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Human rights situations that require the Council's attention

Joint written statement* submitted by the Human Rights House Foundation, the B.A.B.E. - Be Active, Be Emancipated, the Helsinki Foundation for Human Rights, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Concerns about fundamental freedoms in Azerbaijan**

Among the 55 UPR recommendations from 2009, Azerbaijan accepted 30 recommendations, rejected 15, and had no clear position on 10 recommendations. Azerbaijan accepted to “strengthen its efforts to guarantee freedom of assembly and association, to respect the work of human rights defenders, and that legislation concerning NGOs is implemented accordingly” (UPR recommendation 18 made by The Netherlands). Azerbaijan also accepted the recommendation to “put in place further measures to ensure respect for freedom of expression and of the media” (UPR recommendation 15 made by Ireland). Azerbaijan accepted to establish an inter-institutional mechanism with civil society in order to implement UPR recommendations, and to engage fully with civil society in the follow-up and implementation of this review (UPR recommendation 32 made by the United Kingdom). We welcome the new “National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan” from December 2011, which includes concrete steps to improve the protection and promotion of human rights and rule of law.

To ensure that the Action plan will be implemented with a great impact on the human rights situation and carried out within the set timeframe, we advise the Azerbaijani authorities to acknowledge civil society’s role in the implementation, and hence, include them in the process. A precondition for a successful implementation of the Action plan is that Azerbaijani authorities immediately stop the on-going repression against civil society actors like human rights defenders, journalists and lawyers.

In 2009, the UN Human Rights Committee expressed its concern “at persistent reports according to which the State party’s authorities unreasonably restrict individuals’ right to freedom of peaceful assembly, by refusing to deliver authorizations, or by dispersing peaceful demonstrations with excessive use of force”. The Committee concluded that Azerbaijan “should re-examine its regulations, policy and practice, and ensure that all individuals under its jurisdiction fully enjoy their rights under article 21 of the Covenant, and make sure that the exercise of this right is not subjected to restrictions other than the ones permissible under the Covenant.” (UN Human Rights Committee, Concluding Observations on Azerbaijan, 3 August 2009, § 16 (UN Doc: CCPR/C/AZE/CO/3))

Authorities in Azerbaijan have put a de facto ban on any peaceful demonstration and public meetings since early 2006: requests of the political opposition or civil society to hold a demonstration are systematically turned down or the authorisation is given in remote areas outside of Baku.

Inspired by the pro-democracy popular demonstrations in the Middle East, Azerbaijan’s youth activists and political opposition staged several unsanctioned protests against the government policies since early March 2011.

** Azerbaijan Human Rights House (on behalf of the following NGOs: Legal Education Society; Azerbaijan; Azerbaijan Human Rights Center; Institute for Reporters’ Freedom and Safety; Association for the Protection of Women’s Rights after D. Aliyeva; Media Rights Institute, Azerbaijan); ARTICLE 19, UK; Index on Censorship, UK; Human Rights House Zagreb (on behalf of the following NGOs: APEO/UPIM - Association for Promotion of Equal Opportunities for People with Disabilities; B.a.B.e.; CMS - Centre for Peace Studies; Documenta - Centre for Dealing with the Past; GOLJP - Civic Committee for Human Rights; Svitanje; Association for Protection and Promotion of Mental Health), NGOs without consultative status, also share the views expressed in this statement.

As a result, the authorities cracked down on peaceful gatherings and arrested more than one hundred activists during spring 2011. As underlined by the European Parliament in its 12 May 2011 resolution, the Courts held hearings in late-night trials that were closed to the public. Most defendants did not have access to legal counsel of their choice and the police refused to allow detainees to contact lawyers. In December 2011, one of the arrested activists from Spring 2011, the youth activist Jabbar Savalanli, was released. However, 16 activists related to the mobilization for the peaceful assembly last year remain imprisoned, recognized as prisoners of conscience by Amnesty International.

In Azerbaijan, as in many other countries, social media has become a tool for youth activists and human rights defenders to express their opinions and to call on Azerbaijanis to speak out and defend their human rights. The oppression of those who raise their voices on social media is particularly worrying. The UN Human Rights Committee concluded its 2009 review of Azerbaijan by stating that Azerbaijan “should treat users of non-conventional media in strict compliance with article 19 of the Covenant.” (UN Human Rights Committee, Concluding Observations on Azerbaijan, 3 August 2009, § 15 (UN Doc: CCPR/C/AZE/CO/3))

As a part of the broader government campaign against those who raise their critical voices, pressure is put on the activities of independent lawyers and human rights defenders, and their organisations. Concrete actions are taken against those lawyers who dare to provide legal counsel to those who criticise the government. In light of the on-going repressions, it is very difficult for human rights NGOs to work independently and without systematic intervention of the authorities. The authorities have repeatedly denied the applications for registration of several human rights NGOs, which are a precondition to operate legally in the country.

On 10 March 2011, the day before the mass arrests of activists in Baku took place, the Azerbaijan Human Rights House, a popular independent meeting place for human rights defenders, youth activists and journalists, was ordered to cease its activities (See the statement issued by the Human Rights House Network on 11 March 2011: <http://humanrightshouse.org/Articles/16060.html>) Human Rights House Foundation registered its international branch in Azerbaijan in May 2007 and has since then regularly and timely reported to the respective authorities with its consent.

After Azerbaijan adopted restrictive amendments to the NGO law in 2009, on 17 March 2011, the Cabinet of Ministers issued new regulations to register an international NGO, which amend the existing provisions for state registration and set rules for an agreement between state authorities and international NGOs. This decree restricts the ability of international NGOs to operate in Azerbaijan. In order for an agreement to be reached, the organisations must respect the national-moral values and the organisations must not be involved in political or religious propaganda. The Venice Commission has criticized the regulations as vague as there is no definition of what Azerbaijani authorities mean with "national moral values", and "political or religious propaganda". In addition, the Venice Commission criticized the undefined length of negotiations and the legal opinion by the Venice Commission views the regulations as a breach to international standards (see: <http://humanrightshouse.org/Articles/17215.html>). Azerbaijan Human Rights House is the first international NGO in negotiations with the authorities due to the decree, and despite one-year negotiation the Azerbaijan Human Rights House has not been allowed to reopen yet.

According to the NGO law, a national organization that receives three warnings within a year can be closed down. In the beginning of February 2012, the Institute of Reporters' Freedom and Safety and Democracy and NGO's Development Resource Center in Nakhchivan received warnings from the Ministry of Justice based on their human rights reporting on Internet, argued to be biased and false by the authorities. A media campaign in

state owned press against the NGOs and individuals behind the Sing for Democracy campaign has recently started. The human rights defenders lobbying for increased protection and promotion of freedom of assembly and expression, property rights and the release of political prisoners are now openly accused of being traitors, spies for Armenia and international organizations. According to UN Declaration on Human Rights Defenders, states have a duty to protect human rights defenders, journalists and civil society from threats, retaliation or pressure stemming from the legitimate exercise of their work in defense of human rights. We hereby ask the Azerbaijani authorities to officially express its support to the role of human rights defenders in the society and their work.

During the last years, there has been an urbanisation of Baku where many old buildings have been demolished. However, the process of demolishing buildings is not done in accordance to Azerbaijani laws and regulations – and in many cases not in accordance to or in line with court decisions for the particular properties. Property rights are in large scale violated as people find themselves evicted within very short notice, if any, with no alternative housing, no or very small compensations and no remedy at all against the state's actions. Thousands of families in Baku are now victims of these violations. The evictions of citizens and demolishing of houses have escalated to “beautify” and prepare Azerbaijan to the Eurovision that will take place in May 2012.

We call upon Azerbaijani authorities to abide by its international obligations and immediately implement UN recommendations, paying special attention to include civil society within the process and to cooperate with the UN Special Rapporteurs on freedom of peaceful assembly and association, human rights defenders, freedom of expression and on the independence of judges and lawyers.
