

# 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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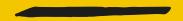
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#### Ramazanova and others vs. Azerbaijan: Findings of the Court

- 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.

 $\rightarrow$  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 / 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 ←→ 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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