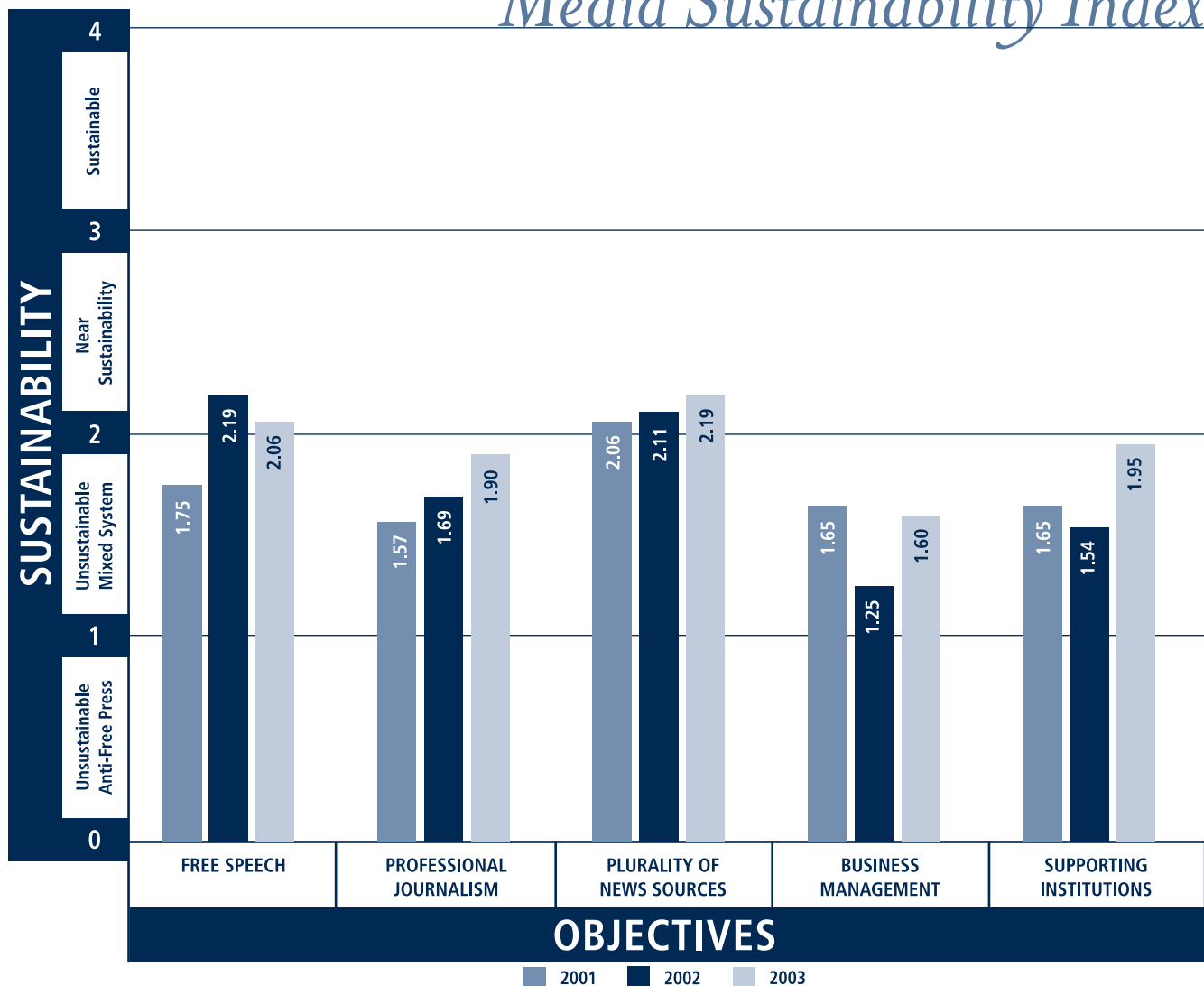
Pressure against opposition journalists intensified leading up to the October 15 presidential elections. The elections, which resulted in Ilham Aliyev's victory, were judged by the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe as not at all free and fair. Following the election, government forces beat people who had gathered in the streets to protest the polling results. Meanwhile, the Ruh Committee to Protect Journalists reported that 70 journalists were attacked and arrested in the pre- and post-election periods. International human-rights institutions reacted to these events with public statements, and representatives of the International Freedom of Expression Exchange (IFEX), Article 19, Reporters Sans Frontières, and the Council of Europe visited Azerbaijan to review the media situation.

The amended draft law on public television was submitted to parliament, the Milli Majlis, for review. In contrast with the 2002 variant, which progressed through a second reading, the new version recognizes public television as an entity that is separate from state television. It also defines the structures of the Broadcasting Board and the Board of Directors, as well as procedures for appointing the general director. However, the law is considered to allow for political control over the broadcaster due to weakness in the provisions for its financing and governing structures. An agreement was reached with the authorities to create a special monitoring group comprised of representatives from the Interior Ministry and the General Prosecutor's Office. This group had not started work until recently, according to the Yeni Nasil Journalists' Union.

Although the national economy is developing to some extent, the advertising market remains limited, thereby increasing the chances media outlets will be dependent on political players. As media

Azerbaijan

Media Sustainability Index



Objective Scoring

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

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

outlets go bankrupt, some are being bought by political and economic circles to be used for their own political interests. Independence is out of the question when these outlets start serving their “secret” owners. Lack of pluralism is especially noticeable on television channels because all electronic media established during the past six years are owned by authorities.

Another phenomenon undercutting the media is that 20,000 people in the republic possess press cards, but only about 5,000 of them can be called journalists, according to independent analysts. The rest use the cards for blackmail and extortion.

Objective 1: Free Speech

Azerbaijan Objective Score: 2.06/4.00

The law on broadcasting considers only the independent television and radio companies, while there is no law covering AzTV, the state broadcasting company and the largest in the country. However, it is anticipated that state television will remain, even if a nominally public television company is established.

If AzTV were to be transformed into a public broadcasting company, Azerbaijan could take a major step toward shaping an independent media, according to the Media Sustainability Index (MSI) panel. Current law does not provide a system for the full transition of the state-controlled AzTV into a public broadcaster. But the panel considers it unacceptable to create two broadcasters on the basis of AzTV—a state television company and a public broadcasting company—as the draft law suggests. Panelists viewed this proposal as implying that the government wants to maintain control of the new publicly funded broadcasting company and turn it into a new propaganda machine. Also according to the draft law, the president of Azerbaijan will appoint members of the Broadcast Board, the public television’s top management organ, and this raises further concerns over the board’s independent decision-making capability.

Further, the draft law envisions that the general director will be selected by the Broadcast Board and confirmed by the president, making it unlikely that this person would be empowered to make independent decisions. Also, as this position is responsible for the day-to-day management of the public television station, it should be filled by a professional fully aware of modern television management practices, said a panel member.

According to the law, the government will fund public television out of its budget for seven years. Current state budgeting practices suggest that the budget

approval would turn into a tedious process involving many government officials, parliament members, and the parliamentary groups, potentially making the public broadcasters dependent on the government.

The state authorities monopolize the licensing of broadcasting media, while the Broadcasting Council charged with issuing licenses is powerless. Panel members said the council is a “tool” for the authorities, who nonetheless claim to be implementing Azerbaijan’s obligations to the Council of Europe. The procedures allow transparent competition, and the process is politicized, giving preference to state media outlets.

Media do not suffer from a particularly high tax burden. In fact, the value-added tax (VAT) for media was decreased by order of the former president.

The law stipulates that public television must broadcast all official statements immediately and without changes but fails to define exactly what “an official statement” really means. According to Internews’s Media Rights Institute, this ambiguity will create grounds for confusion between the public broadcaster and govern-

Legal and social norms protect and promote free speech and access to public information

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

Journalists' rights often are violated because they are ignorant of the laws protecting them. A 2003 report by the Ruh Committee to Protect Journalists said that 70 to 80 percent of the violations take place for this reason.

often find ways to avoid responding and go unpunished. Officials can easily exert pressure on court decisions in cases concerning media and government relations because the court process is not independent. Journalists do not file suit against officials for ignoring their inquiries because they or their media outlets are sure the courts will decide in favor of the officials. The MSI panelists pointed to the case of ANS, an independent television company, whose repeated questions to Jahangir Asgarov, director of Azerbaijan Airlines, were ignored despite televised warnings that the station would file suit if he did not respond. When the official ignored the requests, he went unpunished. Media outlets also have trouble getting information from named sources. Officials tend to prefer to remain anonymous, if they answer questions at all. Press services of the authorities mostly refuse to respond to questions, but correspondents of the pro-authority newspapers have a better chance of getting official information than those of other outlets, according to a panelist.

Access to international news and news sources is unrestricted. Journalists and editors are able to use the Internet as a news source, especially for coverage of world events. It is legal to publish in other languages, and there are daily newspapers such as *Echo*, *Zerkalo*, and others issued in Russian. Some newspapers, including *Caspian Business News*, *Baku Sun*, and *Azernews*, are published in English.

Journalists' rights often are violated because they are ignorant of the laws protecting them. A 2003 report by the Ruh Committee to Protect Journalists said that 70 to 80 percent of the violations take place for this reason. Most journalists studied at Soviet schools, and the subject of media law is to start as a subject for journalism faculties only during the 2004 academic year.

ment officials in the future.

Azerbaijan has typical laws on freedom of the press, but their implementation is patchy. For example, although officials are required to respond to journalists' questions within 15 days under the law governing citizen access to information, these officials

Free media principles are violated by journalists as well when they are "fighting on two opposite fronts." Just as Soviet ideology forbids the media to criticize the state, which is a host of the media, today the journalists remain loyal to this principle even if their "host" is not the state. Many outlets serve as a tribune for the political party that is sponsoring them. For instance, when *Yeni Azerbaijan*, the newspaper of the ruling New Azerbaijan Party, criticized the state broadcaster and the pro-authority newspaper *Khalq* for exaggeratedly praising the president and his ideology, the editor was criticized by a state official and warned not to do it again.

A new law on defamation is expected to be drafted, and a freedom of information draft law has been submitted to the Milli Majlis. Defamation is covered currently by both criminal and civil law, but changes to make it solely a civil code issue are required under the country's obligations to the Council of Europe, which Azerbaijan joined in 2001. Libel is both a civil and criminal code issue in Azerbaijan, while European standards require libel to be a civil law issue. Journalists can be sentenced to two years of imprisonment for libel. According to the civil and criminal code, public officials are responsible if they violate journalists' rights and do not respond to questions. They might also be sentenced to two years of imprisonment.

The criminal code has numerous articles related to the activities of media and journalists. For example, conviction on the charge of disclosing state secrets is subject to a prison term of two to five years, slander carries a term of three to five years in prison, insult up to one year, and "insult or slander of the president" up to six years.

The Ruh Committee to Support Journalists in Azerbaijan reported that there were 40 instances in September 2003, the month before elections, in which authorities took measures to restrict media freedom. It said 32 journalists were beaten by police during a September 8 incident in which reporters were attempting to cover a police interrogation of an opposition party leader who fought with a ruling party presidential candidate during a televised debate. In addition, law-enforcement officials in Azerbaijan's regions have routinely harassed journalists covering campaign appearances made by opposition candidates.

There are few if any crimes against journalists, the panel said, suggesting this was a signal of how little investigative reporting is done and that any issues that are uncovered are ignored by the authorities. Azer Hasrat, head of the Azerbaijan Journalists Confederation, suggested that authorities could resort to kidnapping journalists in an attempt to silence criticism of the government. "Authorities will be held responsible

if anyone from our newspaper is beaten, kidnapped, or murdered,” said Gabil Abbasoglu, *Yeni Musavat*’s deputy editor-in-chief.

In September 2003, Secretary General Walter Schwimmer of the Council of Europe and Freimut Duve, the OSCE Representative on Freedom of the Media, issued a joint statement calling attention to the conditions for campaign coverage in Azerbaijan. They expressed particular concern about a perceived government attempt to muzzle *Yeni Musavat*, a leading opposition newspaper, through the manipulation of the judicial system. “We are in particular alarmed by the fate of the newspaper *Yeni Musavat*, which has been sentenced to three fines amounting in total to \$100,000 and whose bank account has been frozen. Without commenting on the substance of the lawsuits, it seems clear that such a high fine is disproportionate,” the statement said.

Journalists from *Azadlig*, another prominent opposition newspaper, have been barred illegally from sessions of the national parliament. The newspaper’s bank account was frozen, and ANS TV, perceived by many to be a pro-government station, recently filed a \$30,000 suit against *Azadlig*.

Objective 2: Professional Journalism

Azerbaijan Objective Score: 1.90/4.00

The MSI panel did not assess most reporting in the Azerbaijan media as fair and objective. Journalism standards are not known to most journalists, who are too often dependent on a political party.

In a forum of Azerbaijan journalists held in 2003, the Ethics Code of Azerbaijan Journalists was adopted. The ethical standards have been widely accepted in principle by journalists and conform to European models. However, these standards are violated in most cases. On the eve of the October 15 presidential elections, the media belonging to or aligned with either the authorities or the opposition violated basic ethical standards by highlighting the activity of the opposing candidate. The panel assessed “Sitatin Sonu”—or “The Quote’s End”—program broadcast after the evening news on the pro-government Lider TV as a serious violation of the ethical standards due to its practice of humiliating opposition politicians.

Some media workers accept payments in exchange for certain types of coverage, and most journalists sell articles favorable to politicians and businesses. Pay levels for journalists are low, with few earning more than \$100 per month.

Self-censorship is practiced because the media outlets are dependent on specific sources of sponsorship, and it is understood that they are not allowed to publish or broadcast reports affecting the interests of the owners. Journalists also practice self-censorship because their editors demand them to be more conservative while reporting.

Entertainment programs prevail over news on television and radio stations, with pop singers the main focus. News programming loses favor because it is one-sided and does not cover an interesting range of events and issues, according to a panel participant.

Technical facilities and equipment for gathering, producing, or distributing news are not assessed as modern and efficient, especially for the broadcast media.

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).

Objective 3: Plurality of News Sources

Azerbaijan Objective Score: 2.19/4.00

Private media outlets distribute nationwide, and residents of larger cities and the capital have access to a reasonable number of news sources. However, because of economic difficulties, people living outside the main cities often cannot afford to buy newspapers and receive

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.

most of their news from television. Internet access is for the most part limited to the capital and to larger cities.

More than 300 newspapers are registered officially, although only about 60 of them are published regularly. Private television channels like Lider TV and Space TV are broadcast in the regions, but transmission of FM radio is limited outside the capital.

Citizens' access to international print or broadcast media is not restricted, and the government does not block access to foreign news sources.

However, while the objective number of media outlets may be reasonably high, individual outlets tend to present only one side of an issue and close themselves off to alternative views. Opposition figures are not able to express their views through state-run media. Although the stations produce their own news programs, the type of news coverage included is affected by the ownership.

Media are available in Azerbaijani, Russian, and English. Television broadcasts are in Azerbaijani, with two Russian channels broadcast. Newspapers in the languages of Lezgi, Kurdish, and Georgian minorities exist, but are only printed in the regions where these ethnic groups live. TRT1, a Turkish channel, is broadcast nationwide, while other Turkish channels like Saman TV and Kanal D are broadcast in the capital. The broadcasting of Sahar TV

from Iran was shut down because the government considered it to be supportive of opposition movements.

BBC broadcasts 24 hours a day in Azeri, Russian, and English. France International radio is broadcast daily. Voice of America is available in all three languages.

Objective 4: Business Management

Azerbaijan Objective Score: 1.60/4.00

The state publishing house creates artificial problems for pro-opposition newspapers. Shortly after the October 15 presidential elections, the state-run Azerbaijan Publishing House refused to print *Azadlig* and *Yeni Musavat*, two major Azeri opposition newspapers. In fact, the state printing house accused the *Yeni Musavat* management of helping to organize the mass protests on October 16. These newspapers also experienced difficulty printing with other private and state-controlled companies. Finally, the opposition newspapers found a small private publishing house where the management agreed to cooperate. But the newspapers' problems did not end there, because within several days, this publishing house ran out of paper. Although state officials claimed otherwise, neither the publisher nor the newspapers managed to find appropriate paper at the right price, and the pub-

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.

lication of *Yeni Musavat*, *Azadlig*, *Yeni Zaman*, *Novoye Vremya*, and *Baki Haber* was stalled for five days.

Although the former president forgave all newspaper companies' debts to the state-run Azerbaijan publishing house two years ago, the independent newspapers face continuing economic difficulties and are unable to finance themselves. The advertising market is limited, and very few newspapers are able to finance themselves from it. *Zerkalo* and *Echo* are viewed as the more successful outlets, in part because they are Russian-language publications. Since many of the elites in the country are Russian-educated, these two newspapers are able to draw in some ad revenues, a panelist stated.

Advertising agencies sometimes are afraid to work with pro-opposition newspapers, fearing the government pressure not to give ads to those publications. As the advertising market is very poor, the advertising agencies have not expanded their work, and most observers believe the advertising market was in better shape in 1999. Subscriptions are not a real source of revenue, because people simply cannot afford them.

Objective 5: Supporting Institutions

Azerbaijan Objective Score: 1.95/4.00

Media professionals are able to become members of journalism associations and are not always required to pay for membership. Journalism associations provide legal and professional advice and lobby on behalf of journalists. For example, the Internews Media Rights Institute, the Ruh Committee to Protect Journalists, the Yeni Nasil Journalists' Union, the Editors' Council, and local human-rights watchdogs expressed concern about the October 27 arrest of Rauf Arifoglu, editor-in-chief of the leading opposition newspaper *Yeni Musavat*. They called on the relevant government agencies to respect the rights of the journalists in Azerbaijan and expressed concern that Arifoglu is being held illegally in jail by law-enforcement agents while they define the charges fully.

Six journalists of *Yeni Musavat* were briefly imprisoned, with two recently fleeing the country to seek asylum in Norway. Some *Yeni Musavat* journalists who came to observe the October 16 riots were subjected to physical violence and insults.

Local and foreign nongovernmental organizations (NGOs) organize media training in Azerbaijan, including Internews for broadcast journalists. Baku State University and some other universities have journalism departments. However, the education system remains tied to the Soviet

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

legacy, and journalism faculties prepare journalists who upon graduation do not know the basic principles of Western journalism, according to a panel participant.

The distribution of print media in the regions is under government control. There are both private and state-run printing facilities.

Panel Participants

Aflatun Amashov, chairman, Press Council

Fuad Babayev, director, News Department, Space TV

Gulnaz Bagvanova, editor-in-chief, Mir TV

Halida Bagyrli, independent media expert

*Rovshan Hajiye*v, editor, *Azadlif* newspaper

Murad Kadyembeyov, deputy editor-in-chief, *Echo* newspaper

Jahangir Mammadli, professor, Journalism Department, Baku State University

Khayal Taghiyev, Internews-Azerbaijan

Moderator

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Observer

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