

The Freedom of Association in Azerbaijan: Compliance with the Council of Europe and OSCE Standards on Legal Status of NGOs

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Summary

This policy brief aims to learn the compliance of the legislation regulating the activities of the local and international NGOs with the Council of Europe and OSCE standards and the shortcomings in this regard. In particular, by analyzing the legal norms regarding the registration, financing and sanctions on the activities of local and international NGOs in Azerbaijan, the restrictive amendments to the NGO legislation were introduced in the last three years without taking into consideration the commitments of the Venice Commission of the Council of Europe and the recommendations of the OSCE Office for Democratic Institutions and Human Rights Bureau and the noncompliance of these provisions with the commitments assumed by Azerbaijan before the Council of Europe and OSCE on the protection of freedom of association.

As a result of the growing legal and political constraints in the recent years, as the prestigious international NGOs have left the country and the activities of the most local NGOs are highly restricted, this document suggests that the Azerbaijani authorities first should demonstrate the political will to ensure the freedom of association in the country. Moreover, for the legal reforms the current legislation should be adjusted to the Council of Europe and OSCE standards, take into account the recommendations of civil society and international organizations and should not refuse to cooperate with the stakeholders who are interested in this area and create the political environment for dialogue between citizens and the state.

Introduction

Over the past three years, the lack of support for political freedoms in Azerbaijan has prevailed and the problems concerning political pluralism and state-citizen relations have aggravated. Joint opinion of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly on the presidential elections, dated 9 October 2013¹, states that **“the 9 October election was undermined by limitations on the freedoms of expression, assembly, and association that did not guarantee a level playing field for candidates”**. Unfortunately, the situation has not improved since 2013; on the contrary, new obstacles have emerged concerning the protection of political freedoms. Consequently, more than 20 restrictive amendments to the laws regulating the freedom of association, the arrest of five human rights activists, the criminal cases against branches and representative offices of more than 20 domestic

¹The joint opinion of the OSCE Office for Democratic Institutions and Human Rights (OSCE / ODIHR) and the OSCE Parliamentary Assembly. On October 9, 2013 Presidential election in Azerbaijan - <http://www.osce.org/odihr/elections/106901?download=true>

and foreign NGOs², as well as the imposed high tax penalties caused disintegration in the civil society and inflicted a serious damage on the development of citizen-state relations.

Restrictive amendments to the “Law of the Republic of Azerbaijan on Non-Governmental Organizations (public unions and foundations)” that regulates the activity of civil society organizations (CSOs), “Law on State Registration and State Register of Legal Entities”, “Law on Grants,” and other legal acts complicated state registration rules and establishment of branches of foreign NGOs. These changes increased legal prohibitions and sanctions targeting NGO activities and diminished the opportunities for foreign donor organizations operating in the country.

The Azerbaijani government should demonstrate political will to change the current situation and should comply with the freedom of association principles of the Council of Europe, as well as OSCE documents on NGOs, which would help to ensure implementation of international commitments of the country. Moreover, the government should involve the General Secretariat and Parliamentary Assembly of the Council of Europe and the OSCE Parliamentary Assembly in the improvement of the laws governing freedom of association in Azerbaijan and existing practice. International experts from the Venice Commission and the OSCE/ODIHR should be involved in the examination of the legislation on NGOs in Azerbaijan and should be encouraged and supported for the reform of these institutions.

Political Environment Concerning Civil Society

The resolutions of the Parliamentary Assembly of the Council of Europe (PACE)³ on the human rights situation in Azerbaijan and the decisions of the European Court of Human Rights discussed the issues of freedom of expression, freedom of association and peaceful assembly, electoral rights and violations of fair trial several times. Over the past three years, restrictive changes to more than 20 laws regulating the freedom of association, the arrest of five human right activists, the criminal cases against branches and representative offices of more than 20 domestic and foreign NGOs⁴ and high tax penalties decimated the local civil society.

Since the beginning of 2016, despite the conditional release of human rights defenders by court decisions and an amnesty decree signed in March,⁵ the current legal and political environment does not provide the representatives of CSOs with the ability to work freely and securely.

²For more information: “Shrinking Space for Civil Society in Azerbaijan” report - <http://www.caucasusinitiative.org/researchs/2/shrinking-space-for-civil-society-in-azerbaijan>

³ For more information: <http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5680&lang=2&cat=8>

⁴ For more information: “Shrinking Space for Civil Society in Azerbaijan” report - <http://www.caucasusinitiative.org/researchs/2/shrinking-space-for-civil-society-in-azerbaijan>

⁵ Human Rights Watch report - <https://www.hrw.org/news/2016/03/17/dispatches-good-news-azerbaijan-change>

Indeed, since the end of 2013, the current legislation has been exposed to changes in the laws, higher taxes and prosecution on some local and foreign NGOs. Moreover, the difficulties concerning funding by foreign donor organizations limited the activities of independent CSOs.

Pressure against CSOs and lack of support for freedom of association standards of the international organizations, such as the Council of Europe and OSCE, of which Azerbaijan is a member, can be characterized as a crisis in the country's relations with both institutions. For example, on 1 November 2015, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and OSCE Parliamentary Assembly refused to observe parliamentary elections in the country.⁶ Similar critical situation is observed in the collaboration with a number of the Council of Europe bodies, including the Council of Europe Venice Commission.

The government has not submitted the amendments to the laws concerning NGOs, Grants and other regulations, as well as the amendments to the Constitution, which will be balloted in referendum on 26 September 2016, to the Council of Europe Venice Commission for examination. In fact, influential international organizations have not evaluated the political processes going on in the country after the 9 October 2013 presidential election, as well as the changes in the legal and normative regulations governing political freedoms, in a professional manner. The Council of Europe and the OSCE possess vast experience in the development of the rules and regulations concerning the protection of freedom of association, yet the Azerbaijani government does not seem to be willing to benefit from this experience.

Legal Environment Concerning Civil Society and Basic Legal Restrictions

The guarantees for freedom of association in the **Constitution of the Republic of Azerbaijan**⁷ and international documents ratified by the state are established in the **UN Covenant on Civil and Political Rights, The European Convention for the Protection of Human Rights and Freedoms, and the OSCE Copenhagen and Moscow Documents**. Apart from these, there are national laws, such as the Law on Non-Governmental Organizations (public unions and funds) regulating the legislation for CSOs, the Law for State Registration and State Register of Legal Entities and the Law on Grants. However, contradiction and inconsistencies arise when the above-mentioned laws are compared to the standards of international legal principles and practices with regard to the freedom of association. One of those documents is "**Joint Guidelines on Freedom of Association**"⁸, which generalizes the existing international instruments, the decisions of the European Court of Human Rights on freedom of association and other national practices of different European countries. The document was adopted by the Council of Europe Venice Commission and OSCE/ODIHR on 17 December 2014. However, after the adoption of this document, several changes have been made to the regulations on NGOs without referring to this document.

⁶ The OSCE Parliamentary Assembly Press release - <http://www.osce.org/pa/184146>

⁷ Article 58, The Constitution of the Republic of Azerbaijan - <http://www.msk.gov.az/uploads/qanunvericilik/konstitusiyaya.pdf>

⁸ "Joint Guidelines on Freedom of Association"⁸, adopted by the Council of Europe Venice Commission and OSCE/ODIHR on 17 December 2014 - [http://www.venice.coe.int/webforms/documents/default.aspx?pdfid=CDL-AD\(2014\)046-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdfid=CDL-AD(2014)046-e)

The following problems, such as the current legal restrictions in the establishment and registration of NGOs, prohibitions and sanctions, as well as issues concerning funding by foreign donors stand out when compared to the Council of Europe and OSCE standards:

1) Establishment and State Registration of NGOs

The Law on Non-Governmental Organizations regulates the activities of two types of institutions – public associations and foundations, their establishment, activity and management under the concept of “non-governmental organizations”. No mandatory provisions concerning the registration of NGOs exist in the law.

However, according to the law, **“non-governmental organization receives the status of legal entity only after state registration”**. Being a legal entity is important for an NGO in certain circumstances. Consequently, according to the law, **“Registered non-governmental organization can open branches and representative offices on the territory of Azerbaijan Republic and beyond its limits.”** Moreover, according to the Law on Grants the recipients who receive grants from donors include **“resident and non-resident legal entities, their branches, representative offices and departments.”** Obviously, without state registration, an NGO will have obstacles to obtain the status of legal entity, and as a consequence, there will be no possibility to establish branches and representative offices and get grants from donors. In this regard, state registration of NGOs becomes a necessity for obtaining the status of legal entity and for long-term sustainable activity.

Joint guidelines of the Council of Europe Venice Commission and OSCE/ODIHR states that **“the acquisition of legal personality is a prerequisite for an association to gain the legal capacity to, in its own name, enter into contracts, make payments for goods and services procured, and own assets and property, as well as to take legal action to protect the rights and interests of associations, among other legal processes that can be essential for the pursuit of the objectives of associations. It is reasonable to put in place registration or notification requirements for those associations that wish to have such legal capacities, so long as the process involves requirements that are sufficiently relevant, are not unnecessarily burdensome and do not frustrate the exercise of the right to freedom of association”**⁹

According to the Law on State Registration of Legal Entities, state registration of a non-profit organization should be carried out within 40 days.¹⁰ However, this term is not defined in the law firmly and concretely. Again, according to the above mentioned law, **“the application and attached documents for registration are accepted for the review by the relevant executive authority (Ministry of Justice) and is checked for compliance with the Constitution of the Republic of Azerbaijan, this law and other legislative acts within 30**

⁹ ECtHR, Gorzelik and Others v. Poland [GC] (Application no. 44158/98, judgment of 17 February 2004), para. 88; European Commission of Human Rights, Cârmuirea Spirituală a Musulmanilor din Republica Moldova v. Moldova (Application no. 12282/02, decision of 14 June 2005); and UN Human Rights Committee, Malakhovsky and Pikul v. Belarus (Communication no. 1207/2003, 26 July 2005), para. 7.6.

¹⁰ For more information - Article 8, the Law for State Registration and State Register of Legal Entities

days.”¹¹ In exceptional cases, the period can be extended for up to 30 days when there is a need for further investigation during the review. If submitted documents contain shortcomings which can not cause rejection, they are returned for correction within 20 days. The certificate on state registration or refusal of registration shall be notified in written form no later than 10 days after the examination and elimination of deficiencies in documents. In this process, the organization is considered registered if the refusal about registration is not received.

At first glance, any of the above-mentioned periods may seem as a period needed for the state registration of an NGO within 90 working days. However, the law identifies a two-day period for state registration of commercial entities. Thus, it becomes clear that the law is interested in the thorough examination of the documents submitted by non-profit organizations rather than checking the documents of business trade associations.

It is important to note that the implementation of the Law on Non-Governmental Organizations caused serious disagreements during its 16-year validity period. The court has repeatedly received complaints about the actions of the Ministry of Justice for refusing state registration of newly-established NGOs groundlessly or for some political reasons. In past years, the European Court of Human Rights adopted complaints against Azerbaijan concerning the violation of freedom of association.¹²

The Law on Non-Governmental Organizations defines more difficult mechanism for state registration of foreign NGOs in comparison with domestic public associations and foundations. According to the law, **“state registration of foreign non-governmental organizations’ branches and representative offices is carried out on the basis of the agreement signed with those organizations.”**¹³

It should be noted that together with this provision, the relevant document of the Cabinet of Ministers¹⁴ regulates the registration process of foreign NGOs. However, this document defines abstract and groundless rules for foreign NGOs and creates favorable conditions for political pressures of the Azerbaijani government in the process of the prepreparation of this agreement. According to the negotiations concerning the preparation of the agreement for registration of foreign NGO branches and representative offices, the organization’s future activities must be conditioned by some factors, including **“respect for national values of Azerbaijan.”** In fact, this kind of provision enables the Azerbaijani government to apply subjective political considerations and political manipulation, and has the character of a vague legal norm.

The above mentioned provision has an illegal motive and can be considered a manifestation of political discrimination with respect to foreign NGOs. It should be noted that according to the Constitution of the Republic of Azerbaijan, **“everyone, any union, including political parties, trade unions and other public union has the right to form or join existing associations. Free**

¹¹ For more information - Article 8, the Law for State Registration and State Register of Legal Entities

¹² For more information: *Ramazanova and Others v. Azerbaijan* (application no. 44363/02) and *Tebieti Mühafize Cemiyeti and Israfilov v. Azerbaijan* (application no. 37083/03)

¹³ For more information - Article 13, the Law on Non-Governmental Organizations

¹⁴ Regulation on the registration process of foreign NGOs , the Cabinet of Ministers of Azerbaijan - <http://www.cabmin.gov.az/?/az/pressreliz/view/469/>

functioning of all associations shall be guaranteed”.¹⁵ Moreover, according to Article 11 of the European Convention, **“Everyone has freedom of peaceful assembly, to establish and join trade unions to protect own interests and freedom of association with others.”** The right of the freedom of association in the above mentioned documents is intended for “everyone” from the states which are under the jurisdiction of these documents regardless of nationality, religion or ethnic origin.

2) Legal Prohibitions and Norms Restricting the Activities of NGOs

Over the past three years, restrictive norms have increased as a result of the amendments to the legislation governing the operation of NGOs. According to the law, NGO can not provide **political parties with financial and other material assistance.**¹⁶ However, it is not clear what kind of assistance is meant by the phrase “other material assistance”, because any NGO can prepare educational publications and involve political parties in the events promoting political pluralism, democratic electoral culture and so forth. This type of activity remains open to question to be interpreted as “material assistance”.

The Law also sets limits on the citizens’ choice of names when establishing an NGO. According to one provision, **“the names of state bodies of the Azerbaijani republic and outstanding people can not be used for NGO names (without the consent of their close relatives or heirs).”**¹⁷ This norm is quite abstract and perpetuates the establishment of public unions and foundations under the names of historical figures who do not have relatives or heirs.

As a result of the latest amendments, the obligations of local and foreign NGOs has increased even more and this resulted in sanctions on the activities of organizations. According to the Law on Non-Governmental Organizations **“the disputes between members and the organization are settled in court. If the court identifies a case of violation of the organization members’ rights, the activity of this NGO can be stopped by the decision of the court according to Article 31.3 of this Law.”**¹⁸ It should be noted that the article 31.3 specifies the norms concerning suspension period of the branches and representative offices of both domestic and foreign NGOs for a year. As mentioned above, one of the legal sanctions is **to stop the activities of an NGO when a case of violation of the organization members’ rights was detected by the executive body.** However, the suspension of an NGO in case of a lawsuit by its several members is a sharp and severe sanction which violates the freedom of association of its other members. In such cases, liability of certain people would be more reasonable rather than punishing the whole organization.

Article 31.4 of the Law on NGOs defines a more severe sanction, that is, the rule about termination of an NGO activity. According to this provision, **if non-governmental organization, as well as the branches and representative offices of foreign NGOs received more than two warnings or instructions on correction of violations within a year, the court**

¹⁵Article 58, The Constitution of the Republic of Azerbaijan - <http://www.msk.gov.az/uploads/qanunvericilik/konstitusiya.pdf>

¹⁶For more information - Article 2, the Law on Non-Governmental Organizations

¹⁷For more information - Article 3, the Law on Non-Governmental Organizations

¹⁸For more information - Article 10, the Law on Non-Governmental Organizations

can liquidate that non-governmental organization or its branch on the basis of the relevant executive authority. Unlike previous sanctions, this provision envisages more severe punishment for non-governmental organizations. It means that the government can achieve liquidation of an NGO simply by appealing to court based on two facts of violation during one year activity.

Each sanction mentioned above has a quite strict and restrictive nature and puts both domestic and foreign NGO branches and representatives under legal pressure of the Azerbaijani government as one year suspension in the activity of an NGO can occur at any time regardless of the scale of violations.

The above-mentioned restrictions on freedom of association through sanctions and prohibitions contradict the Council of Europe recommendations on restriction of rights and freedoms for achievement of legitimate purposes. Moreover, some of the decisions of the European Court of Human Rights state that **“any restriction shall be prescribed by law and must have a legitimate aim. Furthermore, the law concerned must be precise, certain and foreseeable, in particular in the case of provisions that grant discretion to state authorities¹⁹”**.

Another joint document adopted by the Venice Commission and the OSCE/ODIHR states that **“Any restriction on the right to freedom of association and on the rights of associations, including sanctions, must be necessary in a democratic society and, thus, proportional to their legitimate aim. The principle of necessity in a democratic society requires that there be a fair balance between the interests of persons exercising the right to freedom of association, associations themselves and the interests of society as a whole. The need for restrictions shall be carefully weighed, therefore, and shall be based on compelling evidence. The least intrusive option shall always be chosen. A restriction shall always be narrowly construed and applied”²⁰**.

3) NGO funding

In recent years, changes in law resulted in the disintegration of financial independence and sustainability of NGOs. The amendments to the Law on Grants, dated 17 October 2014, limited the list of grant giving donors. According to these amendments, foreign legal entities may act as a donor after obtaining the right to give a grant in the Republic of Azerbaijan.²¹ An opinion on the financial-economic expediency of the grant by the relevant executive authority is required for obtaining the right to give a grant.²² Thus, conditions for obtaining the right to give a grant are defined by the relevant executive authority.

It should be noted that the regulation of the Cabinet of Ministers of the Republic of Azerbaijan, dated 22 October 2015, **confirms the rule on obtaining the right to provide grants in the**

¹⁹ See ECtHR, *Hasan and Chaush v. Bulgaria* [GC] (Application no. 30985/96, judgement of 26 October 2000), and ECtHR, *Aliyev and others v. Azerbaijan* (Application no. 28736/05, judgement of 18 December 2008)

²⁰ See OSCE/ODIHR and Venice Commission, *Guidelines on Political Party Regulation* (Warsaw: ODIHR, 2011), Principle 4: Proportionality.

²¹ See Law on Grants, article 2.5;

²² See Law on Grants, article 2.5-1;

territory of the Republic of Azerbaijan by foreign donors. This document states that **“It is prohibited to sign a grant agreement with a foreign donor who has not obtained the right to provide grants.”**²³ Unfortunately, the document identifies severe conditions for foreign donors to obtain such a right. According to the document, **“the right to provide grants in the territory of the Republic of Azerbaijan by a foreign donor shall be obtained for each individual grant agreement (decision).”** It means that, for example, a foreign donor organization that is going to finance more than ten projects will have to obtain the right for each grant project. Article 2.2 states that “an opinion of the Ministry of Finance of the Republic of Azerbaijan on the financial-economic expediency of the grant shall be required for obtaining the right to provide grant”. Following this provision, the document notes that foreign donors must submit the relevant application and documents to the Ministry of Finance for obtaining the opinion on a grant’s financial-economic expediency. According to this regulation, the Ministry of Finance may refuse to give an opinion on the financial-economic expediency of the grant in three cases. As per the first case, **“the fact that the government is addressing the needs in the area of grant constitutes a ground for considering the grant as financially-economically non-expedient.”** The second case includes the refusal for technical flaws. That is, the application may be refused if the required information, application and documents are not submitted, have deficiencies or the notarized copy of their translations have not been provided. Finally, in the third case, the Ministry may refuse **“when the purpose of a grant and its financial-economic expediency is not clearly described.”**

Any of the above mentioned norms are complex and subjective, and creates serious obstacles for foreign donor organizations to obtain the right to give a grant. For this reason, the number of foreign foundations that are willing to act as donor has diminished, and some foreign foundations and organizations refused to finance the projects of NGOs in Azerbaijan. Obviously, NGOs operating in Azerbaijan face serious legal restrictions when they want to obtain financial support from foreign donor organizations. The current conditions weaken the sustainable activity of NGOs and cause a serious damage to the interests of civil society. Thus, the initiatives of CSOs concerning social needs of the country are weakening and the possibility of their participation in society and government is disappearing.

Joint document of the Venice Commission of Council of Europe and OSCE/ODIHR on funding notes that **“associations may also receive funding for their activities from private and other non-state sources, including foreign and international funding. States should recognize that allowing for a diversity of sources will better secure the independence of associations”**²⁴.

In general, the Council of Europe and OSCE documents, the European Court's decisions, as well as the reports of UN special rapporteurs focus on specific concerns related to restrictions in foreign funding of NGOs by some states and prevention of the obstacles for the legitimate activity of NGOs. Another document by ODIHR and the Venice Commission notes that **“any control imposed by the state on an association receiving foreign resources should not be**

²³ The regulation of the Cabinet of Ministers of the Republic of Azerbaijan, 22 October 2015 <http://e-qanun.az/framework/31488>

²⁴ See Joint guidelines on the Freedom of association, Council of Europe Venice Commission and OSCE/ODIHR, 17 December 2014.

unreasonable, overly intrusive or disruptive of lawful activities.”²⁵ Also the UN special rapporteur considers that “if subject to reporting requirements, associations should, at most, be expected only to carry out a notification procedure on the receipt of funds and to submit reports on their accounts and activities, and should not be expected to obtain prior authorization from the authorities.”²⁶

In general, the restrictive nature of legal normative acts regulating the activity of NGOs in Azerbaijan creates both legal and practical obstacles for the activity of CSOs, and they are contrary to OSCE and Council of Europe standards of freedom of association. The European Court’s decisions on the preparation of legislation on freedom of association notes that **“legal provisions concerning associations should be interpreted and applied in a manner consistent with the effective exercise of the right to freedom of association to ensure that the enjoyment of this right is practical and effective rather than theoretical or illusory.”²⁷**

Moreover, Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms states that **“No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.”**

Recommendations

There is a necessity for political and legal reforms for conformity of the legislation regulating the activity of NGO branches and representative offices with the Council of Europe and OSCE standards. The reforms can be implemented through the following measures:

Improvement of the NGO Legislation: Implementation of Obligations

The Azerbaijani government must take steps to meet the Council of Europe and OSCE principles of freedom of association concerning NGO legislation and should demonstrate political will to implement international commitments of the country. The legislation governing the rights of CSOs should be reformed by studying the Council of Europe and OSCE recommendations and best practices of other countries of the Council of Europe. In the present context, these reforms should focus on establishment of NGOs, simplification of state registration rules, removal of restrictive legal norms and sanctions, foreign funding issues and mitigation of rules on the activities of foreign donor organizations in the country.

²⁵ OSCE/ODIHR and Venice Commission, “Joint Interim Opinion on the Draft Law Amending the Law on Non-Commercial Organisations and Other Legislative Acts of Acts of the Kyrgyz Republic”, CDL-AD(2013)030, 16 October 2013, para. 66,

²⁶ UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, *Report to the UN Human Rights Council (Funding of associations and holding of peaceful assemblies)*, UN Doc. A/HRC/23/39, 24 April 2013, para. 37.

²⁷ See ECtHR, *Airey v. Ireland* (Application no. 6289/73, judgment of 9 October 1979)

International Initiatives Targeting Improvement of the Legislation on Freedom of Association:

The Council of Europe Parliamentary Assembly, the Venice Commission and the OSCE/ODIHR should be involved in the improvement process of the laws governing freedom of association and current practice in Azerbaijan. In this regard, there is a need to create opportunities for cooperation between the Azerbaijani government and the Venice Commission and ODIHR. Another important work that is needed to be carried out in this area is the review and examination of the amendments to the NGO legislation by the Venice Commission of the Council of Europe. For this purpose, the Secretary General of the Council of Europe and PACE, as well as the relevant structures of the OSCE Parliamentary Assembly must take the initiative and encourage the Azerbaijani government for cooperation with the Venice Commission and OSCE/ODIHR and conduct the examination of the NGO Legislation by international experts.

Elimination of Political Discrimination against NGOs

During the last three years, the General Prosecutor's Office of the Republic of Azerbaijan has opened criminal cases against NGOs and imposed illegal taxes and penalties on local and foreign NGO representatives, and some human rights activists have been arrested or have been banned to leave the country. Since March 2016, five human rights activists have been released from prison; however, the tax fines against some NGO representatives, as well as the ban on leaving the country still persist. Considering such criminal cases and sanctions imposed against the country's independent CSOs, the Azerbaijani government should stop the political discrimination against the CSOs demonstrating alternative stances and provide equal attitude towards all representatives of civil society organizations.

Annexes

1. The Constitution of the Republic of Azerbaijan
2. Law of the Republic of Azerbaijan on Non-Governmental Organizations (public unions and foundations);
3. Law of the Republic of Azerbaijan on State Registration and State Register of Legal Entities;
4. Law of the Republic of Azerbaijan on Grants;
5. "Shrinking Space for Civil Society in Azerbaijan" report of Caucasian Initiative Center
6. The joint opinion of the OSCE Office for Democratic Institutions and Human Rights (OSCE / ODIHR) and the OSCE Parliamentary Assembly on October 9, 2013 Presidential election in Azerbaijan;
7. Human Rights Watch report: <https://www.hrw.org/news/2016/03/17/dispatches-good-news-azerbaijan-change>
8. The UN Covenant on Civil and Political Rights,
9. The European Convention for the Protection of Human Rights and Freedoms,

10. The OSCE Copenhagen and Moscow Documents
11. The OSCE Parliamentary Assembly Press release - <http://www.osce.org/pa/184146>
12. “Joint Guidelines on Freedom of Association”, by the Council of Europe Venice Commission and OSCE/ODIHR on 17 December 2014
13. ECtHR, *Gorzelik and Others v. Poland* [GC] (Application no. 44158/98, judgment of 17 February 2004), para. 88;
14. European Commission of Human Rights, *Cârnuirea Spirituală a Musulmanilor din Republica Moldova v. Moldova* (Application no. 12282/02, decision of 14 June 2005);
15. UN Human Rights Committee, *Malakhovsky and Pikul v. Belarus* (Communication no. 1207/2003, 26 July 2005), para. 7.6.
16. ECtHR: *Ramazanova and Others v. Azerbaijan* (application no. 44363/02)
17. ECtHR: *Tebieti Mühafize Cemiyeti and Israfilov v. Azerbaijan* (application no. 37083/03)
18. Regulation on the registration process of foreign NGOs , the Cabinet of Ministers of Azerbaijan - <http://www.cabmin.gov.az/?/az/pressreliz/view/469/>
19. ECtHR, *Hasan and Chausch v. Bulgaria* [GC] (Application no. 30985/96, judgement of 26 October 2000),
20. ECtHR, *Aliyev and others v. Azerbaijan* (Application no. 28736/05, judgement of 18 December 2008)
21. OSCE/ODIHR and Venice Commission, *Guidelines on Political Party Regulation* (Warsaw: ODIHR, 2011), Principle 4: Proportionality.
22. The regulation of the Cabinet of Ministers of the Republic of Azerbaijan, 22 October 2015
23. OSCE/ODIHR and Venice Commission, “Joint Interim Opinion on the Draft Law Amending the Law on Non-Commercial Organisations and Other Legislative Acts of Acts of the Kyrgyz Republic”, CDL-AD(2013)030, 16 October 2013, para. 66,
24. UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, *Report to the UN Human Rights Council (Funding of associations and holding of peaceful assemblies)*, UN Doc. A/HRC/23/39, 24 April 2013, para. 37.
25. ECtHR, *Airey v. Ireland* (Application no. 6289/73, judgment of 9 October 1979)