



HUMAN RIGHTS HOUSE  
FOUNDATION

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Geneva (Switzerland)  
20 September 2013

Item 6  
Consideration of UPR of Azerbaijan  
Human Rights House Foundation statement

*Check against delivery*

Mr Chairperson,

The Human Rights House Foundation welcomes the participation of the Republic of Azerbaijan to its Universal Periodic Review (UPR). Azerbaijani civil society has also participated actively, including a broad coalition of independent non-governmental organisations around the Azerbaijan Human Rights House.

The presidential elections will take place on 9 October 2013 in Azerbaijan. Its UPR cycle has therefore taken place at a critical moment for the country. We witnessed a heavy crackdown against civil society during this pre-election period, including against journalists, human rights defenders and political activists.

As recommended by numerous States during the review on 30 April 2013, the Human Rights House Foundation calls upon the authorities of Azerbaijan “to put and end to direct and indirect restrictions on freedom of expression” (Poland<sup>1</sup>) and “to ensure that journalist and media workers are able to work freely and without governmental intimidation” (Germany<sup>2</sup>).

Azerbaijan must “ensure that all human rights violations against human rights defenders and journalists are investigated effectively and transparently, with perpetrators being promptly brought to justice, including pending unresolved cases requiring urgent attention” (United Kingdom of Great Britain and Northern Ireland<sup>3</sup>)<sup>4</sup>.

We further call upon Azerbaijan to implement the recommendation presented by Austria on the reform of its law on defamation, in conformity with Article 19 of the International Covenant on Civil and Political Rights (ICCPR), and to refrain from initiating defamation lawsuits against civil society activists and journalists.

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<sup>1</sup> A/HRC/WG.6/16/L.11; Recommendation 109-112 made by Poland.

<sup>2</sup> A/HRC/WG.6/16/L.11; Recommendation 109.114 made by Germany.

<sup>3</sup> A/HRC/WG.6/16/L.11; Recommendation 109.119 made by United Kingdom of Great Britain and Northern Ireland.

<sup>4</sup> Recommendations on this issue were also addressed by Canada, Chile, Cyprus, Czech Republic, France, Italy, Slovakia, Slovenia, Sweden, and Switzerland.

**Azerbaijan was also requested to review legislations, policies and practices regulating freedom of assembly and the right to peacefully demonstrate<sup>5</sup>** in accordance with Article 21 of the ICCPR (Uruguay<sup>6</sup>), and to allow protest actions in Baku city in accordance with Resolution 1917 of January 2013 of the Parliamentary Assembly of the Council of Europe (Germany<sup>7</sup>) and to fully investigate the allegations of harassment of legal professionals representing peaceful demonstrators (United States of America<sup>8</sup>)<sup>9</sup>.

**Recommendations received on freedom of association**, mainly echoing the Council of Europe Commission for Democracy through Law (Venice Commission)<sup>10</sup> and other European instruments, **must be implemented**, in particular the need to reform the NGO law<sup>11</sup> in order to comply fully with international human rights law (Austria<sup>12</sup>), **including the recommendation made by Germany<sup>13</sup> “to eliminate the practice of unlawful postponement and of refusal to register NGOs, including international NGOs, and those critical to the Government”**.

**We recall that since 10 March 2011 the Azerbaijan Human Rights House was forced to suspend its activities** until an agreement on those activities is found with the government.<sup>14</sup> After a process of negotiations since April 2011, to date, the Human Rights House has not been allowed to reopen **and partner NGOs are still denied registration including the Election Monitoring and Democracy Studies Centre**, one of the only national independent NGOs systematically monitoring elections, **and the Human Rights Club**, well-known for being one of the organisers of the campaigns “Sing for Democracy” and “Arts for Democracy”.

**We further call upon Azerbaijan to issue a standing invitation to special procedures<sup>15</sup>** and in particular to swiftly agree on dates for the visit of the Special Rapporteur on the rights to freedom of peaceful assembly and association<sup>16</sup>.

**Mr Chairperson,**

**The Human Rights House Foundations also regrets the late publication of the replies to recommendations by Azerbaijan, and other States and hope this will be addressed by the Human Rights Council.**

**Thank you, Mr Chairperson.**

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<sup>5</sup> Freedom of assembly and the rights to peacefully demonstrate was addressed in 9 recommendations.

<sup>6</sup> A/HRC/WG.6/16/L.11; Recommendation 109.132 made by Uruguay.

<sup>7</sup> A/HRC/WG.6/16/L.11; Recommendation 109.137 made by Germany.

<sup>8</sup> A/HRC/WG.6/16/L.11; Recommendation 109.136 made by United States of America.

<sup>9</sup> The right to freedom of assembly and to peacefully protest was also addressed by the country delegations of Australia, Netherlands, France, Slovakia, United Kingdom, and Hungary.

<sup>10</sup> See: [http://www.venice.coe.int/webforms/documents/CDL-AD\(2011\)035-e.aspx](http://www.venice.coe.int/webforms/documents/CDL-AD(2011)035-e.aspx).

<sup>11</sup> 9 recommendations were made by Austria, Germany, Ireland, Mexico, Norway, Slovakia, United States of America, and Italy requesting Azerbaijan to revise the 2009 law on non-governmental organisations.

<sup>12</sup> A/HRC/WG.6/16/L.11; Recommendation 109.26 made by Austria.

<sup>13</sup> A/HRC/WG.6/16/L.11; Recommendation 109.22 made by Germany.

<sup>14</sup> See: <http://humanrightshouse.org/Articles/17735.html>.

<sup>15</sup> A/HRC/WG.6/16/L.11; Recommendation 109.20 made by Hungary.

<sup>16</sup> A/HRC/WG.6/16/L.11; Recommendation 109.21 made by Austria.