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STATEMENT

Azerbaijan: Proposed Amendments Threaten Media, Civil Society

The rights to freedom of expression and freedom of association are at serious imminent risk in Azerbaijan as the country's parliament, the *Milli Mejlis*, this week deliberates on further restrictions on the media and civic organisations.

In an extra-ordinary session on Friday 19 June, the *Milli Mejlis* will consider legislative changes relating to the establishment and activities of non-governmental organisations (NGOs) and the media.

Legislators propose amending the Media Law to reinforce changes adopted in March 2009. These included a provision to allow suspension of any media outlets engaged in so-called "abuse of power" through, for example, the use of anonymous sources. Criminal and civil defamation laws are used extensively in Azerbaijan to intimidate journalists and human rights defenders: several journalists and editors are currently in prison, some convicted on evidently trumped up charges.

The draft legislative amendments also contain a provision allowing the government to disband organisations convicted of writing "biased articles" three times within two years. Founders of media outlets and non-governmental organizations that are closed by the government could be banned from setting up similar organisations for up to five years.

Any non-governmental organization that wishes to operate or conduct activities in Azerbaijan would have to be registered by the state and anyone speaking on behalf of an unregistered organisation could make this organization liable to an administrative sanction, including a fine of up to 50,000 AZN (approximately USD 62,500 or EURO 44,650). If such an individual is a foreign citizen, the person could potentially be expelled. The result could be to limit access to the country for foreign representatives of international human rights organisations, which are not registered there.

Azerbaijani non-governmental organizations would no longer be allowed to operate if they have less than 50 percent local funding. In order to carry out work throughout the country, an organization would have to have branches and/or representations in one-third of Azerbaijan's 59 administrative-territorial districts.

Foreign groups would be virtually unable to open offices using international funding, unless there is a formal international agreement between Azerbaijan and the country of origin.

“These changes will severely limit the capacity of organisations and media critical of the government, and are a direct attack on freedom of expression and association in Azerbaijan,” said Rashid Hajili of the Media Rights Institute in Azerbaijan.

Amnesty International, ARTICLE 19, Human Rights Watch and International PEN believe that these legislative changes, if adopted, would have a severe, negative impact on civil society and the media, which would come under even more intense government scrutiny and control, through more restrictive registration and financial monitoring. This will cripple the ability of independent organizations to monitor abuses of human rights and hold the government to account for its actions. The right to freedom of expression and the right to free association will both be compromised.

We call upon the *Milli Mejlis* not to pass any amendments that could be used effectively and unjustifiably to hinder the professional activities of civil society and the media organisations. We also call upon the *Milli Mejlis* to *make a commitment to bring* its existing legislation into line with the government’s international obligations. As a state party to the International Covenant on Civil and Political Rights and the European Convention of Human Rights, the Government of Azerbaijan has a legal obligation to uphold the right to freedom of expression and freedom of association.

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- Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.
- Human Rights Watch is an independent organization dedicated to defending and protecting human rights worldwide.
- International PEN is the world association of writers bringing together members in 102 countries in a common concern for the craft and art of writing and a commitment to freedom of expression through the written word.