



HUMAN RIGHTS HOUSE
FOUNDATION

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**Geneva (Switzerland)
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**Item 2
General debate with the High Commissioner**

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Thank you Mr High Commissioner,

Civil society has over the last years seen its space to participate in the public life shrink. Drastically so, in a range of countries. Tomorrow's International Day of Democracy¹ dedicated to the promotion and protection of the "Space for Civil Society" is an important reminder.

Democracy indeed not limited to representative democracy or elections. In their call to "stop the erosion of democracy,"² the special procedure mandate holders Alfred de Zayas, Independent Expert on the promotion of a democratic and equitable international order, and Maina Kiai, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, deplore the increasing erosion of democracy as a result of repressive policies in some countries, but also by virtue of the increasing influence of vested interests at the expense of the public will. The underline that "what matters most is what happens between those elections: Can people speak out, engage and influence the leaders they have elected? Is there a correlation between the needs and will of the people and the policies that affect them? Can people peacefully assemble when other ways of expressing their grievances fail? Is peaceful dissent tolerated and encouraged to flourish, so that the marketplace of ideas is not monopolized by one group?"

Many States adopted restrictions that limit the ability of NGOs to work or to receive funding, which are used as a pretext to prosecute and imprison human rights defenders and civil society leaders. Those States *de facto* criminalise the right to be a human rights defender, the right to assemble and associate, as well as the right to participate to public life, all cornerstones of democracy.

As one of the examples of such a trend, in the Republic of Azerbaijan space for independent civil society has since the presidential election of October 2013 disappeared. In view of the parliamentary elections of November 2015, all leading civil society actors are either in prison or fled the country. In the month of August 2015 alone, harsh lengths of imprisonment have been imposed to the most prominent human rights lawyers and civil society activists, following unfair trials and procedural irregularities, including lack of access to interpreters, lack of access to investigation materials, seemingly arbitrary denial of defense motions and restrictions and denial of access to international observers.

In light of the recent cancellation of the OSCE/ODIHR parliamentary election observation, we call upon this Human Rights Council to take concrete steps to address the deterioration of the situation in Azerbaijan.

¹ As established by the UN General Assembly in its resolution A/62/7 (2007).

² Press release issued on 11 September 2015, available at <http://freemassembly.net/rapporteurpressnews/international-day-of-democracy>.

Mr. High Commissioner,

Although we welcome your press release of 8 September 2015 in which you condemned this crackdown on civil society in Azerbaijan³ and called for the “immediate release of all those who have been deprived of their liberty simply for exercising their rights to freedom of expression, association or peaceful assembly,” more must indeed be done. In your statement you expressively addressed the cases of investigative journalist Khadija Ismayilova⁴, Leyla Yunus and her husband Arif Yunus⁵, Intigam Aliyev⁶, Anar Mammadli⁷ and Rasul Jafarov⁸.

We deeply regret that Azerbaijan rejected your statement in a public press release⁹ and qualified it as groundless and biased.

On August 20, 2015, six UN Special Rapporteurs issued a joint statement condemned those convictions as “manifestly politically motivated,” in a trial that “fell short of international norms and standards.”

We call upon you, Mr High Commissioner, to present to the Human Rights Council at the earliest as possible, a comprehensive report on the human rights situation and the environment for human rights defenders and civil society in general in Azerbaijan.

We call upon Azerbaijan to put an end to the unprecedented repression against civil society and to immediately and unconditionally release and rehabilitate the civil and political rights of all prisoners of conscience. Azerbaijan should furthermore take concrete steps to prevent and stop the use of legislation to unduly hinder the ability of human rights defenders, journalists and activists to exercise their work, in compliance with standards set in resolution 22/6 of 21 March 2014 and resolution 24/21 of September 2014 on the protection of civil society space.

The situation has not improved either in the Republic of Belarus. The presidential election will be held on 11 October 2015. Although all political prisoners were released, their rights were not rehabilitated and civil society has limited space to participate in the public life. In fact, the public debate is totally controlled by the government.

Following the regional elections in the Russian Federation on 13 September 2015, the same can be said about the lack of space for the opposition and civil society to participate in public life.

Thank you Mr High Commissioner.

³ Press release of 8 September 2015 available at

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16393&LangID=E#sthash.xQJj99xv.dpuf>

⁴ On the case of Kadija Ismailova see: <http://humanrightshouse.org/Articles/21130.html>

⁵ On the case of Leyla and Arif Yunus see: <http://humanrightshouse.org/Articles/21111.html>

⁶ On the case of Integam Aliev see: <http://humanrightshouse.org/Articles/21067.html>

⁷ On the case of Anar Mammadli see: <http://humanrightshouse.org/Articles/20488.html>

⁸ On the case of Rasul Yafarov see: <http://humanrightshouse.org/Articles/20788.html>

⁹ Press release of the Permanent Mission of Azerbaijan available at <http://www.azmission.ch/xerberler/20150909070211108.html>