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AZERBAIJAN

FFor the first time in years, only one journalist is in prison in Azerbaijan. Though the Azerbaijani Supreme Court ruled to uphold the Strasbourg-based European Court of Human Rights decision to release editor Eynulla Fatullayev immediately, he remains in jail. Media freedom remains a critical issue—attacks on journalists are common, and perpetrators are not punished.

Defamation is still a criminal offence, and 2010 saw further worsening of legal and social defense of free speech. In February, the Azerbaijani parliament approved amendments to five existing media laws, including banning journalists from filming, recording, and photographing without permission—a move media activists characterized as “a further blow to information gathering.”

Pro-government Lider TV stirred up public outrage when, in a flagrant breach of privacy, it broadcast a video clip showing an opposition newspaper official in an explicit sexual act two weeks prior to the November 8 parliamentary elections. Widely believed to be an attempt by the government to discredit the opposition ahead of elections, the National Television and Radio Council (NTRC) was pressed to look into the matter, but took no action.

Other problems that have long plagued the Azeri media persist. The allotment of broadcast media licenses, for example, remains a strictly political affair, although print media enjoy greater freedom. Despite an increase in ambitious, quality media, fair and objective reporting remains rare. Restricted access to information compounds the problem. Despite a law that envisions equal rights for public and independent media, representatives of independent media are routinely refused accreditation for state events.

In an apparent gesture to win media sympathy, the government handed out generous awards and gifts to about 100 senior journalists on National Press Day in 2010. The state allocated AZN 2 million (\$2.5 million) to the newly created State Council for Support of Media, regarded by some as an attempt to silence critical media. A few independent outlets and journalists, however, opted to not participate; one journalist returned his award in protest.

After last year’s ordeal with the arrest of two bloggers, Azerbaijan’s blogosphere grew in 2010—a rise partly attributed to interest in the media surrounding the parliamentary elections. With more Azeris embracing social media, such as Facebook, YouTube, and Twitter, they actively used these channels to comment on the campaign and share information—boosted by several young parliamentary candidates who used new media heavily to reach their audiences. However, bloggers are still not perceived as journalists and do not participate in press briefings.

AZERBAIJAN AT A GLANCE

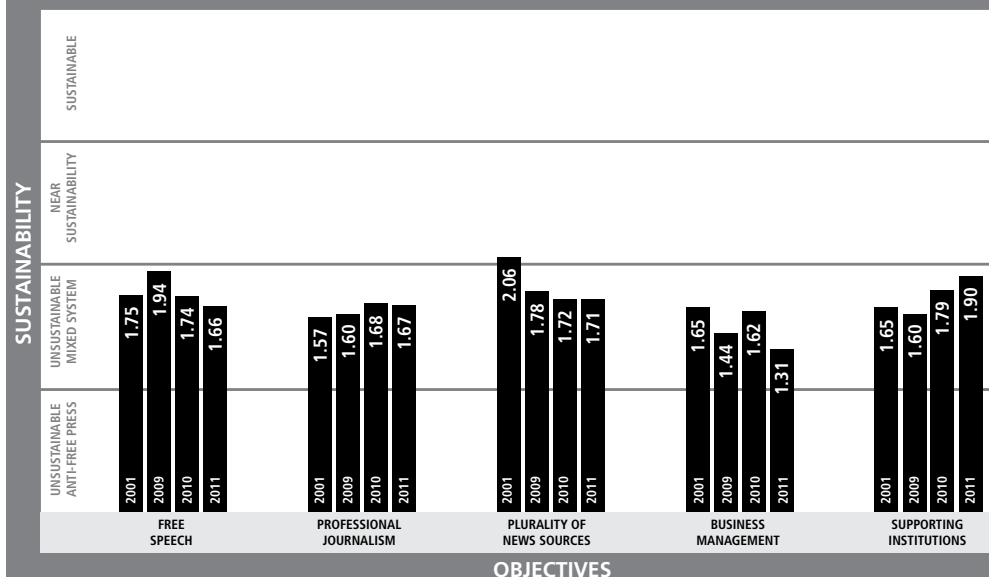
GENERAL

- > **Population:** 8,372,373 (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)
- > **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 (2009-Atlas):** \$42.53 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$9,020 (World Bank Development Indicators, 2010)
- > **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_msiscscores.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: 1.66

The score for freedom of speech in Azerbaijan remained nearly the same as in 2010, with the slight decrease resulting from somewhat lower scores for indicator 3 (market entry). A somewhat higher score for indicator 8 (media use of local and international news sources) was not enough to offset indicator 3's poorer score. Most indicators scored close to the objective score, although indicator 2 (media licensing) scored more than a half-point behind, while indicator 8 and indicator 9 (free entry into the journalism profession) outperformed the objective score by nearly a point-and-a-half and more than half a point, respectively.

Since 1995, the Azerbaijan Constitution has guaranteed free speech, thought, media and other basic human rights. One article states explicitly: "Everyone is free to look for, acquire, transfer, prepare, and distribute information," and "Freedom of mass media is guaranteed." Three years later, in 1998 President Aliyev abolished all censorship of mass media. Yet these legislative efforts have not been upheld and, panelists agreed, this held true in 2010.

2010 saw worsening legal and social protections of free speech. Amendments to the constitution came into effect in

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Panelists discussed the use of tax authorities as a tool to punish media critical of the government. Fatullayev, the editor-in-chief of the opposition newspaper Realniy Azerbaijan, mentioned above, is currently serving multiple prison sentences, the first of which is for allegedly violating the tax code.

spring 2010 following a 2009 referendum. A number of media laws changed to bring free-speech protections into accord with the constitution. Thus in early February, the Azerbaijani parliament approved amendments to five already existing media laws. Media activists characterized these changes as a further blow to information gathering—particularly an amendment banning journalists from filming, recording, and photographing without permission. The provision fell short of identifying an exception for public officials. The only exceptions to the law are cases when there is a search warrant issued by law enforcement.

Media lawyer Alasgar Mammadli believes an environment exists where issues of public importance can be covered up easily in the name of privacy. This is, in and of itself, a violation of law, but it also restricts media freedoms guaranteed by the constitution. It complicates efforts by journalists sued for reporting on transgressions by public officials to provide evidence, as they are not allowed to film and record events without approval.

According to journalist Farid Gahramanli, the worst-case scenario is coming true. "In summer 2010, two young journalists were detained while trying to take pictures in Shuvelan. They were doing a story on luxury properties owned by government officials. Both journalists were arrested for violating privacy."

While panelists agreed that Azerbaijan's constitution meets European standards, the implementation is lacking. According to blogger Natig Jafarli, Azeri officials use the privacy card to cover up personal issues, while violating the same standards to punish political adversaries. The broadcast of a sex video of opposition newspaper leader Azer Ahmadov illustrates this double standard. Pro-government Lider TV broadcast the clip, and it was also available on social media networks. Media activists believe the government ordered the airing of the clip, in an attempt to discredit a political opponent and win support for the ruling party.

Qahramanli said that cabinet ministers, who are supposed to be an example, are particularly “stingy” when releasing public information.

The public was outraged. According to Elchin Shikhlinski, editor-in-chief of *Zerkalo* and *Ayna*, the incident proved that “The law was not written for everyone. If this video was broadcast on an independent television channel, that channel would have already been closed, and its heads would be behind bars. Yet, nothing happened in this case. The NTRC should have imposed sanctions, and closed the channel at least temporarily.”

In another step back for legal protection of free speech, the Azerbaijani parliament adopted a change to the Law on Information, placing responsibility for freedom of the press in the hands of the ombudsman on human rights, Elmira Suleymanova—rather than establishing an institute of the Representative on Freedom of the Media, as envisioned in the 2005 Law on Access to Information. The president’s office submitted a draft bill altering this provision.

Media rights activists protested dropping the media ombudsman provision, and stressed that creation of such an institution is an important, unfulfilled obligation for a country in which journalists are subjected to pressure, persecution, and arrests. Many journalists feel the decision is doomed to failure, as the human rights ombudsman lacks expertise on media. Gahramanli emphasized that an effective media freedom ombudsman must know the media.

Licensing of broadcast media remains unfair and strictly political, according to the panelists, in stark contrast with the print media—which the panel characterized as “very liberal.” 2010 saw further tightening of the Law on Broadcast Media. One amendment provides for closure of a television station for three regulatory infringements in two years, whereas earlier it was three regulatory infringements per year. This increased pressure on independent television stations, especially for those that use live broadcasts. In Mammadli’s view, the toughness was intended to increase the dependence of broadcasters on the government. One outlet, the independent ANS TV, was not allowed to broadcast election coverage.

State-run AzTV acquired a third broadcast license in 2010 for Medeniyyet (Culture) TV channel, an apparent violation of anti-monopoly provisions under 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 licenses for AzTV and Idman (Sports) channels. Mammadli argued that this puts AzTV in a position where no independent television channel can compete.

In contrast with television, print media continued to enjoy good start-up conditions. Panel participants said that market entry and tax regulations for print media are fair and, in fact, more favorable than in other industries. Newspapers, for example, are exempt from 18 percent taxes for purchase of imported newsprint. “There are no obstacles for starting newspapers. Anyone with AZN 50 (\$63) in his or her pocket can start up a newspaper in Azerbaijan,” said Shikhlinski. However, Aytekin Alkhasli, an ANS TV and Radio reporter from the Gusar region, considered that market entry conditions are somewhat inferior in the provinces: “I have seen people who abandoned starting a newspaper under pressure from various interests.”

Panelists discussed the use of tax authorities as a tool to punish media critical of the government. Fatullayev, the editor-in-chief of the opposition newspaper *Realniy Azerbaijan*, mentioned above, is currently serving multiple prison sentences, the first of which is for allegedly violating the tax code. Jafarli said due to the complexity of the existing code, it could be used unfairly to find irregularities and suspend or close a media outlet. In 2010, independent ANS TV and Radio was subject of major tax inspection just after the parliamentary elections in which ANS TV reported vote rigging.

Crimes against journalists are poorly investigated, and perpetrators of such crimes are punished only in a few instances. Gahramanli points to this as one of sad statistics of Azerbaijan: “With only two or three crimes against journalists successfully resolved over the past seven years, there is an atmosphere of impunity.”

According to Media Rights Institute, in 2010 there were 106 reported acts of violence against journalists. Journalists assigned to Nakhchevan Autonomous Republic, as well as those affiliated with pro-opposition *Azadlig* and *Yeni Musavat* newspapers and U.S.-funded Radio Free Europe/Radio Liberty were often targets.

More than ten lawsuits were filed regarding attacks on media. Court rulings, however, often fail to find attackers guilty, or punishments are not commensurate with the crimes committed. For example, a court found the attacker of Salamnews agency reporter Zulfigar Kheyirkheber guilty of hooliganism, but he was sentenced to a couple days of labor. To draw a parallel, the two bloggers Emin Milli and Adnan Hajizade were also found guilty of hooliganism in 2009, but the sentence was two years imprisonment. The editor-in-chief

of *Azadlig*, Ganimat Zahid, was jailed for hooliganism and received an even harsher sentence—four years in prison.

Irada Tunjay, editor-in-chief of the pro-government *Edalet*, believes the number of claimed crimes against journalists is over-estimated as most beatings, assaults, and other violence occurs when so-called “racketeer journalists” try to blackmail innocent people. She says racketeer journalism is a crime and should be dealt with accordingly. “When they cannot get what they want, they end up beaten up,” Tunjay said.

In some cases, journalists and editors attempt to defend their rights. Shikhilinski said that he acted upon information that his reporter was threatened and succeeded. “I had a reporter who was writing about houses being destroyed on Fizuli Street. For two months, he had been receiving threatening phone calls. We appealed to the police and the calls instantly stopped.”

Alkhasli, who was deported from Nakhchevan a couple of years ago for her reporting, said she has been trying to resolve conflicts on her own, without seeking help of law enforcement. “I try to explain and provide as much information as possible that there are laws that should be taken seriously.”

Gahramanli shared his view that plurality at state-financed public media outlets should be guaranteed by law, as mandated European public television. “I think there should be some kind of mechanism of public control over the public media outlets so that they serve interests of the greater public,” he suggested. Mammadli stressed that such a mechanism of control is desperately needed for the state-run AzTV television. “This year, AzTV received 30 million AZN (\$37.5 million) from the state budget, and it is not obliged to submit any kind of accounting. There is a provision on accountability for private television companies in the media law, but AzTV does not regard itself as a private entity and does not declare anything.”

Libel remains a criminal offense in Azerbaijan despite campaigns by media rights activists to change it. In 2010, 36 libel suits were filed against journalists, but none resulted in journalists being arrested. In 2010, two media NGOs submitted draft bills on libel and defamation to parliament. None had been adopted at year’s end. In her December interview with 1news agency, Rabiyyat Aslanova, chair of the parliament’s Committee for Human Rights, said that the Law on Libel would be adopted only when journalists in Azerbaijan prove ethical. “Only when Azerbaijani journalists become responsible for what they write and comply with high journalistic principles, we will agree to adopt this bill,” said Aslanova.

Tunjay provided her view, in line with the government position, that the Azerbaijani public is not ready for abolishing criminal punishments for libel: “If defamation is no longer a crime, no one will be able to stop them. There will be no means left, but to kill a liar.” Countering this position, Shikhlinksy recalled a similar line of reasoning when Azerbaijan debated abolishing the death penalty in 1998. “We did not return to the 18th century despite [opponents’] warnings. There are no mass murderers around us.”

Problems persist regarding access to public information. Despite a legal requirement to provide information within days, press inquiries are often delayed or in some instances completely ignored. Qahramanli said that cabinet ministers, who are supposed to be an example, are particularly “stingy” when releasing public information. According to one journalists’ survey conducted by Women’s Media Watch, the Ministry of Taxes, Ministry of Ecology and Environment, and Ministry of Foreign Affairs are the most effective providers of information, whereas the Ministry of Defense does not even have a website.

High-level government 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 agencies’ often-biased coverage, according to the panelists.

For the first time, the panelists commented, the mood during the parliamentary election season could be felt in both traditional and new media spheres. 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 in participating in press briefings and events. Social media users actively commented on the ongoing campaign, sharing links to often-ridiculous videos of candidates’ television appearances. It was also interesting to see several young parliamentary candidates use all the advantages of new media to get out their campaign messages—although the majority of candidates still rely on paid television appearances and newspaper articles for their election coverage.

According to Socialbakers.com, in 2010 the number of Facebook users in Azerbaijan reached 279,000, a 6 percent increase over the previous year. Azerbaijan was rated 94th in the Facebook users chart worldwide. Even Azerbaijani President Ilham Aliyev opened Facebook and Twitter accounts.

Access to international news sources is practically limitless. Media outlets can easily access local and foreign news sources. Over the period of study, no foreign media outlets were closed, filtered, or in any way restricted, according to the

It is an endless cycle: media criticize officials for poor access to information; government officials accuse journalists of lacking ethics and professionalism.

panelists. When Wikileaks released a series of U.S. diplomatic cables critical of the Azerbaijani government, there were no restrictions on reading, distributing, or reprinting the reports. Several newspapers translated and reprinted the cables in their entirety. One newspaper ridiculed companies holding U.S. government contracts that banned their employees from reading Wikileaks cables in their workplaces.

Becoming a journalist is free and there are no licenses required—although some senior journalists argued that the field needs a filter of some sort to improve professionalism. However, as noted above, the government does not grant full access to coverage of its activities, rather it chooses which journalists may do so.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.67

Objective 2 scored nearly identically to last year, with only indicator 5 (pay levels for journalists) losing ground. Indicator 7 (modern and efficient equipment and facilities) scored slightly more than half a point higher than the objective score, the only indicator to differ from the objective score by that magnitude.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Despite an increase in the number of ambitious quality media, fair and objective reporting is sparse in the eyes of the panelists. Barriers to accessing information add to the severity of the problem.

It is an endless cycle: media criticize officials for poor access to information; government officials accuse journalists of lacking ethics and professionalism. At the request of the government, international organizations have increased their efforts to provide training opportunities for journalists and editors. However, these efforts failed to address the core problem with the media: many are propaganda tools and the founders of most of the newspapers care little about professionalism.

All media in Azerbaijan share a basic journalism code, meant to encompass ethics. Women's Media Watch campaigned to urge all media outlets to develop their own guidebooks for journalists. The campaign gained momentum in 2010 under the auspices of OSCE and the Press Council. Nonetheless, many media heads remain unconvinced of the need for individual guidebooks for their journalists. ANS TV has long had such a guidebook, similar to the BBC's Producer's Guidebook, which is updated regularly and mandatory reading for all employees.

Given their concerns that entry into the journalism profession is perhaps too free, some senior journalists suggest a filtering mechanism to improve the overall professionalism of the field. Shikhlinski thinks that the liberal process of registration of newspapers made it too easy for non-professionals to work in the media. "Anyone can establish his or her own newspaper, which makes it dangerous," said Shikhlinski. He considers a new regulation requiring editors to hold a university diploma inadequate. Tunjay believes filters to keep "the gates closed for non-professionals" would contribute to professionalism in media. "Yes, the state created conditions for freedom of registration, but it did not say go and turn it into a prison," she said.

Although censorship was officially abolished years ago, journalists admitted to self-censorship to protect themselves against attacks, lawsuits, and arrests. *Azadlig's* editor, Rovshan Mammadov, recalled the Soviet years when whole pages could be printed blank and people knew it was censored, but now pages are printed in full and readers do not realize the censorship, because authors censored themselves.

In an atmosphere of impunity for the attacks on journalists, many media heads warn their journalists to protect themselves. Consequently, articles miss important details and lack in-depth investigation and thorough analysis. "In the past, there were four layers of censorship in place [as sensitive articles had to be approved by the KGB, Ministry of Defense, the Communist Party, and the Information Department], and yet I was optimistic," said Shikhlinski, concluding, "Today, there is no censorship yet I think we are regressing."

Considering whether journalists cover key events or issues, panelists felt the media neglected to pick up some important events. For example, in the wake of flooding in central Sabirabad region, several protests took place that television channels essentially ignored. However, social media stepped into the void, sharing videos and images from the residents' protests in the flooded province.

Pay levels for journalists differ depending on employers. 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 vigorously debated the growing number of entertainment programs on television, spurred by an op-ed by Ramiz Mehtiyev, head of the president's administration, published in *Azerbaijan*. Following the article, many television channels changed programming policies, dropping or altering popular shows. However, according to head of NTRC, Nurshirevan Meherremli, these changes were not sufficient to address the problem.

In 2010, a new, much-criticized trend arose of shows that included live marriages. ATV's *Onun Yarisi (His/Her Soulmate)* and ANS TV's *Toy Olsun (Let There Be a Wedding)* set television rating records, hitting 30 to 35 percent shares. These live shows that found spouses for singles and married them during live broadcasts were seen as counter to national traditions and ethics and were harshly criticized. "A mother asking for a fiancé for her daughter and herself is not something to be shown on TV," wrote *Azadlig*. Amid harsh public criticism in the end of December, ATV dropped its popular *Onun Yarisi*, but ANS kept *Toy Olsun* and continued to enjoy record ratings.

By the end of 2010, ATV channel underwent radical changes, as an official within the president's office reportedly dismissed its leadership. *Yeni Musavat* reported that the official's wife was expected to assume leadership of the entertainment channel. What triggered reforms at ATV no one knows for certain, but rumor has it that it has to do with an interruption during the president's New Year's address to the nation.

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, which improved cost efficiencies. Several newspapers switched from black-and-white to color, including *Azerbaijan*, *Khalg Gazeti*, *Zerkalo*, *Kaspiy*, and others.

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At the end of 2010, preparations were underway to launch a new Internet television channel called YURD Television. The architect of YURD TV, Elnur Baimov, is the entrepreneur behind Day.az, News.az and other successful media projects. In his interview with 1news, Baimov said that YURD TV will offer high-definition quality to the whole region. It was not clear how the Azeri audience would benefit from the high-definition Internet project, since more than 90 percent of Azerbaijan's Internet users still use dial-up, according to Osman Gunduz, president of Internet Forum. The panelist said it is believed that the government-backed YURD TV is intended to counter the U.S.-financed independent Objective TV Internet project.

Among television channels, the panelists said that ANS, Public Television, and, to some extent, Khazar TV are seen as offering quality niche reporting. 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 quality coverage of economic issues. *Ekho* stands out for its foreign affairs coverage.

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

Among television channels, ANS, Public Television, and, to some extent, Khazar TV are seen as offering quality niche reporting. Among newspapers, *Zerkalo*, *Ekho*, *Yeni Musavat* and *Azadlig* are considered the most popular for their niche reporting.

Investigative reporting remains risky because of obstacles to media freedom—but financial difficulties also contribute to the problem. Many reporters are expected to file one-to-two reports daily, and therefore cannot engage in in-depth investigations.

“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.”

OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 1.71

Objective 3 also scored nearly identically to last year. Improvement in indicator 2 (citizen access to media) improved, but this was offset by losses in indicator 4 (news agencies) and 6 (transparency of ownership). Indicator 2 was the only indicator to score more than half a point higher than the objective score, while indicator 3 (state media are non-partisan) was the only one to lag behind by more than half a point.

With around 4,200 media outlets and 50 news agencies registered with the Ministry of Justice, there is an abundance of choice for Azeri citizens, and it is possible to find different viewpoints among the various channels and publications.

According to the panelists, the independent media do try to offer all sides to a story, whenever possible. When a reporter writes, “Information could not be independently confirmed,” or “we were not able to get a reaction,” it often indicates

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) exists 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 non-partisan, 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.

that requests were ignored. However, with the exception of a couple of independent media outlets, many outlets are biased in one direction or another, choosing stories to fit their political agenda, sometimes with distortion.

The state has plenty of leverage to influence the reporting of independent outlets. According to Elchin Shikhlinsky, this might include withdrawal or interruption of advertising, creating problems with tax authorities, or newspaper sales that suddenly dry up. In other cases, journalists’ relatives who work for the state might find themselves in trouble.

In contrast to pressure on independent media, panelists unilaterally agreed that access to domestic and international news remains practically flawless. There were no reports that access to a local or foreign media outlet was closed, filtered or somehow restricted. When Wikileaks released a series of cables criticizing the Azeri government, there were no restrictions to read, distribute, or reprint these reports. Websites of news outlets that originally printed these cables, such as the UK’s Guardian newspaper or local *Yeni Musavat*, which translated and reprinted the cables in their entirety, could easily be accessed throughout the period. Furthermore, critical YouTube videos, which many Azeris find offensive, are accessible without obstacle. Users of social media, such as Facebook, Twitter, and others also enjoyed unrestricted freedom.

However, in 2009 the government withdrew licenses for foreign broadcasters such as Radio Free Europe, leaving the Internet as the only way for Azeris to access these news sources.

Following critical media reports and public debates, the Ministry of Communications and Information Technologies successfully lowered Internet tariffs, helping more people afford Internet access in 2010. However, Internet users indicated that while tariffs were cut nearly in half compared to previous years, providers cut corners on quality.

Public news sources remain largely under the control of the government and cannot offer objective information, said the panelists. Editor-in-chief of the state-owned *Azerbaijan*, Bakhtiyar Sadikhov, argued at a group discussion at Women’s Media Watch that the newspaper’s status stipulates that it can only print information that reflects the views of the government and ruling elite. The official Azertac news agency also is used to advance political interests of the government: its daily news bulletins, offered in several languages, chronicle only official events.

It is true in the case of state-financed AzTV television as well. The television channel is used as the government’s propaganda tool, exclusively reflecting views of the political elite. It sees its mission in airing programs that showcase

effective management of the country—lengthy coverage of officials’ visits to regions, openings of new ventures, residents praising the leaders—anything that strengthens the impression that the country is in good hands. Political opposition leaders could 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.

There are plenty of news agencies in Azerbaijan gathering and distributing news, such as Turan, Trend, APA, Day.Az and 1news.az, but the problem is their quality, not quantity. Political affiliation influences the quality of their services. Pro-government media rely mostly on news offered by official Azertac and semi-official APA, Trend, and 1news agencies, while Turan’s reports are only seen in independent and opposition-affiliated newspapers.

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, and its weekly analytical program *Hesabat (Report)* is also popular. *Ich Kheber (Inner News)* program offers social reports based on complaints from viewers. However, some viewers feel that ANS compromised its independence after its 18-day closure by the government four years ago. Among the government circles, ANS is still perceived as an opposition channel, and is accordingly wary. The latest manifestation of apparent pressure on ANS was an instant, large-scale, company-wide tax inspection, launched in a matter of days after the November 8 parliamentary elections.

Government-backed Khazar Television continues to build up its popularity. Led by a Turkish entrepreneur, its Turkish-style presentation of news, accompanied by music and graphics, seems to appeal to viewers. Khazar’s somewhat excessive criminal news coverage (also accompanied by music) is known to contribute to its popularity.

Another pro-government station, Lider TV, has significantly decreased its news production, dropping its 9 p.m. news program altogether. Meanwhile, the public television station ITV, commended for its cultural programs on national traditions and public figures, fails to offer quality news programming.

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.” The panelists pointed

Gender imbalance in the media management has affected coverage of gender-related issues, such as women’s rights, health, abortion, career opportunities for women, etc. Several news groups campaign for gender balance in the leadership of news outlets.

to developments related to the commercial ATV station to prove that real owners do not feel obliged to come forward and release information about its recent change in ownership. Rare press reports on ATV’s ownership are based on eyewitness accounts from staff and assumptions. ATV has released no official information.

Several newspapers are published in the languages of ethnic minorities. Alkhasli, based in Gusar, where the Lezgyn minority lives, said that she does not encounter problems while reporting on ethnic minorities, mostly because journalists are trained to be considerate on sensitive issues. “For instance, there was an incident in Gusar, when a man of Lezgyn origin raped an Azeri woman. I was told not to mention the attacker’s national identity.”

Due to Azerbaijan’s secular status, journalists are also trained to work carefully around foreign religious influences, such as Wahhabis and others, to avoid advancing their missionary interests. Gender imbalance in the media management has affected coverage of gender-related issues, such as women’s rights, health, abortion, career opportunities for women, etc. Several news groups campaign for gender balance in the leadership of news outlets.

OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 1.31

Objective 4 lost ground due to lower evaluations by the panelists of indicator 5 (government intervention in the media market), indicator 6 (market research) and indicator 7 (audience and circulation statistics). All indicators scored within half a point of the objective score.

“There is no market for media outlets to operate as profit-generating businesses,” summarized Shikhlinski. In his view, in the absence of a market-oriented economy and lack of advertising revenues media organizations cannot survive and thrive. Therefore, only media outlets that get some kind of external subsidy survive, with a few lucky exceptions,

Advertising by and large bypasses the 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.

including *Zerkalo*. But even *Zerkalo* experiences difficulties whenever it challenges the accepted boundaries of media freedom. Shikhliniski believes that the fact newspapers cannot sustain and flourish financially ultimately affects the prestige of journalism as a profession. As a result, those who fail elsewhere land involuntarily in journalism, a profession widely believed to not promise a prosperous future.

Selective advertising placement remains a major reason for the poor business performance of media outlets. Advertising by and large bypasses the 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. In 2010, the Press Council offered to adopt a Turkish model where all state advertising is equally divided among newspapers meeting certain criteria. It remains unclear how this model would be effective in Azerbaijan. Government pressure on private entrepreneurs, who provide the lion's share of advertising, would not end in the opinion of the panelists.

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.

In television, ANS TV and to some extent Public TV are the only television stations that practice legitimate accounting, registering their profits from their advertising. According to advertisers, in other television stations there is not much paperwork involved 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.

According to the law on mass media, advertising in television should 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. No businesses place holiday greetings in the widely read *Azadlig*. *Azerbaijan* also receives a large share of advertising from funeral announcements and condolence notes; it is seen as prestigious to place condolences in the newspaper read by decision-makers.

Since 2005, each of 30 newspapers receives AZN 2,000 (\$2,500) in state assistance. In 2008 the government gave 38 newspapers AZN 5,000 (\$6,250) each. In 2009 this sum was doubled, and each of 38 newspapers and news agencies, including opposition-affiliated ones, received AZN 10,000 (\$12,500). The government's subsidy was widely welcome by its recipients, but Shikhkinski holds that the subsidies seriously affect newspapers' credibility and ability to criticize.

Created in 2009 by presidential decree, many welcomed the State Foundation to Support Media as an opportunity to help struggling media benefit from gigantic oil benefits. In 2010, the Foundation conducted a number of grant tenders and writing competitions with generous cash awards. On the occasion of 135th anniversary of the creation of Azerbaijani media, the government called upon the media community for award nominations. Most media outlets and NGOs submitted nominations, signed by their own employees, nominating heads of their organizations for awards. One of the few exceptions was the Russian-language *Ekho*, which, instead of its head, nominated its deputy editor-in-chief instead.

Only a few independent media refrained from applying for awards and gifts. Nearly all those suggestions were approved and over 100 editors-in-chief and senior reporters received awards, medals, cash and gifts. The ceremony, held by Ramiz Mehtiyev, head of the president's administration, further announced that the president signed a decree designating money go to the State Council for Support of Media to construct a residential complex for journalists.

However, some feel that the Foundation is doing a disservice to the media in Azerbaijan. Once an enthusiastic supporter, Shikhlinski acknowledges that it is not what it was originally intended to be: “We created this Foundation with good intentions. But look what is happening today. All it does is to give out money—to newspapers that are dead already. In the absence of working economic mechanisms—with no market, no advertising—these papers will die again.”

Shikhlinski considers that, instead, the Foundation should focus on projects of strategic importance to aid media. One such project could be reforming the distribution systems. “Take Gazakh, there are 78,000 people living in this region, and not a single newspaper kiosk. You bring them an eggplant wrapped in newspaper and people start to read it to see what’s happening in the world. I was born and grew up in Baki Soveti area of Baku. There used to be seven or eight kiosks in this area. You won’t find a single one today,” he said

Market research by media outlets is sporadic. Newspapers have ideas about their readership based on perception rather than research. Television networks have more information about their ratings. To attract more advertising, television stations routinely follow the ratings produced by AGB/Nielson, an international rating service.

Television managers, however, 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, and other art figures. Panelists felt the race for television ratings produces a drop in quality, a reduction in education programs, and a rise in the already mentioned entertainment shows.

As an example of public debate around ratings, Member of Parliament Azay Quliyev has stated publicly that foreign-owned AGB/Nielson chooses 400 families from the lowest rungs of the social ladder in order to denigrate the Azerbaijani public. It is likely that this was wishful thinking on his part, however, as experience around the world has shown the popularity of programming eschewed by the elite. Various groups campaigned to stop television channels from “profiting at the expense of public morale” to no effect.

The only television channel that ignores audience ratings is AzTV, the state-financed station that receives millions of manats in subsidies from the state, regardless of ratings or performance. All the remaining five national television channels depend to various extents on ratings to support revenues.

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OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 1.90

Objective 5’s score improved modestly this year as a result of better scores in indicator 1 (trade associations) and 6 (access to media equipment and printing). Indicator 3 (NGOs) exceeded the objective score by about half a point, the only indicator to score much differently than the objective scored.

Just like the media itself, professional associations and other supporting institutions are also polarized. Some panelists said that the journalists’ trade union head sounds more like a party apparatchik than a media-rights advocate. Those

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 (e.g., 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.

Another marginally independent media rights organization, the Azerbaijani Committee for the Protection of Journalists (not affiliated with the New York-based Committee to Protect Journalists, which criticized this award), went so far as to identify President Ilham Aliyev winner of its “Friend of the Media” Award.

trade associations willing to help have very little power to improve protections for journalists. To date, there are no real publishers’ or online media associations.

Another marginally independent media rights organization, the Azerbaijani Committee for the Protection of Journalists (not affiliated with the New York-based Committee to Protect Journalists, which criticized this award), went so far as to identify President Ilham Aliyev winner of its “Friend of the Media” Award. The announcement and a glamorous presentation ceremony took place while Editor-in-chief Eynulla Fatullayev sat in prison, despite a ruling of the European Court of Human Rights ordering his immediate release. The head of the committee, Aflatun Amasev, who is also chair of the Press Council, thanked the government leadership for efforts to protect and develop Azerbaijani media. Opposition leader Isa Gambar, a previous winner of the award himself, publicly gave his award away in a sign of protest.

Several professional organizations are active, but possess little power to change the media predicament. The Journalists Union, active since Soviet times, is the largest journalists’ organization. According to Shikhliniski, the organization’s chair, the organization will survive only if its members pay their dues. A common perception that NGOs are incapable of drastically changing the situation affected the credibility of journalism associations.

Another body, the Press Council, bills itself as a regulatory body able to bring opposing sides to reconciliation and its fight against “blackmail media” continued in 2010.

However, the Press Council is not perceived as independent of the government.

Considering the quality of education available to journalism students, the panelists said that universities favor theoretical over practical knowledge. Baku State University and Slavic University do have in-house television and radio studios, however. In addition, in 2010, the State Foundation to Support Media organized meetings of heads of media with leading journalism students to foster internships. ANS TV offers the U.S.-Azerbaijan Journalism Academy jointly with the U.S. Embassy that provides for three-month courses to broadcast journalists. AzTV also has its own program, the Television and Radio Academy, for its entry-level journalists.

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. However, several opposition dailies, including *Yen Musavat*, have begun to rely on Chap Evi Publishing House, following a series of obstructions from Azerbaijan.

Media distribution remains restricted and politically driven. There is no reliable delivery of newspapers to the regions. The pro-government Azermetbuatayim company delivers government newspapers only. Even in Baku, the capital city, there is a selective distribution of independent and opposition newspapers. For instance, in the past the chief of the Baku subway system banned sales of opposition newspapers in stations, based on his own political inclinations. The government has likewise directly interfered with distribution 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.

Regarding Internet services, state-run Delta Telecom held onto its grip as a monopoly, and provided services to over thirty local Internet providers. Amid growing public dissatisfaction over Internet quality, in the spring of 2010, the government and Delta Telecom offered to introduce licensing regulations for secondary providers—a move that was criticized by independent experts and dismissed as a measure intended to pressure independent providers.

List of Panel Participants

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