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UPR Outcomes: Azerbaijan

Item 6 statement

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This statement also enjoys the support of the following organisations:

- Election Monitoring and Democracy Studies Centre
- Human Rights Club
- Legal Education Society

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Thank you.

Since its last review, Azerbaijan has adopted repressive amendments to the NGO legislation¹, brought trumped up charges² against civil society leaders, human rights NGOs, and representative and branch offices of international NGOs in Azerbaijan. In addition, many NGO leaders were forced to leave the country and some are still encountering special search and interrogations while crossing the Azerbaijani border.

Currently, the legal environment for NGOs has reached a severely repressive stage with harsh limitations established for NGOs in terms of access to funding, especially foreign funding, including lack of free and full ability to operate without any fear and prosecution, paralyzed projects through the blocking of grant money in local bank accounts, and a politicized NGO registration practice over a decade, including registration of representatives and branches of international organizations.

The legal amendments on increasing of fines for organizing or participating in unauthorized protests came into force in 2013 and the maximum periods of administrative detention prolonged for certain assembly-related offenses. Among the amendments adopted in the September 2016 referendum, was a provision that the right to free assembly is contingent on not violating “public order and morals.”

¹ On February 3, 2014, November 16, 2014, and November 20, 2014, changes were made to the Law on Grants, the Law on State Registration of Legal Entities and the State Registry and the Code of Administrative Offences, which have the potential to significantly impair the work of both Azerbaijani and foreign organizations. They introduced many obligations for organizations, including new registration requirements, and rules regarding receiving and using grants and reporting to the government. In addition, the new changes established harsh penalties for those who violate both new and previously existing obligations under the law.

² On 22 April 2014, a criminal case Nr. 142006023 has been initiated by the General Prosecutor Zakir Garalov on the basis of the information received from the Ministry of Justice (MoJ) on alleged irregularities in the activities of a number of domestic and foreign NGOs. This led to the ‘criminalization’ of their human rights activities, seizure of their bank accounts, interrogations of NGO leaders and staff, imposition of travel bans or escape from the country to seek for refuge abroad. See in this regard *inter alia*:

- Shrinking space for civil society in Azerbaijan, June 2016, available at <https://www.irfs.org/wp-content/uploads/2016/07/Shrinking-Space-for-Civil-Society-in-Azerbaijan.pdf>;
- Freedom Now and Human Rights House Network, *Breaking point in Azerbaijan*, Washington, DC and Geneva, May 2015, available at <http://humanrightshouse.org/Articles/20947.html>.

The harassment and use of disciplinary sanctions against independent lawyers in Azerbaijan is a cause for serious concern. Threats of disbarment or temporary suspension are used to discourage lawyers from taking on politically sensitive cases and from making appeals, which is a necessary precondition to initiating an application for redress with the European Court of Human Rights (ECtHR). Harassment of lawyers has been very successful at reducing the number of lawyers in the country who are willing to risk their careers and their own security.³

Independent media operates under the threat of arbitrary measures by the authorities. Despite protection under national and international law that guarantees the right to freedom of expression, Azerbaijan has continued to face challenges in ensuring an enabling environment for the media and journalists. Independent media outlets have been frequently targeted.

There is no National Action Plan on implementing the Law on Domestic Violence, adopted in August 2010. Attempts on women's lives as a result of domestic violence accounted for 87 percent of all attempts on women's lives in 2016.⁴ The stability of the numbers of women murdered in recent years illustrate the lack of action by the State to offer solutions for women victims of domestic violence and lack of prosecution of domestic violence offenders.

Finally, the April 2018 Presidential Election took place in an environment of increasing restrictions on freedoms of expression, assembly, and association. Political repression has increased since the 2013 Presidential Election, and the number of political prisoners has doubled, reaching 138 people. Independent media and civil society have faced severe restrictions to the point where there is virtually no space in which to operate.

Mr Chairperson, we make the following recommendations to Azerbaijan:

1. Drop all restrictive provisions affecting the rights to freedom of peaceful assembly and association;
2. Put an end to the government supported smear campaigns against human rights defenders, lawyers and journalists;
3. Bring its electoral regulations and practices into compliance with international standards;
4. Prepare the National Action Plan for implementing the Law on Domestic Violence.

Thank you.

³ Further information on specific cases and harassment of lawyers in Azerbaijan: "Human Rights Lawyers at Risk Making the Case for Protection of Legal Professionals in Azerbaijan, Belarus, Moldova, Russia, and Ukraine," Oslo & Geneva, September 2015, available at <http://humanrightshouse.org/Articles/21175.html>.

⁴ Source: Study by Women's Association for Rational Development (WARD), "Violence Scale: Femicide in Azerbaijan," Baku (Azerbaijan), 2017.