

H.E. Peter Semneby
Special Representative for South Caucasus, Council of the European Union
Rue de la Loi, 175
1048 Brussels, Belgium

Prague, 18 June 2009

Dear Minister,

One of the main objectives of the Eastern Partnership declaration, signed in Prague on 7 May 2009 by EU member states and six eastern neighbours of the EU, was legislative and regulatory approximation leading to the convergence in the six Eastern Partnership countries with EU laws and standards. According to the text of the declaration, “the participants of the Prague Summit agree that the Eastern Partnership will be based on commitments to the principles of international law and to fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms, as well as to market economy, sustainable development and good governance”.

It is therefore with serious concern that we learned of the proposed amendments to five laws of the Republic of Azerbaijan, including the Law on Non-governmental Organisations (Public Associations and Foundations). Many of the provisions of the Draft Law, **to be tabled in the Milli Mejlis (Parliament of Azerbaijan) on 19 June 2009**, contradict the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Protection of Human Rights and Fundamental Freedoms (ECHR).

We would like to share with you the attached analysis of the draft amendments, prepared by the International Center for Not-for-Profit Law (ICNL) on the request of Counterpart International in Azerbaijan. According to the ICNL analysis, “the Draft Law contains serious shortcomings that contradict fundamental democratic principles of human rights and equality.”

According to Gubad Ibadoglu Bayramov, director of the Economic Research Center, a PASOS member institution in Baku, Azerbaijan, and one of the founders of the Civil Society Defense Committee in Azerbaijan, the amendments “contradict the realisation of the right to freedom of association envisaged in the country’s Constitution, conventions on human rights that our country is party to, obligations undertaken before the Council of Europe and OSCE, the entire philosophy of civil society, and the goal of the ‘Non-governmental Organizations State Support Concept’ signed by President Ilham Aliyev on 13 December 2007.”

A statement issued by the Civil Society Defense Committee, upon its formation on 11 June 2009 in response to the proposed legislative amendments, is attached.

PASOS promotes and protects open society values, including democracy, the rule of law, good governance, respect for and protection of human rights, and economic and social development, by supporting entities that individually and jointly foster public participation in public policy issues at the European Union level, in other European structures, and in the wider neighbourhood of Europe and Central Asia.

Chair: George Tarkhan-Mouravi **Executive Director:** Jeff Lovitt

PASOS is a not-for-profit association registered in the Czech Republic

Sdružení pro podporu otevřené společnosti – PASOS, registrováno Ministerstvem vnitra ČR pod č.j. VS/1-1/58 438/04-R

sídlo: Prokopova 197/9, 130 00 Praha 3, IČ: 26 67 54 04

*Proposed amendments to law on NGOs, Azerbaijan,
'contradict fundamental democratic principles of human rights and equity' 18 June 2009, page 2 of 2*

According to the ICNL analysis, "if adopted in its present version, the Draft Law will have a profoundly negative impact on all NGOs, including branches and representations of foreign NGOs. It will likely result in the termination of the invaluable assistance to Azerbaijan provided by many foreign and international organisations and undermine the development of civil society."

One of the four thematic platforms of the Eastern Partnership is dedicated to people-to-people contacts, and in the words of the European Commissioner for External Relations, Benita Ferrero-Waldner, speaking on 5 June 2009, "respect for citizens' rights, and the rule of law, with a vibrant civil society are key elements of the democratic societies we hope to see grow in [the Eastern Partnership] countries."

PASOS (Policy Association for an Open Society) is a network of 39 independent policy centres spanning 24 countries in Europe and Central Asia, including 10 independent institutes in the six Eastern Partnership countries. PASOS and PASOS members work to promote and protect open society values, including democracy, the rule of law, good governance, respect for and protection of human rights, and economic and social development, by supporting independent policy centres.

We urge you to raise **with utmost urgency** the concerns outlined in this analysis with the government authorities and the parliament in Azerbaijan to ensure that legislative changes are not enacted that contradict and undermine the principles set out in the Eastern Partnership declaration and the obligations of the Republic of Azerbaijan as a member of the Council of Europe.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Lovitt".A handwritten signature in blue ink, appearing to read "Gubad Ibadoglu Bayramov".

Jeff Lovitt, Executive Director
PASOS (Policy Association for an Open Society)
Tešnov 3
100 00 Praha 10

Tel/Fax: +420 2223 13644
Email: jefflovitt@pasos.org
Web: www.pasos.org

Gubad Ibadoglu Bayramov, Director
Economic Research Center
J. Jabbarli 44, Caspian Plaza 3, floor 9
1065 Baku
Azerbaijan

Tel: +994 12 4373230
Fax: +994 12 4373240
Email: erc-az@azeurotel.com
Web: www.erc-az.org

copies sent to:

H.E. Benita Ferrero-Waldner, Commissioner, External Relations, European Commission
H.E. Jan Kohout, Minister of Foreign Affairs, Czech Republic
H.E. Carl Bildt, Minister of Foreign Affairs, Sweden
Terry Davis, Secretary General, Council of Europe