

European Commission
against Racism and Intolerance

ECRI
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contre le racisme et l'intolérance

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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF AZERBAIJAN
SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 3 April 2019¹

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¹ Any developments which occurred after 13 September 2018, date on which the response of the Azerbaijani authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

ECRI Secretariat
Directorate General II - Democracy
Council of Europe
F-67075 STRASBOURG Cedex
Tel.: +33 (0) 390 21 46 62
E-mail: ecri@coe.int

www.coe.int/ecri

FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1. *In its report on Azerbaijan (fifth monitoring cycle) published on 7 June 2016, ECRI recommended that the authorities create conditions under which a diverse and independent civil society can develop by implementing the detailed recommendations of the Council of Europe's Parliamentary Assembly's (§§ 11.1, 11.2 and 11.6 to 11.8 of Resolution 2062(2015)) and of the Venice Commission (§ 94 of Opinion No. 787/2014).*

ECRI recalls that the above recommendation was made in the context of the state crackdown on non-governmental organisations (NGOs), particularly through legal restrictions¹ on registration and receiving foreign funding, to the disadvantage of members of vulnerable groups who turn to such organisations in order to receive aid and assistance in cases of hate speech and other instances of racism and discrimination, as well as compromising the NGOs' independence.

ECRI notes that the Azerbaijani authorities have taken several steps with regard to this recommendation. ECRI has been informed by the authorities that in 2016, a presidential decree on the 'Application of the single window principle to the procedure for the allocation of grants by foreign donors' in Azerbaijan was adopted, which entered into force on 1 January 2017. This decree includes measures to simplify procedures concerning the registration of grants by foreign donors and ensure their transparency. In this connection, the multiple agencies responsible for processing grant registrations were merged. There is also ongoing work to set up e-services with a view to managing the electronic registration of grants. Furthermore, ECRI takes positive note of the setting up of a platform for dialogue between the Government and civil society in 2016 under the National Action Plan for Open Government (2016–2018) to enhance the involvement of civil society organisations.

While ECRI welcomes these developments, it notes that the presidential decree has neither addressed the legal requirement for NGOs to register grants nor changed the unlimited discretion of the authorities to decide on grant registration. Reports from various stakeholders indicate that the continuing use of restrictive regulations by the authorities fails to offer favourable conditions for the proper and independent functioning of NGOs and leads, in some cases, to these organisations being unable to resume their work.

In view of these considerations, ECRI concludes that its recommendation has not been implemented.

2. *In its report on Azerbaijan (fifth monitoring cycle) published on 7 June 2016, ECRI recommended that the authorities fulfill the promise given when acceding to the Council of Europe to enact legislation on alternatives to military service as already foreseen in Article 76 of the Azerbaijani Constitution.*

ECRI notes that the Azerbaijani authorities have not taken any initiative to enact legislation on alternatives to military service.

ECRI therefore considers that this recommendation has not been implemented.

¹ Following the adoption of number of amendments to the administrative code and the laws on NGOs, grants, and registration of legal entities in 2014.

