



The South Caucasus Network of Human Rights Defenders

The South Caucasus Network of Human Rights Defenders unites 30 human rights NGOs in Armenia, Azerbaijan and Georgia. The Network seeks to facilitate creation of a safer and enabling environment for human rights defenders in the South Caucasus and to strengthen their voices in the region and internationally.

The South Caucasus Network of Human Rights Defenders concerned about Draft law on NGOs in Azerbaijan

Thursday, 18 June 2009

The South Caucasus Network of Human Rights Defenders is alarmed about the draft amendments to the Law of the 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. The Network members deeply regret that neither the civil society of Azerbaijan, nor the international community was consulted on the amendments and had very limited time to respond on it.

The South Caucasus Network of Human Rights Defenders is alarmed 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. 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 South Caucasus Network of Human Rights Defenders is particularly concerned about the following amendments:

- Ban of the activity of NGO 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.
- Setting the requirement of having 50% funding from the local sources will seriously hamper the work of the local NGO, 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

“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”
Article 1, UN Declaration on Human Rights Defenders

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Network is coordinated by Human Rights Center (Georgia), Armenian Helsinki Association (Armenia) and Institute for Reporters Freedom and Safety (Azerbaijan).

Human Rights House Foundation (Oslo, Norway) is the international partner of the Network.

amendment makes functioning of non-governmental organizations conditional upon the will of the state authorities.

Overall, the draft Law contains serious shortcomings that contradict to the democratic values, infringes the rights of human rights defenders guaranteed by the UN Declaration on Human Rights Defenders. Introduction of the laws of the 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 the similar attempts to the neighbouring countries.

The South Caucasus Network of Human Rights Defenders calls 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 with 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 calls upon international community to:

- Put pressure on the Azerbaijani authorities not to pass the proposed amendments to the Law of Republic of Azerbaijan “On Non-governmental organizations (public associations and foundations);
- Urge Azerbaijan as a member of Council of Europe to respect the right to freedom of association and rights of the human rights defenders.