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*After a couple of years of what appeared to be a moratorium, government officials resumed the practice of suing opposition media outlets. Eight of these lawsuits demanded the imprisonment of journalists involved.*



# AZERBAIJAN

Trouble continued to follow outspoken Azeri journalists in 2011. Well-known writer and publicist Rafiq Tağı was stabbed in a car park on his way home and later died from his injuries. In an interview shortly before he died, Tağı speculated that he had may have been targeted for writings that criticized Iranian president Mahmoud Ahmadinejad. Avaz Zeynalli, the editor-in-chief of *Khural* newspaper was imprisoned while awaiting trial for blackmail charges; Zeynalli had also been on the losing side of a defamation case brought by two government officials. Zeynalli's refusal to pay court-imposed fines may, in the opinion of some observers, been the reason for the latest charges and related arrest.

In 2011 the government targeted youth activists who called for an Arab Spring style uprising. Blogger Bakhtiyar Hajiyev, former parliamentary candidate and blogger, was imprisoned on the Azerbaijan-Georgian border. Following a six-month investigation, Hajiyev was sentenced to two years of imprisonment for evading military service. Independent observers said the charges were politically fabricated. Another youth activist, Jabbar Savalan, was also sentenced to two years imprisonment for illegal possession of narcotic drugs. President Aliyev pardoned Savalan at the end of the year.

Libel remains a criminal offense in Azerbaijan and in 2011 32 lawsuits were filed against journalists, most of them against pro-opposition newspapers with the dailies *Yeni Məsavat* and *Azadlıq* the chief targets. After a couple of years of what appeared to be a moratorium, government officials resumed the practice of suing opposition media outlets. Eight of these lawsuits demanded the imprisonment of journalists involved.

In 2011 the monopoly over Internet service provision ended as a new company, Azertelekom, was registered. But Delta Telecom, the major primary Internet service provider, continues to hold an 88 percent share of the Internet market.

Despite these ongoing problems, panelists this year awarded moderately better scores for four of the five objectives (Objective 5, Supporting Institutions, remained unchanged) with the result that the overall score showed similar improvement. However, only Objective 3, Plurality of News, broke through to the "near sustainability" category by exceeding a score of 2.00.

# AZERBAIJAN AT A GLANCE

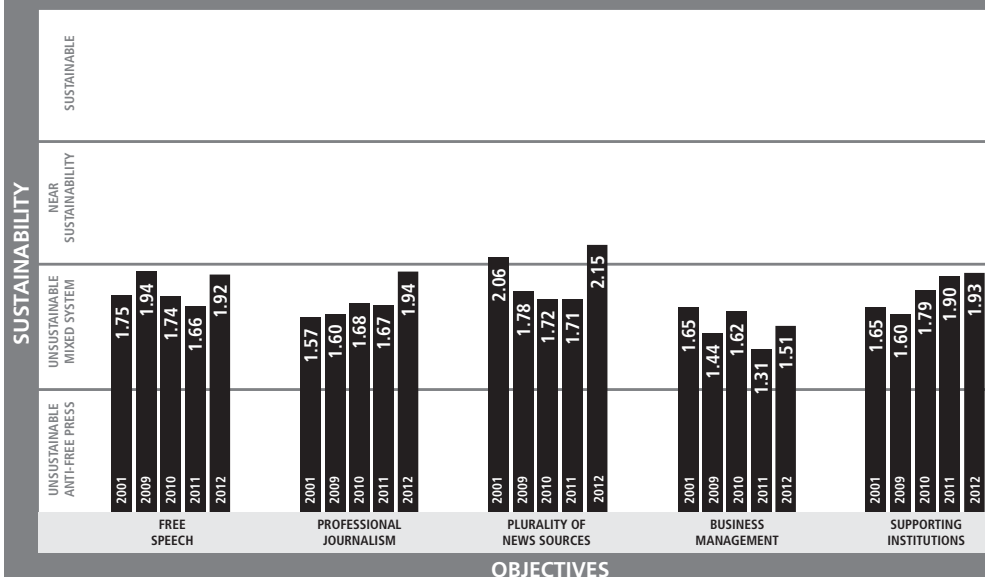
## GENERAL

- > **Population:** 9,493,600 (July 2011 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, *CIA World Factbook*)
- > **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, *CIA World Factbook*)
- > **GNI (2010-Atlas):** \$45.983 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$9,220 (World Bank Development Indicators, 2011)
- > **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: 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 publication is the opposition newspaper *Yeni Musavat*
- > **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); Azertac (state-owned)
- > **Annual advertising revenue in media sector:** Newspaper: approximately \$1,000,000; Television: approximately \$30-\$40 million (figures are not publically released)
- > **Internet usage:** 2.42 million (2009 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

### 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: 1.92

Scores for Objective 1 varied widely. Some of the indicators score close to the objective score of 1.92, but more did not. Indicators 3 (legal barriers to starting a media business), 8 (media access and use of foreign and domestic news sources), and 9 (legal barriers to entering the journalism profession) all scored more than half a point higher than the objective score. On the other hand, indicator 4 (crimes against journalists) and indicator 6 (libel laws) both scored more than two-thirds of a point lower.

While on paper Azerbaijan's constitution guarantees freedom of speech, thought, and media, in reality those who test those boundaries continued to be sent to prison for expressing their views. Former parliamentary candidate and blogger Bakhtiyar Hajiyev was arrested for what observers believed was his call for an Azeri Arab Springs over social media on the eve of May protest demonstrations. He was later charged for evading military service and sentenced to two years imprisonment. Independent observers countered that the government fabricated the charges. Another blogger and youth leader, Jabbar Savalan, was imprisoned in February on charges of illegal possession of narcotics. His two years prison sentence was also seen as politically motivated, since he has been a

#### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

*Crimes against journalists are poorly investigated. The General Prosecutor's office has claimed that over 96 percent of all crimes have been resolved. However no crimes committed against journalists in 2011 were successfully resolved and no perpetrators were punished.*

vocal critic of the government. While the president pardoned Savalan, Hajiyev remains in custody.

Public expectations of improvements to freedom of speech and media remained high, however only a few media outlets, mainly opposition-affiliated newspapers whose circulation does not exceed 10,000 to 15,000, were able to question openly the status quo. Electronic media, the major source of public information, remain under control of the government. For instance, when writer Rafiq Tağı was stabbed and then died four days later in the hospital, all television stations except one completely buried the story. Only ANS carried the interview with Tağı at his hospital bedside, which proved to be his last. In this interview the writer said he believed that he was targeted by Iran's regime for his writings.

In 2011, amendments to the constitution came into effect, including one banning journalists from filming, recording, and photographing without permission. The provision fell short of identifying an exception for public officials. According to Khalid Aghaliyev from Media Rights Institute, in approximately thirty instances journalists were denied permission to film and take pictures during public protests. "This is a very serious blow to freedom of media that emanates from the constitution itself," said Aghaliyev.

Confidentiality and protection of sources of information is another issue of concern. Media activists submitted a new draft bill to protect journalists' sources, but it was not included in the parliament's agenda. Courts enjoyed wide prerogative to force journalists to disclose their sources. Absence of such a formal legal protection has made investigative reporting even more difficult.

Azerbaijan in 2011 also further tightened regulations against illegal spread of religious literature. An order by the president increased the fine for importing, selling, and distributing religious literature from AZN 2,000 (\$2,550) to between AZN 5,000 and AZN 7,000 (\$6,350–\$8,900). If committed as part of a group, its members can now face a fine up to AZN 9,000 (\$11,450) or imprisonment up to five

*Public information is easily released for media that favored the government. Opposition press find it difficult to get responses to their requests. While interest is clearly growing in blogs, bloggers still have a difficult time gaining access to information; they are not given the same rights as journalists to participate in press briefings and events.*

years. Religious rights activists questioned the consistency of these regulations with freedom of expression.

Licensing of broadcast media remained unfair and strictly political. The National Television and Radio Council (NTRC) is responsible for issuing and renewing television and radio licenses. A new law on broadcast media mandates closure of a television station for three regulatory infringements in two years. Experts believed the toughness of this regulation is intended to keep broadcasters dependent on the government.

Over the past year the NTRC issued only one radio license. The three contenders included Turan news agency, an alliance of organizations that included the Institute for Freedom and Safety of Reporters, and the little-known Golden Prince. Golden Prince was received the license, and it is not clear what made this possible given the experience offered by the other two contenders.

Panelists viewed registration of print media as fairer, however 2011 saw some regression in this area too. After the closure of *Khural* newspaper, its editorial staff experienced difficulties registering a new newspaper called *ASI*. It is believed that refusal of *ASI*'s registration was politically motivated, as the government did not want to deal with yet another newspaper from the same editor. Following its troublesome registration, *ASI* managed to put together a new newspaper, but had to give up after its very first issue as printing companies, under pressure from the government, refused to print it.

Except in a few instances such as these, registration of new print media with the Justice Ministry is seen as much more routine and liberal. A newspaper or magazine may launch five business days after its application. However the new outlet must present evidence that its chief editor holds a higher education diploma and is an Azerbaijani national. Panelists did not see these requirements in conflict with freedom of media, saying that proof of a diploma is necessary

to ensure high standards. The panelists also considered other market entry conditions for print media, and namely tax regulations, to be fair and even more favorable than in other industries. For example, newspapers are exempt from 18 the percent tax for purchase of imported newsprint.

Crimes against journalists are poorly investigated. The General Prosecutor's office has claimed that over 96 percent of all crimes have been resolved. However no crimes committed against journalists in 2011 were successfully resolved and no perpetrators were punished. The Media Rights Institute sent approximately 150 requests to various courts requesting action on cases of media freedom violations but received no answers. According to Aghaliyev, after a couple of months wait they were told that there was not enough evidence to file a suit despite a number of eyewitness accounts.

State media continue to receive legal advantages and in 2011 AzTV further monopolized the television sector. Its two new official channels Medeniyyet (Culture) and Idman (Sports) were given exclusive rights to cover cultural and sporting events. Experts said that the very licenses of the two channels, acquired in 2009 and 2010 represented an apparent violation of anti-monopoly provisions of the Law on Broadcast Media. According to the law, one broadcaster cannot hold a license for more than two television and three radio channels. Azerbaijan Television and Radio Corporation already holds the license for AzTV, which puts it in a position with which no independent television channel can compete. Journalists have already started feeling the consequences of the monopoly, such as when only Idman exclusively covers sports events. No other media are able to conduct their own coverage of major sporting events taking place in the country. Thus when a boxing corruption scandal erupted in November, only state media were in attendance at the boxing championship. Independent media willing to investigate the story could not even enter the facilities.

Libel remains a criminal offense in Azerbaijan despite campaigns by media rights activists to decriminalize it. In 2011 32 suits were filed against journalists. Seven of these lawsuits were filed against Avaz Zeynalli, the editor-in-chief of *Khural* newspaper. Head of the presidential administration Ramiz Mehdiyev launched one of these suits. Zeynalli was later imprisoned on October 28 but as a result of another lawsuit launched by pro-government parliamentarian Guler Ahmedova. The latter claimed that Zeynalli blackmailed her, but observers believed it was an orchestrated case. The Office to Fight Against Corruption arrested Zeynalli, who pleaded not guilty. The case proved the trend that the government is using legal tools aside from libel to arrest and silence journalists. Similar tactics were used against another editor,



Eynulla Fatullayev, who in 2009 who was arrested on charges of instigating terrorism.

Alasgar Mammadli recalled that Azerbaijan campaigned against the French Senate's decision to criminalize denial of 1915 events in Ottoman Turkey as "genocide." But Azerbaijan's own legislation that sends journalists to jail for the content of their writing is no better. "How come we criticize France and cannot see that our own legislation contains such provisions that are harmful for democracy and freedom of expression?" he questioned. "Our neighbors Armenia, Georgia, Russia, Ukraine—all made progress in this regard, but Azerbaijan still keeps criminal offences against journalists," he concluded.

Official media continued to enjoy better access to public information than those not affiliated with the government. Public information is easily released for media that favored the government. Opposition press find it difficult to get responses to their requests. While interest is clearly growing in blogs, bloggers still have a difficult time gaining access to information; they are not given the same rights as journalists to participate in press briefings and events. High-level official meetings and visits are typically attended by only a small number of government-affiliated media, namely the official Azertag news agency and state-run AzTV. All other media rely on those outlets' often-biased coverage. No other media are allowed to enter facilities where official events are conducted. Even journalists accredited with the president's office are chosen selectively as to which events they can cover.

Interviews with government ministers were scarce in 2011. Ministers used short occasional media appearances to take a couple of questions from the press instead. This did not allow journalists do in-depth interviews to explore substantive issues.

There was some progress in the area of access to information in 2011, however. The most important contributor to the state budget, the State Oil Fund, made public its financial reports and they were posted on the Fund's website. Parliament began making public the draft government budget on the day it was included in the parliamentary session's agenda. Experts noted that posting it in such a timely manner would give more time for public discussion.

Panelists agreed that access to and use of international information sources is nearly without problems and restrictions. Over the past year no foreign news outlet was blocked, filtered, or otherwise restricted. Journalists were able to freely use all media sources, inside and outside of Azerbaijan.

Entry into the journalism profession is free and does not require special licensing. The Media Council issues press cards to practicing journalists, but it is for the purpose of attending various press events. Some panelists said some kind of mechanisms should be introduced to filter entry into the journalism profession. Some favored the idea of resuming the Soviet-era practice that forced journalism students to present their published writings before enrolling in journalism and mass media programs. The downside to such selectivity is that individuals who wish to practice journalism may be shut out: as it is in Azerbaijan, bloggers are not regarded as journalists and are not invited to press events.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Azerbaijan Objective Score: 1.94

Objective 2 scored higher this year, rising from 1.67 to 1.94 as panelists awarded higher scores to four indicators: indicator 4 (media cover key events), indicator 5 (pay levels for journalists), indicator 7 (modern equipment), and indicator 8 (niche and investigative reporting). However, indicator 1 (fair and objective reporting) received a lower score compared with last year and so held back what could have been an even stronger improvement. Most indicators scored close to the objective score. Indicator 7, however, scored about three-quarters of a point higher, while indicator 6 (balance of news and entertainment) scored more than half a point lower.

Fair and objective reporting remains a major challenge of the Azeri media. Government-controlled media are used to promote the ruling elite and occasionally "expose" their

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

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political opponents. Opposition-affiliated media also fall short of independent reporting, covering stories from the prism of their political interests. In both cases political affiliation make media outlets compromise independent editorial principles. Only a few independent outlets pursue a policy of airing views of all sides to a story. Editorial teams are known to have blacklists of people they are not supposed to interview. This further complicated journalists' ability to conduct objective reporting, as the lists include think tanks and political and economic experts. For example, all television stations are known to have blacklisted opposition leaders Isa Gambar and Ali Karimli at the request of the government.

Panelists also note that stories in much of the media lack depth. In the example of publishing the state budget discussed above to illustrate improvements in access to information, the media did not capitalize on this opportunity. There were no detailed discussions of the state budget conducted in the media before or after it was adopted; the discussions that did take place were of a general character and lacked detailed and comprehensive analysis of the multi-billion dollar budget.

Pro-government and pro-opposition media are often used to conduct smear campaigns. For instance, in 2011 smear campaign targeted the newly formed Forum of Intelligentsia consisting of well-known scientists, artists, former parliamentarians, and cultural icons—all critical of the government. Government-affiliated media ran stories dishonoring respected Forum members such as Oscar-winning scriptwriter Rustam Ibrahimbayov, historian Jamil Hassanli, physicist Rafiq Aliyev, lawyer Aslan Ismayilov, and others. The government-run *Azerbaijan* newspaper published a letter signed by dozens of Baku Slavic University staff and faculty, who condemned the Forum. Some of the signatories came forward to say they had never signed such a letter.

Panelists said professionalism of journalists is not strictly the issue; the problem originates from the leadership of media outlets: stories are editorialized and receive spin from editors who are often under pressure from their owners. It is an endless cycle: government accuses the media of being irresponsible and running untrue stories; the media retort that poor access to information is to blame because in the

absence of verifiable information they have to rely on rumors and speculation.

All media outlets in Azerbaijan share a basic journalism code of ethics. Women's Media Watch campaigns to urge all media outlets to develop their own guidebooks for journalists. The campaign gained momentum under the auspices of the OSCE and the Press Council. Nonetheless, many media leaders remain unconvinced of the need for individual guidebooks for their journalists.

However, in 2011 the public vigorously debated journalists' ethics and what can and cannot be reported. When a story of a father raping his own two daughters in a remote Khachmaz village broke, ANS TV went to cover the story. ANS reporter Aytekin Alkhasli recalls that in order to protect the victims, she deliberately left out the identity of the girls and their mother, who reported the case to police. The region and the village in which the crime took place were also not mentioned, as well as the fact that the arrested father is a member of an ethnic minority. However this did not solve the situation. The reaction of the audience was mixed. Television expert Zeynal Mammadli attacked ANS for "unprofessional reporting" and "damaging national values." Alasgar Mammadli told the panel that identity could be established by recognizing the father. The incident also showcased public intolerance towards issues that might be seen as undermining national values.

Self-censorship is widely practiced. Although official censorship was abolished in 1998, journalists admit to self-censorship to protect themselves against attacks, lawsuits, and arrests.

Considering whether journalists cover key events and issues, panelists felt the media neglect to pick up some important events. Panelists pointed to the Nagorno-Karabakh peace talks with neighboring Armenia that continue to enjoy confidential status. Journalists are not able to follow the course of the talks. Further, protests held in April and May in Baku, corruption scandals, and reforms in the armed forces, are examples of stories of public interest that received little coverage.

The example of the April and May protests highlights friction between traditional and new media, which further deepened in 2011. The protests, consequent arrests, and court proceedings against dozens of demonstrators were extensively discussed in online media but largely bypassed by government-influenced media. The opposition regarded eighteen arrested demonstrators, including opposition leader Arif Hajili, as prisoners of conscience. The government denied there were any prisoners of conscience in Azerbaijan. Opposition activists used new media extensively, including social networks Facebook and Twitter, to share news and

videos from numerous trials of demonstrators. Thus new media was increasingly seen as a venue for alternative news and ideas.

Pay levels for journalists differ depending on the individual media outlet. Generally speaking, however, journalists are not paid well in Azerbaijan. Independent and opposition media remain poor, as they struggle to secure advertising. In government-affiliated newspapers, the government guarantees subscriptions, which covers some expenses. In addition to their formal salaries, government-affiliated journalists are also paid in what are known as “envelopes,” a monthly under-the-table subsidy.

The Azeri public continued to debate the growing number of entertainment programs on television. Much-criticized shows that included live marriages started losing ground from the past when they enjoyed record ratings. ATV's *Onun Yarisi (His/Her Soulmate)* and ANS TV's *Toy Olsun (Let There Be a Wedding)* used to enjoy the highest television ratings, hitting 30 to 35 percent shares. These live shows, which found spouses for singles and married them during live broadcast, were seen as contrary to national traditions and ethics and were criticized harshly. In 2011 ANS TV introduced a political special, “Open Talk,” a televised debate between political parties. Opponents debated issues of fair governance, financing of political parties, draft legislation, and other serious issues. Political leaders labeled as “radical opposition” and blacklisted for over a decade, including Sardar Jalaloglu, Mirmahmud Fattayev, Panah Huseynov, Iqbal Agazade, and others, appeared in the debate. The debate was taped and broadcast next day. Tahir Mammadov told the panel that “Open Talk” represented progress in media freedom in the television sector. However the moderator of the debate, Sevinj Osmangizi, admitted in an interview with *lent.az* that the network experienced difficulty arranging debates with the ruling YAP party, as it was reluctant to have its members appear in face-to-face debates with its political rivals.

Technical facilities and equipment used by media vary by media type and individual outlet. Azerbaijan Publishing House (formerly state-owned), which prints the majority of newspapers, upgraded its printing equipment, thereby improving cost efficiencies. Several official newspapers, including *Azerbaijan*, *Khalg Gazeti*, and *Kaspiy* print in color and reported that the switch from black-and-white contributed to a rise in advertising. But the majority of independent newspapers, including *Zerkalo*, *Yeni Musavat*, and *Azadlig* dailies continued in black-and-white, arguing those who read them do it because of the content and not the color.

Among television channels, the panelists said that ANS, Public Television, and, to some extent, Khazar TV are seen as offering quality niche reporting. Among radio

options, U.S.-government sponsored RFE/RL offers quality investigative reports, especially on issues like corruption and mismanagement. Among newspapers, *Zerkalo*, *Yeni Musavat*, and *Azadlig* are considered the most popular for their niche reporting on politics, while *Zerkalo* is also known for its broad coverage of economic issues. *Ekho* stands out for its foreign affairs editorials.

Investigative reporting remained problematic in Azerbaijan. Although media restrictions make it a risky business, financial difficulties also contribute to the problem. Many reporters are expected to file one to two reports daily, and therefore are not able to engage in such in-depth investigation.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Azerbaijan Objective Score: 2.15

The score for objective 3 increased this year as a result of higher scores for most indicators from the panelists. Most indicators scored higher than, but within half a point, of the objective score. Indicator 2 (citizen access to media) scored nearly two-thirds of a point higher. However, indicators 3 (state media are non-partisan) and 6 (transparent and non-monopolized ownership) scored quite poorly in comparison and kept the overall score from being much higher; indicator 3 scored more than a point lower than the objective while indicator 6 scored more than three-quarters of a point lower.

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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
- > The media provide news coverage and information about local, national, and international issues.



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*In 2011 Facebook was the most popular social media. Due to poor Internet access in some of the regions, youngsters travel long distances to get to Internet cafés.*

With 4,230 registered. Azerbaijan does not lack for media outlets. All types of media: print, electronic, and online have created multiple sources of information. Television remains the major source of news, but according to Nigar Kocharli, the number of people getting their information from multiple sources has increased. Alasgar Mammadli, however, pointed out that more than 5,000 villages have no access to the Internet, and distribution of newspapers in the regions is poor; the fact remains that more than 90 percent of the population still rely on television. Since the government tightly controls television with nationwide coverage, this hurts severely plurality of opinion in the country's most important medium.

In the case of most newspapers and magazines, plurality within each is limited. These are typically used for political purposes. Many parliamentarians have their own newspapers. They run lengthy interviews with their influential owners and care little about editorial standards and principles of journalism. For instance, *Markaz* newspaper belongs to Member of Parliament Guler Ahmadove, *Khalg Jabhasi* is Member of Parliament Gudrat Hasanguliyev's, etc.

In 2011 Facebook was the most popular social media. Due to poor Internet access in some of the regions, youngsters travel long distances to get to Internet cafés. Kocharli, owner of the Ali and Nino bookstore chain, said the number of fans of their official Facebook page reached 25,000 within a year and most of their publicity was now done through Facebook, from arranging book signings to holiday events.

In general, blog writing is not developed; poor development of online business models is one of the challenges preventing bloggers from supporting themselves. Only a few serious blogs functioned in 2011 and politicians ran most of them. Opposition party leaders Isa Gambar, Ali Karimli, Ilgar Mammadov, and others had their blogs publicized in opposition party newspapers. The government has also joined the trend, but at a very slow pace. There was a blog under President Ilham Aliyev's name, as well as Twitter and Facebook accounts, but they are used to post official statements and interviews only. Similarly, several government ministries, including the Ministry of Foreign Affairs, launched YouTube pages to post official speeches and events. But it is impossible to leave comments on these pages.

Citizen journalism is also developing. ANS television launched the first-in-the-country television citizen reporter program called *Khebermen*. The program airs videos and photos uploaded by citizen journalists.

In 2011, there were a couple of Internet television outlets working in Azerbaijan. Newly-launched and government-backed Yurd TV offered high-definition quality, but it is not clear how the Azeri audience is benefiting from the project, since more than 90 percent of Azerbaijan's Internet users still rely on dial-up connections, according to Osman Gunduz, president of Internet Forum. It is believed that Yurd TV is intended to counter the U.S.-financed Objective TV Internet project.

There is no restriction on citizens' ability to listen or watch foreign media. Russian and Turkish television channels are widely watched in households mostly for entertainment programs. Western channels are popular among English-speaking audiences. Since the NTRC withdrew licenses for foreign broadcasters VOA, BBC, and RFE/RL in 2009, they have not been able to broadcast on national frequencies and their audiences have dwindled. In 2011, BBC discontinued its radio broadcasts in Azeri and bid farewell to most of its journalists. The remaining three-person staff continued BBC Azeri's website, but with little success. Unlike BBC and VOA, RFE/RL maintained its popularity among audiences. Its radio broadcasts were made available on its website, and its team continued to enjoy popularity for its investigative reporting. The U.S. and Azerbaijan governments are still negotiating a return of VOA and RFE/RL.

State news outlets remain largely under the control of the government and cannot offer objective information. The official *Azerbaijan* newspaper prints articles that strictly reflect the views and interests of the government and ruling elite. The official Azertac news agency also is used to advance the political interests of the government: its daily news bulletins, offered in several languages, chronicle only official events and the speeches of the President and other officials. This is the case with state-financed AzTV television as well, which is used as the government's propaganda tool, exclusively reflecting views of the political elite. It sees its mission as airing programs that showcase effective management of the country—lengthy coverage of officials' visits to the regions, openings of new ventures, residents praising the leaders—anything that strengthens the impression that the country is in good hands. Political opposition leaders may only be seen on ANS or ITV Public Television and only on rare occasions. AzTV maintains a blacklist of people or organizations it cannot show or interview—including human rights activists, political opposition members, and intellectuals who expresses critical views.

In 2011 a couple of newly registered news agencies entered the market and quickly became successes. Blogger Natig Jaffarli said the secret of success of QafqazINFO, Newsinfo, modern.az and other new wire services is that in the atmosphere of “political konyektura,” when every outlet has its own established political affiliation, audiences are eager for “fresh blood.” Indeed, within a year QafqazINFO left behind veteran competitors for readership and interactive ratings. These agencies are seen as offering a fresh look at events; they post videos, YouTube links to celebrity scandals, etc. They manage to grasp younger audiences due to their soft news and informal style.

All broadcast media outlets produce their own news programs. ANS remains a leader for its news programs. Its 9 p.m. *Kheberchi* news program enjoys the highest viewer ratings, competing only with Khazar TV’s 8:30 news. ANS’s weekly analytical program *Hesabat (Report)* is also popular. *Ich Kheber (Inner News)* offers reports based on complaints from viewers. However, some viewers feel that ANS compromised its independence after its last 18-day closure by the government five years ago. Among government circles, ANS is still perceived as an opposition channel, and is accordingly wary. The latest manifestation of apparent pressure on ANS was a surprise, large-scale, company-wide tax inspection, launched in a matter of days after the November 8, 2010 parliamentary elections and it continued through spring 2011.

Government-backed Khazar Television continues to enjoy its popularity due to its Turkish-style presentation of news, accompanied by music and graphics, which seems to appeal to viewers. Another pro-government station, Lider TV, has significantly decreased its news production, dropping its 9 p.m. news program altogether.

In 2011 public television station ITV boosted its reputation following the victory of Azerbaijani pop duet Ell and Nikki at the Eurovision Song Contest in Düsseldorf, Germany. ITV was the official partner of the contest and had the exclusive right of broadcast of the tournament.

Transparency of media ownership remains problematic. Among commercial television stations, only ANS TV’s founding ownership is laid out on its website. “There is no uncertainty as to who owns ANS,” said Mammadli. “But if you make a request regarding who is behind Space TV, you will not learn the true owner.” According to panelists, everyone seemed to know to whom each television station belongs, but this was based on assumptions only. The television companies feel no obligation to make public information about their ownership.

In terms of reporting on local and regional issues, there are internal barriers to doing so effectively. The Nakhchevan Autonomous Republic remains a hostile environment for

*Citizen journalism is also developing. ANS television launched the first-in-the-country television citizen reporter program called Khebermen. The program airs videos and photos uploaded by citizen journalists.*

free reporting. From the moment of arrival until departure, journalists are accompanied everywhere they go. No independent media are able to open a correspondent bureau in Nakhchevan. Aytekin Alkhasli said nothing has changed since she was deported from Nakhchevan for her reporting a couple of years ago. While in her residence there, security officers forcibly took her to a plane and sent her back to her media outlet’s main office in Baku.

Elsewhere in the regions the situation with freedom of media is better, but problems with access to information remain. For example, in the central regions of Sabirabad and Imishli journalists were offered bribes not to report on post-flooding problems facing local residents.

For foreign coverage media rely mostly on foreign agencies such as AP, Reuters, AFP, and others. Only a few outlets have bureaus overseas. Among television stations, only official AzTV has a reporter in Washington, DC. In 2011 ANS TV opened bureaus in neighboring Georgia and UK. Maintaining little or no staff overseas is due to financial considerations and the fact that local issues dominate news coverage. Except in a few instances, foreign-produced pieces are used to cover international stories. One exception came when the earthquake and tsunami struck Japan in March. ANS TV interrupted its routine broadcast and produced special hours-long coverage of the developments in Japan using foreign partners and its own contributors.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

##### Azerbaijan Objective Score: 1.51

The modest improvement in this objective came as a result of better scores in a few indicators, notably indicator 1 (media are well managed) and indicator 6 (market research). No indicator stood out as scoring much better or worse than the objective; all scored within a third of a point and most scored within a tenth of a point.

Only a few media organizations are run as businesses; most newspapers were set up for political or personal interests. They

*Among newspapers, Zerkalo is seen as a successful model, enjoying advertisements and yet maintaining objective and fair reporting. However Zerkalo founder and editor Elchin Shikhlinksy admitted that he knows his boundaries and does not “cross red lines.”*

have small circulations, do not follow journalism principles and standards, and receive advertising using personal and business ties. As media expert Elnur Baimov put it, these newspapers are there “to please the ego” of their owners.

In television, ANS TV and to some extent Public TV are the only television stations that practice legitimate accounting, registering their profits from advertising. According to advertisers, at other television stations there is not much paperwork to document financial operations, allowing the bulk of income to go undeclared. It allows these outlets to offer generous reductions, bartering, and other forms of financial flexibility. ANS TV’s advertising rates are the highest, but so is its transparency.

Media outlets run as businesses are the most responsible. They view their reputation and readership ratings as the basis for advertising. Among newspapers, *Zerkalo* is seen as a successful model, enjoying advertisements and yet maintaining objective and fair reporting. However *Zerkalo*

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### **BUSINESS MANAGEMENT INDICATORS:**

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

founder and editor Elchin Shikhlinksy admitted that he knows his boundaries and does not “cross red lines.”

There are no set boundaries between advertisers and media outlet owners. Even though duties and obligations are laid out in signed agreements, private companies often abuse their status as advertisers and intervene with the editorial policy of the media organizations. They threaten to not renew or even withdraw their advertising if a media outlet runs a story criticizing them. For instance, when an employee of the Bank of Baku struck and killed a person while driving, the bank requested that media outlets not report the incident. Food giant Azersun attempted to hinder broadcasts of a report about an artificial price rise of its edible oil products. Its letter to heads of television companies said that the company was upset to learn that an organization it placed advertising with was going to run such a “defamatory” report.

Selective advertising placement remains a major reason for poor business performance of media outlets. Advertising by and large bypasses independent and pro-opposition media. There is no way for independent outlets to survive on their own as advertising distribution is strictly political. No opposition-affiliated outlet receives advertisements, indicating that there is control over placement of advertising. Advertisements are placed based on political considerations and business and family ties, rather than market principles. The only exception to the ban are when big advertisers, such as the telecommunication giant Azercell, occasionally places its holiday greetings in *Yeni Musavat* or *Azadlig* newspapers; it is seen as a gesture rather than continuous advertising.

Revenue sources vary by outlet. Officials use administrative resources to get advertisements for media outlets under their influence. For instance, 1news agency is affiliated with the president’s office and receives a variety of advertisements from banks to construction companies. *Azerbaijan gadini* (*Azerbaijani Woman*) magazine belongs to the head of the Humanitarian Policies Department of the president’s administration, Fatma Abdullazade. The magazine is full of advertisements from prestigious jewelers to expensive designer outlets.

There are outlets that do not get a single advertisement throughout the year. Editor-in-chief of *Yeni Musavat* Rauf Arifoglu admitted that he had at times “adjusted” headlines in order to benefit from sales of the paper. Even government-sponsored distribution companies have to sell *Yeni Musavat* fearing that readers will turn to another distributor. According to distribution companies, *Yeni Musavat* is one of very few outlets that is able to sustain itself on sales of copies only.

According to the law on mass media, advertising in television may not exceed 15 minutes per hour of airtime. In newspapers advertising may not exceed 40 percent of column space. In practice, however, few print media are able to exceed 30 percent and independent newspapers struggle to reach 10 percent. The major opposition newspaper *Azadlig* is struggling to survive in a near-total absence of advertising. In contrast, *Azerbaijan* not only receives government subsidies, but on holidays, its pages are full of paid greetings by private enterprises; it is seen as prestigious to place holiday greetings in the newspaper as its subscription is mandatory for all government agencies. Editor-in-chief of *Azerbaijan* newspaper Bakhtiyar Sadikhov justified the mandatory subscription by saying that all government employees should read government news.

In the absence of any advertising, the government continued to offer outlets grants through its newly set up State Council to Support Media. Officials argued that the mechanism worked well and the editorial independence of media organizations receiving grants from the state did not suffer. However journalists themselves admitted that the worst-case scenario is being realized: newspapers, struggling to survive, are reluctant to lose the newly found source of income. Thus, panelists said pro-opposition *Bizim Yol* newspaper changed its critical tone of government. "We forgot when *Bizim Yol* wrote anything critical," said Alagar Mammadli.

In 2011 the number of newspapers and news agencies receiving grants and awards from the State Council to Support Media grew. In 2011 the State Council gave out grants totaling AZN 1,306,000 (\$1.6 million) on occasions like New Years, spring holiday of Novruz, and National Press Day. The Council also held joint competitions with ministries like Ecology, Communication, and regional executive branches. Only a few independent media refrained from applying for awards and gifts. Over 100 editors-in-chief and senior reporters received awards, medals, cash, and gifts from the State Council.

In 2011 the president signed a decree allocating AZN 5 million (\$6.3 million) for six national television stations. According to the decree, the money is intended to help television stations produce local films and documentaries that boost patriotism and national values.

Critics of government money believe that with a policy of selective advertising in place, the State Council is making outlets grow more dependent on the government and undermining their financial sustainability.

Media outlets tailor their products based on basic knowledge of the interests of their audiences. Detailed audience research and surveys are seen as expensive and are sporadic. Outlets have ideas about their readership based on perception rather

*Unlike AzTV, all other stations routinely follow and make use of ratings produced by AGB/Nielson to attract more advertising.*

than research. Asked about their audience, President of Space TV Vagif Mustafayev said they were targeting what he called "elite groups." Public TV repeatedly ran an announcement on the occupation of 20 percent of Azerbaijan's territory in Azeri, followed by Russian, English and Arabic. While the motives of the move were well understood—to publicize Azerbaijan's cause in its dispute with Armenia—it was not clear what audience it was targeting by running it in foreign languages on Azerbaijan's national frequencies.

All television networks except official AzTV vigorously follow viewership ratings; AzTV shows no interest in having its programs rated. It receives its generous budget from the state and advertising regardless of its ratings. Thus in 2011 AzTV received a budget allocation of AZN 35 million (\$44.5 million) and provided no reporting on how the public money was spent according to media lawyer Alasgar Mammadli. This giant budget on top of its vast advertising revenues has put AzTV in a position when no commercial television station could compete with it.

Unlike AzTV, all other stations routinely follow and make use of ratings produced by AGB/Nielson to attract more advertising. However, television managers have some reservations about the objectivity of ratings. They believe the ratings are altered to divert attention from news and current-affairs programs in favor of entertainment shows. This, they believe, is especially true in the run-up to elections. Television ratings are hotly debated by various public groups—from parliamentarians to musicians. Panelists felt the race for television ratings produces a drop in quality, a reduction in education programs, and a rise in entertainment shows.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Azerbaijan Objective Score: 1.93

Objective 5 was the only objective that showed no change compared with last year. A few indicators scored within half a point of the objective score, but most did not. Indicators 3 (supporting NGOs), 4 (academic journalism programs), and 5 (training for practicing journalists) all scored more than half a point higher than the objective score. Indicators 6 (access to media equipment and supplies) and 7 (control of media distribution) both scored more than half a point lower.

*Media loyal to the authorities by and large ignore organizations working in the area of freedom of speech and rights of journalists. Opposition politicians who use the poor record of journalists' rights to criticize the government typically attend media freedom events.*

While nominally a few professional associations are registered, in reality there is no association that represents and supports the interests of media employees. Just as in many other sectors of the economy, journalists can be fired for poorly supported reasons. Many organizations register their journalists as freelance entrepreneurs for tax purposes and to evade medical and other insurance. These journalists are required to pay a 2 percent tax on their own. Media organizations can annul their contracts with employees and not bear responsibility for unemployment insurance, pension, and other social benefits. With no trade union representatives at workplaces, there are no mechanisms to negotiate pay raises, pensions, medical insurance, and other benefits for journalists. Some organizations force their journalists to work six days, including Saturdays. There are no legal restrictions against starting trade unions at workplaces, but the absence of such experience is believed to be the major factor why one

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

does not exist. Further, agitating to organize labor can result in dismissal.

Several NGOs are vocal regarding issues of security and safety for journalists. But their affiliation with the political opposition makes them unpopular with nearly half of the journalists in the country who work for outlets under the government's influence. Media loyal to the authorities by and large ignore organizations working in the area of freedom of speech and rights of journalists. Opposition politicians who use the poor record of journalists' rights to criticize the government typically attend media freedom events.

Similarly, the Media Council continued to lose its support among independent and pro-opposition print media due to its pro-government stance. Rumors that its chairman, Aflatun Amashev, received a free apartment from the government have further fuelled these speculations. Several newspaper heads spoke in favor of creating an alternative press council.

Panelists agreed that NGOs' activities make it difficult for crimes against journalists to go unnoticed. They are fast to organize press briefings and send out news releases every time a journalist is attacked. Panelists said better coordination between the NGOs would contribute to an improvement in NGO effectiveness.

Considering the quality of education available to journalism students, the panelists said that universities favor theoretical over practical knowledge. Baku State University and Baku Slavic University do have in-house television and radio studios, however. ANS TV offers the U.S.-Azerbaijan Journalism Academy jointly with the U.S. Embassy. This program provides three-month courses to broadcast journalists. AzTV also has its own program, the Television and Radio Academy, for its entry-level journalists. The Dutch School of Journalism offers several training courses yearly, mostly for print journalists. A couple of Azeri students also took journalism classes at the Caucasus School of Journalism in Tbilisi, Georgia. But the multi-million dollar State Education Program sponsoring study of Azeri students abroad does not offer journalism. While Education Ministry officials said only "skills of urgent need" were supported, critics argued that the absence of journalism, politics, and religious studies is not incidental; western-educated journalists are not something that the government wants to deal with, they believe.

Azerbaijan Printing House remains the most used printing facility. Despite a number of new private print companies, the once state-owned Azerbaijan remains the cheapest. In December this printer discontinued printing of the new ASI newspaper, saying it was not able to print it due to "technical incapacity." ASI Editor Anar Mahmudoglu argued that the



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printer was told to not print their paper in order to squeeze them out of circulation.

Media distribution remains restricted and politically influenced, and there is no reliable delivery of newspapers to the regions. The pro-government Azermetbuatyayim Company delivers government newspapers only. Even in Baku, the capital city, there is selective distribution of independent and opposition newspapers. For instance, the chief of the Baku subway system, Taghi Ahmadov, admitted that he personally banned sales of opposition newspapers in stations. Asked for the reasons for the ban, he said he did it following *Yeni Musavat* articles that criticized him in 1999 and then again in 2005. The government has likewise interfered directly with distribution of newspapers in the past, confiscating news kiosks of the privately held Qaya distribution company. These kiosks have not been returned despite a 2005 presidential decree ordering their restoration.

In 2011 monopoly over Internet sector of Azerbaijan ended and competition started with registration of a new company called Azertelekom. The new company consists of several small enterprises, including DataCELL, Bakcell, Ultel, Azerfon, Baktelekom, and Azerbaijan Telecommunication ISP. Delta Telecom, the major primary Internet provider, continues to dominate the market, but by the end of the year 12 percent of ISPs were connected to Azertelekom.

In 2011 following critical media reports and public debates, the Ministry of Communications and Information Technologies lowered Internet tariffs, helping more people afford Internet access. President of National Internet Forum, the umbrella organization that unites dozens of IT NGOs, Osman Gunduz said they were working on a unified contract to be signed between Internet users and secondary providers. As a result of the Communication Ministry's efforts, Internet tariffs decreased for 35 percent; however Internet users said it was at the cost of Internet quality.

There are no restrictions against importing mobile and other IT devices. According to the Ministry of Communication and Information Technologies, there are 110 cell phones in use for every 100 people. The number of broadband users reached 30 percent in 2011, according to official information, while the remaining Internet users continue to use poor quality dial-up connections.

## List of Panel Participants

**Farid Qahramanov**, reporter, Turan News Agency, Baku

**Aytekin Alkhasli**, reporter, ANS TV and Radio, Gusar

**Natig Jaffarli**, blogger, Baku

**Tarana Tarverdiyeva**, media expert, Women's Media Watch Azerbaijan, Baku

**Alasgar Mammadli**, media lawyer, IREX, Baku

**Tahir Mammadov**, head, Public Relations Department, Public TV and Radio, Baku

**Matanat Mammadli**, reporter, STV, Sheki

**Nigar Kocharli**, owner, Ali and Nino bookstore chain, Baku

**Khalid Aghaliyev**, deputy chair, Media Rights Institute, Baku

## Moderator and Author

**Sevinj Osmanqizi**, chairwoman, Women's Media Watch Azerbaijan, Baku

*The Azerbaijan study was coordinated by, and conducted in partnership with, Women's Media Watch Azerbaijan, Baku.*