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## AZERBAIJAN

It was another sad year for the media in Azerbaijan. The political and human rights situation did not improve despite the country hosting the first-ever European Games in June, which increased international media attention on Azerbaijan. Currency devaluations in February and December, which caused the manat to hit a 20-year low against the dollar, hurt the financial stability of private media.

Rasim Aliyev, a photo reporter and acting director of Institute for Reporters' Freedom and Safety (IRFS) was severely beaten in August by relatives and fans of a famous soccer player, which was fueled by the reporter's critical remarks on social media about the soccer player. Aliyev later died from injuries. This was the first death of a journalist since *Monitor* magazine's editor-in-chief Elmar Huseynov was assassinated in 2005. Attackers and the soccer player were arrested and charged. Four months before this incident law-enforcement agencies cracked down on IRFS, fueling suspicion among some experts that the incident was not unrelated.

Azerbaijani courts handed down guilty verdicts in fabricated criminal cases, resulting in journalists such as Khadija Ismayil and Seymur Hazi receiving prison sentences. While everyone was expecting a presidential pardon of journalists and civil society activists at the end of the year, it did not take place until March 2016, when 14 political prisoners including journalists Parviz Hashimli and Yadigar Mammadli were released. Journalist Rauf Mirkadirov and human rights defender Intigam Aliyev did not receive pardons, but were released on parole a few days later; journalists Khadija Ismayil, Seymur Hazi, and political activist Ilgar Mammadov remain behind bars.. Many linked these releases to the president's forthcoming trip to the Washington Nuclear Summit at the end of March 2016, while others theorized that the country is in need of international loans to ease economic difficulties. A proposed bill in the U.S. Congress, the Azerbaijan Democracy Act, which would deny visas to senior Azerbaijani officials, may also have played a part.

Under mysterious and sudden circumstances, senior members of government were removed by President Ilham Aliyev. In September, shortly after his Astana visit, Aliyev fired long-serving Minister of National Security Eldar Mahmudov. Following this dismissal, several deputy ministers and division heads were arrested and their property was seized. Arrested officials included those who were believed to have been surveilling, taping, and intimidating the opposition and journalists for years. Later, the president sacked the long-standing head of the Ministry of Communication and Information Technologies, and several senior staff were arrested. Observers speculate that these firings have to do with loyalty to the regime rather than past transgressions against independent-minded media.

*Due to the restrictive media environment, participants in the Azerbaijan study will remain anonymous. An Azerbaijani journalist developed this chapter after a series of structured interviews in January 2016 with colleagues having first-hand knowledge of the media sector.*

# AZERBAIJAN at a glance

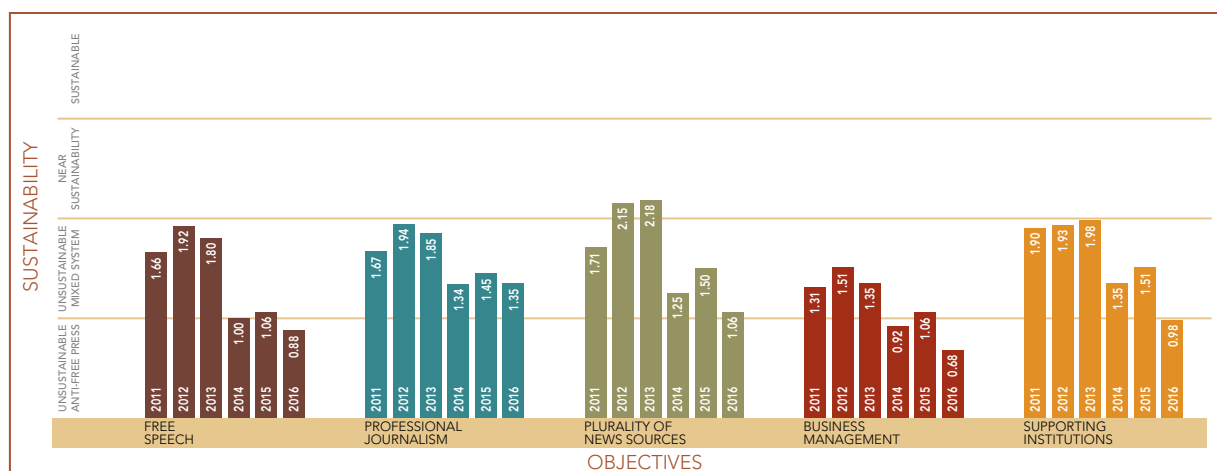
## GENERAL

- > Population: 9,686,210 (July 2014 est. *CIA World Factbook*)
- > Capital city: Baku
- > Ethnic groups (% of population): Azerbaijani 91.6%, Lezgian 2%, Russian 1.3%, Armenian 1.3%, Talysh 1.3%, other 2.4% note: almost all Armenians live in the separatist Nagorno-Karabakh region (2009 est. *CIA World Factbook*)
- > Religions (% of population): Muslim 96.9%, Christian 3% note: religious affiliation is still nominal in Azerbaijan; percentages for actual practicing adherents are much lower (2010 est. *CIA World Factbook*)
- > Languages (% of population): Azerbaijani (Azeri) (official) 92.5%, Russian 1.4%, Armenian 1.4%, other 4.7% (2009 est. *CIA World Factbook*)
- > GNI (2014-Atlas): \$72.43 billion (World Bank Development Indicators, 2016)
- > GNI per capita (2014-PPP): \$16,910 (World Bank Development Indicators, 2016)
- > Literacy rate: 99.8%; male 99.9%, female 99.8% (2015 est., *CIA World Factbook*)
- > President or top authority: President Ilham Aliyev (since October 31, 2003)

## MEDIA-SPECIFIC

- > Number of active media outlets: Print: 36 dailies, 100 weeklies, 85 monthlies; Radio Stations: 9 AM, 17 FM; Television Stations: 23 (9 broadcasting nationwide, 14 regional)
- > Newspaper circulation statistics: Most widely read publications are the opposition newspapers Yeni Musavat and Azadliq
- > Broadcast ratings: Top three television stations: ANS-TV, Azad TV, and Khazar TV (AGB/Nielsen)
- > News agencies: Turan, Trend, APA, Day.Az, and 1news.az (all private); Azertag (state-owned)
- > Annual advertising revenue in media sector: \$45 million total (State Statistics Committee 2015 Yearbook). Author estimates about \$1 million for newspapers and approximately \$30-\$40 million for television.
- > Internet usage: 5.8 million users (2014 est. *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



## MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



### CHANGE SINCE 2015

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

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

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

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

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

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

## OBJECTIVE 1: FREEDOM OF SPEECH

Azerbaijan Objective Score: 0.88

Azerbaijan remained in 2015 a country where significant problems for freedom of speech exist. Those who work for independent and opposition media feel this even more intensively, and repressions against them that started three years ago continued unabated. One of the panelists noted that he has been fired from an academic institution for criticizing the president on his social media account, but according to him he got off easy. Others get imprisoned or suffer other administrative penalties.

Some of the country's leading journalists remained behind bars throughout 2015. Newspapers faced criminal trials and law enforcement officials confiscated their equipment. *Azadliq*, the country's leading opposition newspaper, is facing shutdown due to criminal fines and the blocking of its sales by the state-controlled print media distributor. Because of the latter reason, employees do not get paid for months.

While the Azerbaijani Constitution adopted in 1995 and revised in 2009 guarantees the freedom of speech, the laws on the books that are written progressively are often implemented anemically. Although the laws of the country related to the regulation of media need to be updated to reflect global changes, the changes have typically not favored freedom of the media and free expression.

### 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.

Complicating efforts to promote freedom of speech is a traditionalist sentiment within Azerbaijani society. People, one panelist noted, are inclined to bow rulers rather than laws. The panelist referred to a popular saying: "*Hökumətə hökumətlik eləmək olmaz*" (literally: "you can't behave with the government like a government" i.e. you can't argue with the government).

Changes were made to the law on "Television and Radio Broadcasting" in 2015 that further restrict independent media operations. Most of the changes relate to establishing a media outlet and reasons the state may liquidate a media outlet. Previously an application for registration could be denied if the proposed media outlet wanted to use the same name as a currently registered media outlet. The amendment changes the wording so that denial may be given if the proposed name is similar to an existing media outlet. There is very a broad definition of "similarity" in the new changes made to the law.

Regarding liquidation, another change allows the "relevant authority" to petition a court to vacate a media outlet's registration if unlawful funding has been discovered. Furthermore, if the media outlet has been found guilty of "biased writing" twice during a calendar year, the Ministry of Justice can petition the court to cancel that media outlet's registration.

Another amendment allows the Broadcast Council to suspend a media outlet's broadcasting for one month and cancel or freeze its registration without need for a court order. Other changes introduced to the penal code increased the amount of fines four times, from AZN 2,000 (\$1,905) to AZN 8,000 (\$7,619). Now, if a media outlet violates the law three times in the span of one year, a media outlet faces criminal charges. As one panelist who is a lawyer outlined, even a successful appeal in a court is of little use because it cannot recover one lost month of broadcast time.

Historically, in Azerbaijan the print media were relatively free and market entry was open, even while broadcast licenses have typically been granted only to pro-government media. In the last decade, however, the enabling environment for print media has suffered tremendously due in part to government policy, which created an anti-competitive environment, and also because of the difficulties worldwide faced by print because of the rise of the Internet. The result is that it is not now feasible to start an independent print outlet that is viable.

A new registration requirement came into force preceding a police raid on the town of Nardaran where an outspoken imam was arrested and both residents and police killed during the operation. The provisions require the Religious

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Affairs Committee's opinion to be included in review of media registration applications.<sup>1</sup>

Journalists and other media professionals in Azerbaijan are hardly immune from violence despite tight security. On 26 January IRFS deputy director Gunay Ismayilova was attacked outside her apartment in Baku by an unidentified man. The police have not begun any reasonable investigation about the incident.<sup>2</sup>

As noted above, in August Rasim Aliyev, a photo reporter and the acting director of IRFS was severely beaten by relatives and fans of a famous soccer player, Cavid Huseynov. After scoring a goal in a match against a Cypriot football club, Huseynov had waved a Turkish flag at the Greek Cypriot side and later, when questioned about this by a Greek reporter, made a seemingly rude gesture to the reporter. Aliyev criticized Huseynov on Facebook for his actions, writing, "I don't want us represented in Europe by such an amoral and rude player who cannot control himself." After some back-and-forth on social media, Aliyev allegedly was lured to a meeting with a relative of Huseynov, apparently to discuss the dispute. Instead, Aliyev was ambushed and beaten. Aliyev later died in the hospital from his injuries. His attackers and Huseynov were arrested and charged.

In addition to the not infrequent attacks and other harassment faced by journalists, there are even more examples of independent-minded media professionals facing challenges posed by heavy-handed authorities. In June 2015 during the European Games in Baku, IRFS director Emin Huseynov was allowed to leave the country for Bern with a senior Swiss official. Huseynov was forced into hiding at their embassy in Baku and remained there for 10 months.<sup>3</sup> Following his departure, he was stripped of his Azerbaijani citizenship by presidential decree. In Switzerland, Huseynov refused to apply for Swiss citizenship and remains in exile abroad as a stateless person. Huseynov has filed a lawsuit in Baku trying to overturn the decree and has said he will follow-up with the European Court of Human Rights.

Emin's brother Mehman Huseynov, a well-known photojournalist and blogger, has been prevented from leaving the country since June 2013 and his national identification card and international travel documents have been taken away from him by the authorities in connection with a politically motivated criminal case against him.

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<sup>1</sup> <http://e-qanun.az/framework/31348>

<sup>2</sup> Azerbaijan 2015/2016; Amnesty International: <https://www.amnesty.org/en/countries/europe-and-central-asia/azerbaijan/report-azerbaijan/>

<sup>3</sup> Escape from Baku, Courage Foundation, June 13, 2015: <https://couragefound.org/2015/06/courage-flies-beneficiary-emin-huseynov-out-of-azerbaijan-to-seek-asylum-in-switzerland/>

Parviz Hasimli, a co-founder of Moderator.az and an employee of *Bizim yol* newspaper was jailed for eight years for supposedly overseeing weapons trafficking from Iran to Azerbaijan. His lawyer claims that National Security Ministry officials (who, as noted above, are now in jail) pressed him to give testimony against one of the ruling clans.

Moreover several predictable but harsh sentences were handed down to leading journalists already in detention. On January 29, 2015 Azadliq newspaper reporter and online television presenter Seymur Hezi was sentenced to five years in jail on "hooliganism charges." Hezi was arrested in August of previous year. On September 1, 2015, a Baku court sentenced award winning investigative journalist Khadija Ismayilova to seven-and-a-half years for "abuse of power, illegal entrepreneurship, and tax evasion." With the same verdict, she was also barred from holding public office for three years and was fined \$300 to cover legal expenses. The court found her not guilty on a charge of inciting an individual to attempt suicide—the claim she was originally detained for—after the complainant withdrew his accusation.

The state funds a number of newspapers and television stations with funds allocated from the state budget. ITV, nominally considered "public" is also funded by the state. While none of these media belong *de jure* to the state, they nonetheless represent the state's interests and point of view. ITV was designed to ease strict government control on broadcasting upon Azerbaijan's admission into the Council of Europe. But its board members do not include truly independent media professionals or opposition figures.

Libel remains in the criminal code, and in 2015 the government began work on an amendment covering libel originating in social media and on the Internet.

An amendment to the law that went into force on October 20, 2015 now allows a crime scene investigation team and law enforcement leadership to demand that a media outlet change its reporting and allow law enforcement to refute reporting "in cases when a mass media entity has distributed untrue and biased information about the substance and results of the initial crime investigation." Previously, only the individual involved and judicial bodies had this right when their reputation and dignity was harmed through libel and insult. The panelist who commented on the change to the law explained that this will limit the abilities of mass media to conduct their own investigation on important, high-profile criminal cases and prevent the right of journalists to come up with their own theories on suspects and motives.<sup>4</sup>

Another change introduced by the October 20 law added further restrictions to the famous clause 2.4-1 of the

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<sup>4</sup> <http://e-qanun.az/framework/1408>

access to information law introduced in June 2012 (also titled “Khadija’s Law” by the media for her inquiries to the authorities when preparing her investigative pieces). The new language of the clause is even more broad and vague: “Access to information is only possible when it is not contradictory to preserving Azerbaijan Republic’s political, economic, military, financial-credit and currency policy areas, guarding public order, healthiness and morality of the society, protection of individuals’ rights and freedoms, commercial and other economic interests, reputation and impartiality of courts, and for the purposes of ensuring normal operations of initial investigation of criminal cases.” As one of the panelists noted, the revised article does not discuss concrete secrets or confidential information, and introduces new restrictions with a vague terminology as “interests,” which can include everything.

Media access to decision-makers is limited. Top policymakers and even their press officers do not hold regular public briefings. The presidential administration’s press pool is a closed group of “trusted” and easily manipulated journalists. Those who have access to the ruling elite do not ask unwelcome questions, and those who are more inquisitive simply are not given access. Often, public officials are rude to journalists in front of the cameras, ridiculing them and their questions. Famous examples are former chairman of Baku’s Metro, Tagi Ahmnadov, and Deputy Prime Minister Abid Sharifov.

Journalists can freely refer to all media sources outside of Azerbaijan in their work. However, republishing negative information about Azerbaijan that is sourced internationally is unlikely to be treated differently than if the local media outlet writes the report itself.

On March 18, 2015, the Ministry of Foreign Affairs approved regulations for accreditation of foreign media activities. According to experts, most of the regulations are restrictive, resulting in denial of accreditation and limiting access to information, which in turn contradicts Article 50 of the constitution as access to information is not only the right of citizens, but everybody. According to the article 2.1.4. of the new regulations, “A passport or other international travel documents (for citizens of Azerbaijan, a copy of the national ID card) are required among the documents to be submitted to get the accreditation.” The new regulations cover accreditation of foreign journalists, so why there is reference to citizens of Azerbaijan is at first unclear. However, according to the one of the panelists, this law is designed to prevent online media, such as Radio Azadliq headquartered abroad but having locally contracted journalists, from attending events.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.35

Given the political situation and limited space for critical journalism, every year there are fewer and fewer media outlets that actually conduct proper news reporting with balance and fact checking. The problems with professional journalism in Azerbaijan in 2015 remained to be lack of core editorial values (mission-vision-strategy), an absence of editorial independence, self-censorship, and poor ethics. Limited access to information further impedes development of professional journalism. Most of the news that goes on television or online are general stories and are often mediocre. Production teams fail to consult a wide variety of sources especially if the story touches on anything related to the government, ruling elites, or any project they are involved with.

Crimes against journalists, harassment of media professionals while conducting their work, and frequent cases of journalists being detained and imprisoned all combine to discourage journalists from putting professionalism first. Almost all of the panelists agreed that media freedom and individual safety take precedence over meeting all professional standards. One panelist said, “We can talk about professionalism and ethics only after media freedom is guaranteed. In the authoritarian context, one should not put high standards before a journalist who does want to practice robust journalism but simply can’t because a) he might be killed, beaten up, blackmailed or thrown behind bars; b) access to information is not there; c)

### 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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social status of journalists is poor [i.e. they receive very poor salaries, etc.]”

One panelist believed that if media owners and editors-in-chiefs conduct a proper hiring process, there would not be a shortage of professional reporters in Azerbaijan. According to this panelist, reporters who graduated from Tbilisi-based Georgia Institute of Public Affairs are especially bright and there are also enough graduates of local universities eager to learn modern journalism standards and work accordingly. However, essentially agreeing with the previous panelist, the oppressive political environment, poor media management, and obsolete editorial practices and control are the main challenges to creating a professional press corps.

According to one of the panelists, Azerbaijani-language professional foreign broadcasters like BBC, VOA, or RFE/RL could have been a model for teaching and supporting future aces of journalism in the country. However, according to this panelist, their ability to do so has been limited by a lack of sufficient resources, unattractiveness of the content they produce (in the case of VOA, he said), proper editorial control and planning, and sometimes their subjective politicization.

Many editors and publishers have a messianic approach to conceptualizing the role of their media outlet within society. This may be one of the most serious factors holding back the development of media as professional businesses. All opposition and independent outlets are obsessed by the ideas of saving the whole world and fighting injustice. Thus they create eternal fights and politically difficult discussions. But readers are more interested in the everyday problems they face; they do not find anything attractive in much of the news media and will not spend their money to support it.

Although an Ethics Code exists, there have been no revisions to it since its adoption 15 years ago. Many articles are outdated and ineffective. The government-controlled Press Council monitors its implementation.

Following recognized ethical standards has become a more burning issues in the recent years. Almost all media— independent, opposition, and pro-government—are failing to do so. News websites generated by various oligarchs in previous years, when high oil prices generated huge revenues, are often run by amateurs that have no idea what news making is and fail completely to observe ethical standards. Pro-government outlets are connected through many ties to those in power, so never have a bad word to say about the country’s rulers. One of the panelists noted that such media “exist because they are allowed to.”

A majority of media outlets also engage in plagiarism. Workers at many media often copy material from one online source (both in-country and external) and post it on their own website without attribution. The primary external sources for such uncredited activity remain Turkish and Russian news media.

Journalists especially fail to meet ethical standards when it comes to defamation and libel. Instances are frequent and consequence-free as long as the target of the defamation is not a government official, one of their family members, or another well-connected person. Oligarchic media is used to blackmail or attack rivals, not only the opposition, but also those in government. The worst cases of ethics violations take place when journalists report on the conflict with neighboring Armenia over Nagorno-Karabakh. There is no such thing as conflict sensitive reporting in Azerbaijan.

Generally, the mainstream media in Azerbaijan are devoted to a so-called “statehood idea,” or at least they declare this to be the case. They assume their first duty as a media professional is to defend the state from the global information war being waged by “the West,” as one expert noted. The source of this hostile attitude toward Western media originates from Russian and/or highly politicized Turkish media outlets and their conspiracy theories. This view was strengthened by the president’s chief of staff, Ramiz Mehdiyev, who in 2014 published a 60-page manifesto implying the United States seeks to foment the popular overthrow of President Aliyev. Following the publication, Mehdiyev convened a conference of editors-in-chief, including those from the opposition media. Many leading or mainstream news media in Azerbaijan also assume that they are participants in a political process, further diminishing prospects for professional journalistic content.

A few independent media outlets do a better job, which is often rewarded by the authorities with pressure, criminal or civil charges, etc., on sources, the lead journalist, or the entire media outlet. In certain circumstances, citizen journalists provide independent and professional reporting and it has transformed Facebook during the last few years into a freer platform for news and discussion.

Most of the key events taking place in the country are covered despite widespread self-censorship, however their accuracy is not always precise and sometimes with a delay while editors check with officials on how to—or if they should—cover a story. For example, in December 2015 a fire broke out on an offshore oil platform owned and operated by the state-owned oil company SOCAR. Ten oilworkers were killed and 20 went missing. The local mainstream

media aired news about the tragedy only after international media started to do so. In one talk show on ANS TV, a guest said that the local media had the correct information as the fire was happening, however they were not able to get permission from the authorities to air it. A similar information blockade is observed when there are protests, especially in the provinces. The media located outside of Azerbaijan usually have more objective coverage of what is happening compared with local media. Often, local media completely ignore such news.

The median salary of most reporters stood at AZN 500 (\$640) for a long time. After the two currency devaluations by the Central Bank in 2015, this is now \$320, while Baku is among most expensive cities in the world. Government officials and well-connected individuals do not always threaten media outlets to remove or change what is written about them; often they use cash and other incentives to buy them off. Acceptance of gifts by journalists is widespread, which includes international travel for tourism or keys to a new apartment in the condominium built by the state for the media professionals in 2013.

With the exception of ANS TV, entertainment programs significantly prevail over news and informational programs.

The lack of modern equipment or facilities is not among the main reasons for the lack of professional journalism. Media in Azerbaijan continue to make use of decently modern equipment and facilities. Baku-based television stations enjoy the best quality facilities and equipment.

For example, *Yeni Musavat* newspaper and affiliated media outlets like Minval.az have all the equipment and facilities they desire, but still do not produce professional, issue-led journalism. *Azadliq* newspaper's premises do not live up to modern standards, yet it manages to meet acceptable journalism standards: one participant noted that when it rains, water pours inside its premises. However the state-owned *Azerbaijan* publisher, on whose premises *Azadliq* is located, does nothing about it.

Specialized journalism and a rich tradition of editorials exist; however, training for journalists in new specializations is almost non-existent. Khadija Ismayil attempted to bring specialization in the form of investigative journalism, but this work has stopped since her arrest: as a result of corruption and nepotism, most media do not consider undertaking true investigative journalism. "What will a journalist investigate if the boss already made a deal to turn a blind eye?" said one panelist.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Azerbaijan Objective Score: 1.06

There are not many independent news sources for people to check one against another. In fact all television channels are either owned by the government or managed by private entities with ties to the government or operating under specific agreements on acceptable (typically entertainment) content. Mainstream television and radio do not cover various political viewpoints; they are engaged in propaganda. The news, with some exceptions, is identical at different media outlets. A maximum of two viewpoints might be available regarding any event. Independent news is available online although even there it is limited.

Reviving its activities in Azerbaijan after a short break, Kanal13 and Voice of Youth Radio stand out among independent online media in Azerbaijan, despite the fact that they sometimes avoid covering controversial and local political issues.

Fueled by high oil prices, in recent years oligarchs created and funded several online media outlets. They employed relatively free journalists and practiced controlled or limited freedom of reporting by avoiding sensitive issues or key individuals. However, with the crash of the world oil market and devaluation of the national currency, many of these media stopped receiving funding and went bankrupt, laying off their employees.

### 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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Media outlets often attempt to discredit any international commentators or critics of the government. Television channels play a special role in this: state-owned AzTV is notorious for presenting only negative news about the U.S. and Western Europe, airing news about police brutality against demonstrators in Europe and racial discrimination by the police in the U.S. Negative news also extends to coverage of natural disasters, for example focusing on the lack of preparedness by emergency services during floods or earthquakes. Most media outlets prefer offering the government line, only siding with international commentators who are rarely or never critical of Azerbaijan.

When it comes to interviews of foreigners, be it in Baku or abroad, voices are dubbed and only positive things come across in the dubbed Azeri language version. One of these charades ended in embarrassment for a local television channel. During the European Games Lider TV presented an interview with a purported tourist, “James Bonar” from London, who praised Azerbaijan’s beauty and cuisine. However, when original footage of the interview was viewed, it turned out the interviewee was speaking in broken English. The story went viral on social media; Lider TV accused Meydan TV, an exiled, online television channel of setting them up.<sup>5</sup>

The discerning public mostly trusts social media. Despite the unprecedented crackdown on independent media and civil society during 2014 and 2015, social media continued to provide a platform for new voices and dynamics. For example, Mehman Huseynov’s Facebook-based blog Sancaq, with 246,000 likes, has a significantly larger audience than any traditional opposition media. Every post garners immediate feedback, re-tweets, etc. There is huge potential in working with youth-focused media such as Sancaq. By the end of 2015, Azerbaijan counted 1,500,000 Facebook users, about 16 percent of the total population.

That being said, public debate online is still limited, as self-censorship continues to pervade cyberspace in the current environment of intimidation and fear; online postings are not immune from government scrutiny. In December 2015 Popular Front Party Deputy Chairman Fuad Gahramanli was arrested and charged with public incitement to overthrow the government and incitement of national, racial, social or religious hatred based on Facebook posts critical of the government.

In addition to online sources, more and more people rely on international media, like satellite television or foreign radio stations, to get their news. While there are no laws in place keeping citizens from accessing these media other

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<sup>5</sup> <http://www.rferl.org/content/azerbaijan-tv-interview-baku-games-foreigners/27079263.html>

challenges and unwritten laws severely restrict access to free and independent newsgathering, sharing, and reading. All major foreign broadcasters such as BBC, VOA, and RFE/RL were banned from local radio waves, making it harder for their listeners to access their content. As one of the panelists noted, with no direct broadcast of RFE/RL, BBC, and VOA through local frequencies, the government is trying to control the flow of media into Azerbaijan. “However,” noted the panelist, “this policy failed with the expansion of Internet and social media, primarily Facebook, in Azerbaijan. On the other hand, the wealthy Azerbaijani government was attempting to prevent leading international media from publishing articles critical of the Azerbaijan political system and its poor economy. Money was spent to buy foreign journalists and indeed, from time-to-time, positive articles are being published in international—primarily Western European, South American, and Israeli—media. Those who could not be bought were denied entry visas to Azerbaijan.”

Apart from government-sponsored barriers to access international media, Azerbaijanis, particularly those in rural areas, have difficulty accessing domestic media. Two regional television channels (Aygun TV in Zagatala and Alternative TV in Ganja) have ceased broadcasting due to a lack of equipment compatible with digital broadcasting, which became standard in 2015. There are no regional FM radio stations outside Baku with the exception of one in Ganja, the second largest city in Azerbaijan. Cable television is only available in Baku, Ganja, and Sumgayit.

While Azerbaijan is home to one of the first printed newspapers in the region (*Əkinçi*, founded in the 19th century), villages that once received copies of newspapers do not get newspapers today. There are more than 4,500 villages in the country and very few host the traditional kiosks selling print media.

As noted above, the state and public media do not serve the public. They do not invite to their studios opposition political party members or those who think differently than the authorities. The directors of the state media are members of the ruling party and members of the parliament from that party. For example, both the editor-in-chief of *Azerbaijan* newspaper, Bakhtiyar Sadigov, and the chairman of AzTV, Arif Alishanov, are members of parliament.

Media in the country primarily depend on the content of news agencies, most of which are controlled by the government. Report News Agency was launched in 2015 and is believed to be funded by state-owned oil company SOCAR. One of the panelists said that it is hard for him to believe that the agency will provide unbiased news. Except for Azertag, all longstanding news agencies are privately owned, although most have some kind of affiliation with,

or ownership by, politically connected individuals. Trend News Agency, whose ownership changed several years ago, has started to repeat the style similar to that of Azertag, and its director claimed to be a former secret service officer. Azeri-Press Agency (APA) tries to present unbiased news, yet when it comes to key issues it defends the government. It employs some independent-minded journalists, including former RFE/RL correspondents. That company's director publicly denies accusations that Gilan Holding, owned by the son of a government minister, is financing her organization. Nonetheless, Gilan Holding is a permanent advertiser at APA media outlets.

Turan News Agency can be considered the only private, independently owned news agency in Azerbaijan. It remains a subscription-based resource, with most of its subscribers the Baku-based diplomatic corps or out-of-country users.

Transparency of ownership of private media is not possible legally. According to the law adopted in 2012, information about the ownership of private enterprises is considered confidential. This allows members of parliament and other public officials who are prohibited from owning a business to hide from public scrutiny.

No media outlet is transparent about their sources of funding or how they spend that funding. According to one panelist, either the state or an oligarch owns more than 90 percent of the media in the country.

There are several resources in Russian that serve the Russian-speaking minority. CBC TV channel is broadcast in five languages, including Armenian. However none of these differ in content from those broadcast in Azeri. Almost all major news media also broadcast in Russian. In the early days of ITV (2005) there were programs focused on ethnic minorities; however these programs do not exist anymore.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 0.68

Media outlets do not operate as efficient and well-managed enterprises unless one counts content control and state orchestrating. A majority of media outlets have neither financial management nor administrative planning strategies. Most editors, especially those at pro-government or oligarchic media, do not have significant experience and training in media business operations. This is not important, however, because these media receive regular cash infusions from the government and oligarchs. The independent or opposition media must look for external funding (e.g., grants from donors). Instead of building a media business,

these financing models simply breed dependence on donors of one sort or another.

With recent legislative amendments regarding foreign funding, independent media outlets have difficulty raising money or withdrawing funds from existing offshore accounts, and as a result do not have the capacity to continue their work as independent actors. In such conditions, they are either forced to close or suspend their work indefinitely.

The advertising market in Azerbaijan is limited. Theoretically, the country is similar to the Czech Republic where, in 2015, the total advertising market was expected to reach \$1.22 billion according to statista.com. "Despite the fact that the potential of the Azerbaijani market is \$1.5 billion, the real figure reaches only \$200 or \$250 million," Hajjami Atakishiyev, the president of the Azerbaijan Advertisers Union, told abc.az. Possible causes are business monopolies and a generally non-competitive environment.

Large corporations and medium-sized companies prefer to advertise exclusively with state or pro-government media and media that focus on sports or entertainment. Anecdotal information suggests that there is secret list of outlets where advertisements can be placed and also a "black list" of embargoed media. In the past two years, opposition papers have faced significant difficulty finding companies not be afraid to place advertisements in their newspapers (print and online). One panelist noted that, given that major businesses in the country belong to the ruling elites, it is only natural that they spend their advertising money through their own or related media.

#### 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.

However there are some exceptions as noted by one of the panelists. Some opposition-oriented newspapers have recently been observed carrying more advertising. "Here we can speak about publishers' self-censorship skills. Ad clients watch what the given newspaper writes about and try not to take a risk by getting in touch with so called 'non-reliable' media," the panelist said. Small businesses are also an exception and in some instances they place advertisements in the opposition media. However revenues from them are not significant.

Restrictions on advertising revenue and an acute lack of private investment suffocate the handful of relatively successful independent publications remaining. No media company shares are traded on the Baku Stock Exchange. Bloggers do not make money through commercial activity or raise funds from their readers; this practice is non-existent in Azerbaijan.

Newspapers get small annual grants from the State Fund to the Mass Media Outlets, overseen by the office of the president. When it was first established in 2009, all newspapers were getting grants from this fund, including the state-owned newspapers. However in recent years, both *Azadliq* and Russian-language *Zerkalo* were left off the list. While *Azadliq* is facing serious financial difficulties, *Zerkalo* had to stop altogether, especially after their lead journalist Rauf Mirgadyrov was arrested in Turkey and extradited to Azerbaijan on treason charges.

ITV, Azertag, and some newspapers are funded directly from the state budget. Despite AzTV being a closed-type stock company, it is also funded from the state budget.

There is no systematic media and advertising market assessment in Azerbaijan. During last five years some sociological surveys have been conducted, but they only indirectly touch mass media issues. Accordingly editors have nothing to offer potential advertisers about demographics, etc. They also have no idea about audience needs and do not take any attempt to find out. As a result, with a few exceptions, much media content, print in particular, does not have any practical value for the audience. For example, *Ulduz* literary magazine published by the state-supported Union of Writers only has a monthly circulation of 300 copies; the editorial team is composed of 10 people and the annual allocation from the state budget is AZN 60,000 (\$37,500).

Audience measurement is not commonly used by media. Occasionally there are seasonal and annual formal ratings are carried out. The existing media environment does not demand the existence of such measurements. There is no trustworthy audit of circulation numbers for newspapers. Each outlet presents circulation numbers independently and at their discretion.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Azerbaijan Objective Score: 0.98

There is no trade association to unite owners and editors of broadcasters or other mass media outlets. The same is true for a union or professional association for journalists. One entity claims to be such a union, but in Soviet tradition it is closely tied to the government; in modern terms it qualifies as a GONGO. The organizations that do exist rarely stand up for the rights of journalists, especially when a journalists or media outlet is independent, critical of the government, or opposition controlled.

There were attempts in 1997 and 1998 to create a trade union for journalists and they made some attempts to defend the rights of journalists. The founding chairman of one of these, Azer Hasrat, was particularly adamant in standing up for media professionals. However he has now turned into a pro-government activist. The first director of the other attempted union, Aflatun Amashov, now heads the government-controlled Press Council and is a proponent of "defending statehood against the Western information war."

The Press Council, despite the high hopes when it was created, did not fulfill journalists' expectations. "It defended, and defends, the positions of the president's office, not of the journalists," one panelist noted. Indeed, it supports and lobbies in favor of draft legislation originating from the president's office, while denying the existence of any problems related to freedom of speech and freedom of the media in the country.

### 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.

Those NGOs that continue to exist (many were forced to shut down as a result of an on-going crackdown) have more or less open cooperation with independent media outlets, inviting them to their press conferences and sharing information about new initiatives. NGOs that once backed political reform efforts, like Far Center and Hūquq Maarifçiliyi Cəmiyyəti (Legal Enlightenment Society) are now deprived of finances from Western institutions. Intigam Aliyev, head of the Legal Enlightenment Society is in jail, and is not the only NGO leader behind bars. There are few remaining individuals providing assistance to journalists in trouble and more often than not legal assistance is provided via third party international organizations.

Prior to the crackdown on NGOs that began in 2013, some NGOs openly supported freedom of speech and worked with local independent media outlets to promote it. *Azadlıq* newspaper and IRFS worked together to support freedom of speech and media independence. However the shutdown of independent media outlets severely limited the space for any such work in Azerbaijan.

Quality academic journalism programs in Azerbaijan are becoming less common and very restrictive. Entrance to one of the best journalism faculties offered by the private Khazar University ceased in 2012 (the class of 2016 will be the last). Government-run Baku State University is the only remaining school providing a degree in journalism. Professors at this faculty are notorious for their outdated teaching style and are detached from real journalism. Entrance examinations are test-based and centralized, however changes made to the legislation in recent years require applicants for journalism faculties to go through an additional written “talent” examination to be admitted.

The non-profit organizations that once offered training for journalists, such as IRFS, Media Rights Institute, and the Dutch School have been forced to cease their operations due to criminal cases opened against them by the Azerbaijani authorities. Most of the remaining practical training opportunities reside at Baku School of Journalism, which provides both students and journalism practitioners with better tools and know-how through a network of trainers and teachers. In many cases, journalists must travel to Georgia or Turkey to increase their capacity in journalism.

Just like in media, a few independent publishing houses such as Qanun have also faced harassing audits similar to those that NGOs and independent media outlets endured. It was assessed high fines and as a result Qanun was almost forced to cease operations. Other printing companies are concentrated in the hands of the government.

One panelist noted that Azerbaijani customs still charges up to 40 percent VAT and customs fees on digital video equipment and, unlike the media owned by the oligarchs, the independent media cannot afford such extra costs.

Television channels, all of which are either state owned or owned by businesses/individuals close to the government, have no problem distributing their content. State-sponsored media outlets own their transmitters. All television broadcasts in the country are carried by the Teleradio Production Union, which is a state entity. The authorities are in full charge of satellite services and radio frequencies, and can revoke licenses at will.

The problems selling newspapers through kiosks continued in 2015. Kiosks in Baku have been replaced with more “vintage” looking green ones, which look more like a small grocery store, with all the snacks and drinks, rather than a newspaper and magazine selling booth. Newspapers are clearly a secondary product. The pro-government Qasid company that runs kiosks continued to refuse selling issues of any newspapers running stories that run afoul of censors and will return all copies at the end of the day, saying they are “unsold.” The only private distributor, Qaya, controls a handful of kiosks in Baku and still awaits the release of several kiosks confiscated by the government many years ago and not returned despite the president promising to do so. Subscription delivery in the provinces is practically impossible. Newspapers once effectively sold their copies through street vendors, but this practice has now been banned.

The Internet is widely available in the capital city and at reasonable cost. Since the second half of 2007, Azerbaijan does not have a free Internet Exchange Point (IXP). Delta Telecom, whose ownership is not transparent, controls the only IXP and charges the same amount for local and international traffic. During the government’s raid in Nardaran, Internet users in Baku experienced Internet interruptions. Some believe that the Internet was cut on purpose in case things got out of control during the semi-military operation. The Internet was also interrupted for a few days when a fire broke out at Delta Telecom’s headquarters following the dismissal of the minister for communication and information technologies. Notwithstanding the case above, state filtering and direct censorship of online content are not major problems in Azerbaijan.

According to reports by independent investigative journalists, the ownership of all three mobile telephone companies and the only global Internet provider rests with one family high in the government. For several months in 2015, free calls through WhatsApp and Viber were blocked.

## List of Panel Participants

*Due to the restrictive media environment, participants in the Azerbaijan study will remain anonymous. An Azerbaijani journalist developed this chapter after a series of structured interviews in January 2016 with colleagues having first-hand knowledge of the media sector.*