



To: Members of the Parliamentary Assembly of the Council of Europe

Copy to: Directorate General of the CoE and the Office of the Commissioner of the CoE

April 2011

Re.: Right to Freedom of Association in Azerbaijan -- call for an opinion from the Venice Commission

Dear parliamentarians,

In July 2009, the Azerbaijani authorities made amendments to the Law on Non-Governmental Organisations (public unions and foundations), which state that registration of international NGOs in Azerbaijan “is processed based on the agreement signed with the organisations”.

In March 2011, the Ministry of Justice of the Republic of Azerbaijan ordered branches of international organisations to cease their activities, arguing that these organisations had not agreed with the Azerbaijani authorities on their activities in accordance with the legislation. In doing so the Ministry of Justice made reference to the July 2009 amendments. On 10 March 2011, the Ministry of Justice of the Republic of Azerbaijan ordered the immediate closure of the Human Rights House Azerbaijan, an international branch of the Human Rights House Foundation, stating that it had not organised its activities in accordance with the legislation.

The Human Rights House Foundation registered its international branch in Azerbaijan in May 2007 and since then has regularly and in a timely fashion reported to the respective authorities as required by the law. The Human Rights House Azerbaijan did not receive any notification by the authorities that it was not in compliance with the 2009 law nor did the organisation receive any notification that it needed to make changes to its registration documents in order to bring them into compliance with the 2009 law.

On 17 March 2011, the Cabinet of Ministers issued new regulations to register an NGO, which amend the existing provisions for state registration and rules related to the preparation of negotiations between state authorities and NGOs. We are concerned that this decree will restrict the ability of international NGOs to operate in Azerbaijan. In order for an agreement to be reached, the organisations must respect the national-moral values (point 3.2.2 of the decree) and the organisations must not be involved in political or religious propaganda (point 3.2.4 of the decree). The regulations do not define “national moral values,” “political or religious propaganda,” or what involvement in such propaganda would constitute. In addition, the length of negotiations is undefined (point 3.3.1 of the decree).

The Parliamentary Assembly of the Council of Europe can request an opinion of the European Commission for Democracy through Law (Venice Commission) on national laws that are important to the democratic functioning of national institutions. **We, the undersigned, call upon the Parliamentary Assembly of the Council of Europe to request such an opinion, in which the Venice Commission should analyse if the July 2009 amendments to the Law on Non-Governmental Organisations (public unions and foundations), and the new regulations issued on 17 March 2011, are in line with the European Convention of Human Rights.**

Our concern is that the 2009 amendments and the new regulations have been used by the authorities to de facto restrict the right to freedom of association in Azerbaijan, and especially hinder international organisations from being active in the country and developing activities in support of national human rights defenders, independent journalists, and their organisations.

As underlined by Thorbjørn Jagland, Secretary General of the Council of Europe, in his letter of 21 March 2011 to the President of the Republic of Azerbaijan, by becoming a member of the Council of Europe Azerbaijan has committed itself to protection and promotion of human rights, to a pluralist democracy and to the rule of law. The undersigned share the Secretary General’s concerns regarding the on-going violations of the rights to freedoms of opinion and of expression, freedoms of peaceful assembly and of association in Azerbaijan.

Therefore, an opinion from the Venice Commission would be an important tool for the Azerbaijani authorities, the civil society and the Council of Europe to ensure that the right to freedom of association is guaranteed in country.

Yours sincerely,

Amnesty International

Nicola Duckworth, Director, Europe and Central Asia Programme

Article 19

Barbora Bukovská, Senior Director for Law and Programmes

Association for the Protection of Women’s Rights in Azerbaijan after D. Aliyeva

Dilara Efendieva, Chairwoman

Human Rights Centre of Azerbaijan

Eldar Zeynalov, Director

Human Rights Watch,

Rachel Denber, Acting Director of the Europe and Central Asia division

Human Rights House Foundation

Ane Tusvik Bonde, Regional Manager, Eastern Europe and Caucasus

International Federation for Human Rights

Souhayr Belhassen, President

Institute for Reporters' Safety and Freedom, Azerbaijan

Emin Huseynov, Chairman

Legal Education Society, Azerbaijan

Intiqam Aliyev, President

Media Diversity Institute

Milica Pesic, Executive Director

Media Rights Institute, Azerbaijan

Rashid Hajili, Director

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Harry Hummel, Executive Director

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Avaz Hasanov, Director

World Organisation Against Torture

Eric Sottas, Secretary General