

INTERNATIONAL PARTNERSHIP GROUP FREEDOM OF EXPRESSION MISSION TO AZERBAIJAN 7-9 SEPTEMBER 2010

JOINT STATEMENT

INTRODUCTION

The *International Partnership Group for Azerbaijan* conducted a three-day freedom of expression mission to Azerbaijan from 7-9 September, during which they met with journalists and other media workers, civil society activists, and government officials, and collected testimonies of violations of freedom of expression.

The participating organisations were: **ARTICLE 19, Freedom House, Index on Censorship, International Federation of Journalists, Media Diversity Institute, Open Society Foundations, Press Now, Reporters Without Borders and World Association of Newspapers and News Publishers.**

PRELIMINARY FINDINGS

In Azerbaijan, journalists, bloggers and activists face serious and widespread systemic challenges and are forced to carry out their work in a climate of endemic impunity and under persistent pressure from the authorities. These factors have led to a climate in which self-censorship features prominently. As a result, the past few years have seen a dramatic deterioration in freedom of expression in the country and there are signs that these conditions could worsen in the run-up to the November 2010 parliamentary elections.

Impunity

The murder of journalist Elmar Huseynov in 2005 is symbolic of both the cycle of violence and the broader decline in free expression in Azerbaijan. The persistent targeting of selected individuals in the years following Huseynov's murder has confirmed that those who attack or harass journalists do so in the knowledge that they will not be punished for their crimes. The continued detention of bloggers Emin Milli and Adnan Hajizade highlights the perversity of a system that does not value the rights of its journalists and the general population. The two bloggers were assaulted, but when they tried to complain to police about the attack, they were arrested.

State influence on the media

State influence and dominance of the broadcast media stifles diversity, creating a media landscape in which pluralism has no place. This is also evident in the print media, which has deteriorated over the last few years. The number of independent media outlets has shrunk since the 2005 parliamentary elections. In 2009, the authorities banned foreign broadcasters from using national frequencies, further limiting the people's access to a wide range of perspectives.

Economic constraints

The mission is concerned with the pressure exercised and influenced by the state on the distribution, printing, and advertising in the print, broadcast and online media industries.

Abuse of existing laws

The mission is seriously concerned over the abuse of existing laws, which have been used to penalise critical voices. Charges against journalists and bloggers who have expressed critical views include drug possession, inciting hatred, hooliganism, supporting terrorism and tax evasion. The use of such charges is widely considered to be a tactic employed by the authorities to deflect criticism. Such abuse of the law has been made worse in the case of Eynulla Fatullayev, as the authorities continue to refuse to release him from prison in compliance with the April 2010 ruling of the European Court of Human Rights.

Defamation

The mission is encouraged to note that a movement appears to be underway towards removing criminal defamation from the country's law books. However, there are concerns that the high cost of fines from civil defamation lawsuits poses a serious threat to freedom of expression. The mission also condemns the special privileges enjoyed by public officials.

Divisions within the media profession

The mission notes a marked division within the media itself; members of the sector do not enjoy the level of solidarity found in a healthy and functioning media landscape. These divisions were observed throughout the media sector, including between the capital and the regions, and have led to significant vacuums in the media environment, specifically regarding continuing development of the media, professional standards, self-regulation and protection.

Working conditions for journalists

The vast majority of journalists are forced to work without contracts and on irregular salaries and illegal undeclared payments. They have no employment security and can be hired and fired at will. Journalists also lack the necessary training, independence and ethical guidelines to be able to respect professional and ethical journalism. The situation is exacerbated by the lack of basic employment rights which removes any opportunity for creating a professional space for independent and ethical journalism.

Expression online

There was encouraging evidence of a vibrant and growing online media, including Internet TV. Those using digital media to report, campaign and inform displayed an optimism that bodes well for the future. While the mission is impressed with this enthusiasm and energy, we are aware that this phenomenon is very much limited to the capital, in part due to the cost of Internet access in the country. In spite of its economic strength, the government has failed to provide its citizens with affordable, high speed Internet access.

RECOMMENDATIONS

The free expression organisations involved in the mission call on the Azerbaijani authorities to:

1. Order the immediate, unconditional release of Eynulla Fatullayev, Adnan Hajizade, and Emin Milli;
2. Ensure that no additional journalists, bloggers or other citizens are arrested for exercising their right to free expression;
3. Initiate thorough, prompt and independent investigations into all instances of violence and threats of violence against journalists, political activists and human rights defenders, and prosecute those responsible;
4. Ensure that all trials of journalists, political activists and human rights defenders are carried out in accordance with international standards for due process and the presumption of innocence;
5. Decriminalise defamation and ensure that all civil defamation provisions are in line with international standards;
6. Implement more effectively the law on freedom of information passed in 2005; in particular, take steps to appoint an information ombudsman as required by this law;
7. Establish fair, equitable and transparent conditions for the allocation of state advertising;
8. Establish an independent, multi-stakeholder committee with transparent procedures for the allocation of state media support funds;
9. Establish an independent broadcasting regulatory body in line with international standards and with transparent procedures for the allocation of licences;
10. Allow for the functioning of truly independent self-regulatory bodies for print media;
11. Reverse the ban prohibiting foreign entities from broadcasting on national frequencies, including BBC, Voice of America, and Radio Free Europe/Radio Liberty;
12. Promote the development of public service broadcasting that is in the interest of the public and is independent of government interests, with particular attention paid to the regions outside Baku;
13. Invest in Internet infrastructure and work towards universal, affordable, high-speed Internet access countrywide;
14. Preserve and protect freedom online and avoid imposing unnecessary regulation; and

15. Implement media provisions in the election code by:

- establishing systematic monitoring to ensure equal and equitable access to state media by all candidates;
- ensuring that journalists have access to polling stations as election monitors, including throughout the vote tabulation process; and
- taking prompt and effective actions against violations.

Furthermore, the international mission calls for an extensive, inclusive, multi-stakeholder consultation to support the implementation of a code of a voluntary code of ethics and rigorous professional standards for journalists.

Finally, we call on the international community, particularly those countries with economic and political ties to Azerbaijan, to hold the government accountable for its freedom of expression record.