



On the implementation of the case of Ramazanova and others vs. Azerbaijan

(Application no. 44363/02)

based on submission pursuant to Rule 9(2) of the Committee of Ministers' Rules for the
Supervision of the Execution of Judgments

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NGO legislation is continuously used to close civic space in Azerbaijan.

Ramazanova and others vs. Azerbaijan: Findings of the Court

- currently under standard supervision
- 6 judgements address arbitrary prolongation of registration procedure for associations
- no sufficient grounds to dissolve associations
- repeated registration refusals, problems to receive legal status or grants/financial donations
- domestic law on registration unclear and open to interpretation



*falling short on the “quality of law”
requirement guaranteed by Art. 11.2 ECHR*

**→ VIOLATION OF ARTICLE 11:
Interferences with the freedom of association
(Art. 11 ECHR)**

General measures to be carried out:

- Duty of the Government of Azerbaijan to take remedial measures for improved compliance with the time-limits imposed by the State's own law.
 - no evidence in the relevant cases.
- Allegedly heavy workload no excuse for infringements of procedural requirements of domestic law.
- Domestic law must delimit precisely the circumstances in which sanctions could be applied.
- NGO Act to provide procedural safeguards against the risk of abuse & arbitrariness.
- Procedure for conducting inspections by the MoJ on period of time should be prescribed by law.

Activities by Azerbaijani authorities in response

NO action plan for the Ramazanova Group of Cases

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NO implementation of general measures

- **Only Action report:** considers no action necessary after entry of Law on State Registration & State Register of Legal Entities in 2004 (+ amendments later)
- Claims Art. 8 of Registration Act provides time limits on examination period, requires identification of deficiencies in one review
- says NGO Act specifies powers of authorities concerning supervision of associations, introduces suspension of NGO activities as alternative to dissolution

Activities by Azerbaijani authorities ineffective and insufficient

- **Measures ineffective:** Ministry of Justice circumvents/disregards requirements.
- **Measures insufficient:** do not address all legal and factual deficiencies.
- Burdensome registration process.
- Tightened regulations on NGO operation, shifting focus of repressive policies to operational level.
- State authorities impede NGO activities through unofficial permit practices; harassment by **prosecution & smear campaigns**.

- Introduced **amendments contain loopholes** allowing circumvention.
- Procedure for “returning documents due to deficiencies” extensively used in practice.
- Strict restrictions grant state authorities control over NGO activities → chilling effect, shrinking space for civil society.
- **Measures insufficient to cure the infringements of Article 11.**

Current situation

- Freedom of association violations \leftrightarrow legislative framework of NGO operation in the country:
- **Quality of the law allows state interference and misuse in implementation**
- Entirety of the laws + legislation: interdependent, unified **tool for persecution**
- NGO registration + reporting requirements, power of the MoJ to supervise/monitor/control work of NGOs
- Disintegration of financial independence & sustainability of NGOs. Limits to grant giving donors. No international civil society donor registered.
- High fines for breach of operational requirements
- Intimidation of NGOs \rightarrow atmosphere of fear and insecurity
- Situation aggravated by enforcement mechanisms allowing action against undesirable associations.



Example of Human Rights House Azerbaijan emblematic

Human Rights House Azerbaijan

Established in 2007, Human Rights House Azerbaijan was forced to close its doors due to the crackdown in civil society in the country in 2014. Today 3 organisations are working toward re-opening the House.

RECOMMENDATIONS

! Move *Ramazanova* group of cases from standard to **enhanced supervision** procedure

- ! Ask Azerbaijan to amend domestic legislation regulating NGOs, international & donor organisations
- ! Address continuous & systemic freedom of association violations in Azerbaijan by:
 - Abolishing current procedures for registering NGOs/grants/donations, replacing it with simple notification procedure
 - Removing burdensome requirements for registration + operation of international donors
 - Facilitating access to funding for NGOs: removing prior approval process for international donors
 - Repealing disproportionate & punitive sanctions for violations of domestic legislation
 - Safeguarding freedom of expression & assembly of NGOs

Questions? Thank you.

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