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Mr. Chairman,

The Human Rights House Network is **highly concerned about the draft amendments to the Law of Republic of Azerbaijan “On Non-governmental organizations (public associations and foundations)”** that are due to be discussed on 19 June by the Parliament of Azerbaijan.

According to the information received from the South Caucasus Network of Human Rights Defenders, should these amendments be adopted as they stand, they would severely curtail freedom of association in contradiction with the Constitution of Azerbaijan, international obligations undertaken by the country, in particular obligations stemming from the European Convention on Human Rights and Fundamental Freedoms, International Covenant on Civil and Political Rights and the commitments under European Union Eastern Partnership, Council of Europe and OSCE.

The undersigned organisations regret that neither the civil society of Azerbaijan, nor the international community was consulted on the amendments and had very limited time to respond to them.

We are especially concerned about the following issues arising from the proposed amendments:

- The ban of the activity of NGOs until they receive registration. Up to this moment it is possible for the group of individuals to act as an entity. The proposed amendment contradicts to the requirement of the Article 11 of the European Convention and case law of the European Court related to the functioning of non registered NGOs.
- The requirement of having 50% funding from the local sources will seriously hamper the work of the local NGOs, as many get funding from international sources for carrying out watchdog activities.
- People without permanent residency or citizenship of Azerbaijan are prohibited to act as founders of the non-governmental organizations. This amendment creates unjustified discriminatory framework in contradiction of Article 25 of the Constitution of Azerbaijan and accepted human rights standards in relation to prohibition of discrimination.
- The proposed new criteria for classification of NGOs will require “nationwide” Azerbaijani NGOs to have branches and/or representations in 1/3 of Azerbaijan’s regions. Considering that Azerbaijan has multiplicity of administrative territorial regions, it will be hard to meet these criteria and classify accordingly. This restricts the regional organizations to act nationwide.



- The operation of foreign organizations will depend on the intergovernmental agreements. This amendment makes functioning of non-governmental organizations conditional upon the will of the state authorities.

Overall, the Draft Law contains serious shortcomings that **contradict the democratic values** and **infringe the rights of human rights defenders** guaranteed by the UN Declaration on Human Rights Defenders. Introduction of the laws of similar character is a part of the recent tendency aimed at controlling the work of the non-governmental organizations. Failure to prevent the enforcement of amendments carries a danger of spreading similar attempts to the neighbouring countries.

The South Caucasus Network of Human Rights Defenders and the Human Rights House Network call upon the authorities of Azerbaijan to:

- Promptly establish a dialogue with international and national actors affected by the draft amendments and for further liberalization of the existing NGO legislation and bringing it in line the international obligations Azerbaijan has agreed to abide by;
- Postpone consideration of the amendments to the law until the expertise from international organizations, including the Venice Commission is obtained.

The South Caucasus Network of Human Rights Defenders and the Human Rights House Network call upon the international community to:

- Recommend to the Azerbaijani authorities not to pass the proposed amendments;
- Urge Azerbaijan to respect the right to freedom of association and rights of human rights defenders.

Sincerely,

The Norwegian Human Rights House (on behalf of the following NGOs):

- The Human Rights House Foundation
- The Norwegian Helsinki Committee

Human Rights Centre of Azerbaijan

Institute for Reporters' Freedom and Safety (Azerbaijan)

Human Rights House Sarajevo (on behalf of the following NGOs):

- Association of Female Citizens "Renaissance"
- Foundation CURE
- Helsinki Committee for Human Rights in Bosnia and Herzegovina
- Regional Co-ordinator for Youth Groups
- Serb Civic Council - Movement for Equality - The Council of the Sarajevo Canton
- Woman and Society Centre

Human Rights House Skopje (on behalf of the following NGOs):

- Association for Democratic Initiatives (ADI)
- The First Children's Embassy in the World – "Megjashi"



- Helsinki Committee for Human Rights of the Republic of Macedonia
- Macedonian Women's Rights Centre (MWRC) - Shelter Centre
- Polio Plus – Movement Against Disability

Russian Research Centre for Human Rights (on behalf of the following NGOs):

- Human Rights Network Group
- Independent Psychiatric Association of Russia
- Moscow Centre for Prison Reform
- Moscow Helsinki Group
- Mother's Right Foundation
- Non-violence International
- Right of the Child
- Right to Live and have Civil Dignity
- Social Partnership Foundation
- Union of the Committees of Soldiers' Mothers of Russia

The Belarusian Human Rights House in exile in Vilnius (Lithuania)

Georgian Human Rights Centre

Helsinki Foundation for Human Rights (Poland)

Index on Censorship (United Kingdom)

The Rafto Foundation (Norway)

HURINET-Uganda (Uganda)

Copies have been sent to:

- Directorate General of Human Rights and Legal Affairs of the Council of Europe, Strasbourg
- UN Special Rapporteur on the Situation of Human Rights Defenders
- UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression
- The OSCE/ODIHR, Warsaw
- The Norwegian Ministry of Foreign Affairs
- The Standing Committee for Foreign Affairs of the Norwegian Parliament
- The Norwegian Embassy in Kiev
- Norwegian OSCE delegation
- The Swiss Ministry of Foreign Affairs (Mission to the UN in Geneva)
- Mission of Azerbaijan to the UN in Geneva
- Mission of the United States of America to the UN in Geneva
- Mission of Sweden to the UN in Geneva
- Mission of France to the UN in Geneva
- Mission of Poland to the UN in Geneva



- Mission of Ireland to the UN in Geneva
- Mission of the Netherlands to the UN in Geneva
- Mission of Germany to the UN in Geneva
- Mission of Canada to the UN in Geneva

About the South Caucasus Network of Human Rights Defenders

South Caucasus Network of Human Rights Defenders is a network of 30 well established impartial and independent non-governmental organizations from the region of South Caucasus, aiming at supporting the human rights defenders in Armenia, Azerbaijan and Georgia.

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About the Human Rights House Network (www.humanrightshouse.org)

The Human Rights House Network is a forum of cooperation between established and emerging Human Rights Houses in 15 countries, aiming to protect, strengthen and support human rights defenders and organisations. The proposed amendments to the law, if passed, will negatively affect the future operation of the Human Rights House in Baku, opened in April 2009.

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