



**Contribution to the Universal Periodic Review Mechanism
16th session of the Working Group of the Universal Periodic Review (UPR)**

**A joint UPR Submission on Azerbaijan by the International Publishers Association
(IPA) and PEN International**

9 October 2012

1. IPA, on behalf of the submitters, welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on the human rights situation in Azerbaijan. This document provides an overview of the current situation for bloggers, writers, and journalists. This document also provides a follow-up to the recommendations made by the UPR Working Group to Azerbaijan during the country's first review on 4 February 2009. Finally, this submission also includes a set of recommendations whose aim is to improve the overall conditions for freedom of expression in Azerbaijan.
2. While Azerbaijan's Constitution guarantees freedom of expression in principle, it is severely limited in practice by the authorities. The current state of freedom of expression in Azerbaijan is actually alarming, as the cycle of violence against journalists, bloggers, human rights defenders, writers, and political and civic activists and impunity for their attackers continues. They face increasing pressure, harassment and interference from the authorities. Those who express opinions critical of the authorities find themselves imprisoned, including under far-fetched charges (e.g.: drug charges) or otherwise targeted in retaliation. The recent arrest of blogger Zaur Gurbanli is a case in point.
3. Of the 7 recommendations made to Azerbaijan in the field of freedom of opinion and expression, Azerbaijan accepted only 2.

The following chart details the acceptance/rejection of recommendations and the status of their implementation in the field of freedom of opinion and expression:

| No. | Recommendations | Govt. Response | Current Status |
|-----|--|------------------|---|
| 1 | Ensure the full exercise of freedom of expression and of the freedom of all independent media, both national and foreign ones, regardless to their nature: press, internet, radio or television. | Rejected | |
| 2 | Put in place further measures to ensure respect for freedom of expression and of the media. | Accepted | Measures have not been put in place to ensure respect for these rights. In 2011, at least 50 foreign and domestic journalists were harassed by the authorities. Political critics, social media activists, human rights defenders, and journalists are frequently imprisoned for expressing their views. Examples of this include the case of Bakhtyar Hajiyev, who was imprisoned for promoting a protest through social media, and Avaz Zeinalli, the editor-in-chief of the opposition newspaper <i>Khural</i> . |
| 3 | Change the criminal legislation provisions on defamation to eliminate unnecessary pressure on journalists fulfilling their professional duties. | General Response | This legislation has not been changed. |
| 4 | Consider modifying or repealing the criminal legislation on defamation to take away the possibility of depriving anyone of his or her liberty on account of opinions. | No Response | |
| 5 | Take effective measures to ensure the full realization of the right to freedom of expression. | Accepted | Years of intimidation and violent harassment have led to a culture of self-censorship that is difficult to address. |
| 6 | Ensure that all branches of the State, including agents of public authorities, fully respect and promote the freedom of expression. | Rejected | |
| 7 | That all journalists remaining in detention on the basis of misuse of criminal libel or defamation trials be released. | Rejected | |

4. The government's response, including vis-à-vis the two recommendations it accepted in February 2009, is disappointing. Despite accepting to put in place measures to ensure respect for freedom of expression and the media, the government has not adopted any measure ensuring respect for these rights. To the contrary, in 2011 alone, at least 50 foreign and domestic journalists were harassed by the authorities. Political critics, social media activists, human rights defenders, and journalists are frequently imprisoned for expressing their views. Examples of this include the case of Bakhtyar Hajiyev, who was imprisoned for promoting a protest through social media, and Avaz Zeinalli, the editor-in-chief of the opposition newspaper *Khural*.
5. The other freedom of expression recommendation, which the Azeri government accepted in 2009 ("Take effective measures to ensure the full realization of the right to freedom of expression") was also not implemented at all. Years of intimidation and violent harassment, including before, during and after the Eurovision song contest held in Baku earlier this year, have led to a culture of self-censorship that is difficult to address.
6. Despite a general response given by the government in February 2009, the criminal defamation legislation remains in place to date.
7. **The submitters' recommendations to the Azeri authorities:**
 1. Immediately release those imprisoned for exercising their right to freedom of expression;
 2. Stop targeting those exercising their right to freedom of expression in retaliation;
 3. Stop using far-fetched charges as a common tool to arrest journalists, bloggers, writers, etc., who exercise their right to freedom of expression;
 4. Seriously investigate and prosecute all acts of violence against journalists;
 5. Decriminalize defamation ;
 6. Engage a constructive dialogue with local freedom of expression groups and trade associations on the issue of freedom of expression, freedom to publish and Internet Freedom;