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## Human rights in Azerbaijan

### Greens/EFA motion for resolution

*Tabled by Ulrike Lunacek, Heidi Hautala, Rebecca Harms, Tamás Meszerics, Molly Scott Cato, Michèle Rivasi, Barbara Lochbihler, Jordi Sebastià, Igor Šoltes, Helga Trüpel, Davor Škrlec on behalf of the Greens/EFA Group.*

The European Parliament,

- having regard to its previous resolutions on the situation in Azerbaijan with regard, in particular, to the recommendation of 18 April 2012 to the Council, the Commission and the EEAS on the negotiations of the EU-Azerbaijan Association Agreement, to its resolution on the case of Ilgar Mammadov of 13 June 2013 and its resolution on the persecution of Human Rights defenders in Azerbaijan of 18 September 2014,
- having regard to its resolution on the review of the European Neighbourhood Policy of European Parliament resolution of 9 July 2015 on the review of the European Neighbourhood Policy of 9 July 2015
- having regard to the Commission's 2013 ENP Progress report on Azerbaijan of March 2014,
- having regard to the EU-Azerbaijan ENP Action Plan,
- having regard to the statements of the President of the European Parliament Martin Schulz and of the Chair of the Subcommittee on Human Rights Elena Valenciano on the verdict handed down to Leyla Yunus and Arif Yunus of 15-08-2015,
- having regard to the Statement by High Representative/Vice-President Federica Mogherini on the sentencing of Leyla and Arif Yunus, prominent Human Rights Defenders in Azerbaijan,
- having regard to the statement by the HR/VO Spokesperson on the death of Azeri journalist Rasim Aliyev of 10/08/2015, on Rasul Jafarov's conviction in April 2015 and on the sentencing of Mr Intigam Aliyev, a prominent Human Rights Lawyer in Azerbaijan of 24/04/2015,
- having regard to Statement by High Representative/Vice-President Federica Mogherini and Commissioner Johannes Hahn on the sentencing of Khadija Ismayilova in Azerbaijan,

- having regard to the Partnership and Cooperation Agreement between the EC and Azerbaijan which entered into force in 1999 and to the ongoing negotiations between the two parties of a new agreement due to replace the previous one,

- having regard to its Rule 123(4) and 135(5) of the Rules of Procedure,

A. whereas in spite of the many international appeals and calls over the last months there has been a further shocking escalation of government repression of independent civil society and other critical voices in Azerbaijan in the context of an overall human rights situation that had already constantly deteriorated over the last years with growing pressure on and intimidation of NGOs and independent media,

B. whereas, in particular, the government has targeted some of the country's most prominent human rights defenders, imprisoning them on charges that seem politically motivated; whereas many of them have been convicted after patently unfair trials and sentenced to prison terms, while others have felt compelled to flee the country or go into hiding, fearing persecution,

C. whereas on September 1, 2015, Khadija Ismayilova, Azerbaijan's most well-known investigative journalist, was convicted on spurious charges of tax evasion and other economic crimes in a trial that fell far short of international standards, and sentenced to 7.5 years in prison,

D. whereas Ismayilova's conviction was preceded by the August 13, 2015 sentencing of prominent rights defenders and peace activists Leyla and Arif Yunus to lengthy prison terms for alleged economic crimes following a politically motivated prosecution and a trial conducted in violation of due process safeguards; whereas both Yunuses suffer serious, chronic health conditions,

E. whereas in April, well-known human rights activist Rasul Jafarov and one among the country's most respected human rights lawyers Intigam Aliyev were sentenced on similar charges, following trials marred by due process violations, and are currently serving prison sentences of six years and three months, and seven-and-a-half years, respectively,

F. whereas these cases follow dozens of others – political activists, rights defenders, journalists, bloggers and other social media activists – whom the authorities have imprisoned in the past two years on similarly trumped-up charges, including hooliganism, drug possession, tax evasion, and even treason; whereas the recent wave of arrests has had a severe ripple effect, compelling a number of well-known activists to flee the country or go into hiding,

G. whereas according to credible sources there are nearly one hundred Azerbaijanis who qualify as political prisoners under the definition adopted by the Council of Europe in 2012,

H. whereas the Azerbaijani government is also clamping down on independent groups through restrictive new laws regulating nongovernmental organizations; whereas because of these laws many groups have been effectively forced to shut down after their bank accounts were frozen or their sources of funding blocked following the government's refusal to authorize new grants from foreign donor organizations,

I. whereas the Azerbaijan's leadership is often using the “national traitors” and anti-foreigner rhetoric to demonize those targeted in the crackdown, branding them as enemies of the country and agents of foreign powers who seek to destabilize Azerbaijan,

J. whereas Azerbaijani authorities have not taken into account the Council of Europe's European Commission for Democracy through Law (Venice Commission) opinions to laws related to freedom of association, political parties, protection from defamation,

K. whereas elections in Azerbaijan have a record of not being free and fair according to OSCE/ODIHR election observation missions,

L. whereas Azerbaijan is one of the founding members of the Eastern Partnership; whereas in many occasions the EU and Eastern European leaders reaffirmed that the Eastern Partnership is based on a community of values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law,

M. whereas Azerbaijan aspires to step up and deepen the relations with the EU aiming at a strategic partnership; whereas strategic partnerships can only be based on shared common values and a strategic partnership with Azerbaijan - like with other countries - will need to be based on democracy human rights criteria,

N. whereas Azerbaijan is a secular country with laws that protect and guarantee women's rights,

O. whereas the EU has repeatedly pledged to place human rights at the core of its relations with third countries and stand up for those who defend human rights and rule of law whereas it is of the utmost importance to strengthen the credibility of the EU foreign policy avoiding double-standards that undermine the coherence of its external action with regard, in particular, to third countries with which the EU has deepened relations,

P. whereas on 16 June 2015 the European Court of Human Rights ruled in favour of some Azerbaijani citizens forcibly displaced from occupied parts of Azerbaijan confirming Armenia's responsibility for the occupation and the military presence in the territories of Azerbaijan,

1. Stresses that the respect for human rights, democratic principles, fundamental freedoms and the rule of law are at the heart of the framework for cooperation within the Eastern Partnership, and of the commitments made by Azerbaijan within the Council of Europe and the OSCE;

2. Condemns in the strongest terms the unprecedented repression against civil society in Azerbaijan, and calls on the Azerbaijani authorities to release unconditionally all human rights defenders, journalists and other activists imprisoned on politically motivated charges;

3. Calls, in particular, for the immediate release of Khadija Ismayilova, Leyla Yunus and Arif Yunus, Anar Mammadli, Rasul Jafarov, Intigam Aliyev, Hasan Huseynli, Rauf Mirkadirov, Ömar Mammadov, Tofiq Yaqublu and Ilgar Mammadov in line with the European Court of Human Rights judgement and for the charges against them to be dropped and for the full restoration of their political and civil rights and public image;

4. Welcomes the possibility granted by the Azerbaijani authorities to a European medical team to visit Leyla and Arif Yunus and calls for their release also for humanitarian reasons; draws the attention to the conditions of imprisonment of Leyla and Arif Yunus, and Intigam Aliyev which have led to the serious deterioration of their health with possibly life-threatening consequences;

5. Calls, furthermore, for the end of the crackdown on civil society and human rights work, ensuring independent civil society groups and activists can operate without undue hindrance or fear of persecution, including by repealing the laws severely restricting civil society, unfreezing bank accounts of nongovernmental groups and their leaders, and allowing access to foreign funding.

6. Urges the Azerbaijani authorities to end the practices of selective criminal prosecution and imprisonment of journalists, human rights defenders, and others who criticize the government and to ensure that everyone detained, including journalists, political and civil society activists, enjoy full due

process rights, in particular access to a lawyer of their choosing, access to their families, and other fair trial norms;

7. Calls for prompt investigation in the death of journalist Rasim Aliyev, Chairman of the Institute for Reporters Safety and Freedom (IRSF);
8. Calls on the Azerbaijani authorities to immediately halt all actions aimed at suppressing the freedom of expression and assembly, as this is incompatible with Azerbaijan's commitments regarding democracy, the protection of human rights and fundamental freedoms;
9. Urges the government of Azerbaijan to fully cooperate with and implement the recommendations of the Council of Europe Venice Commission and Commissioner for Human Rights, United Nations special procedures in regard to human rights defenders, the rights to freedom of association and peaceful assembly, freedom of expression and arbitrary detention, with the aim of amending its legislation and adapting its practices in full conformity with the conclusions of those experts;
10. Calls upon the government of Azerbaijan to take concrete and immediate steps to truly implement its action plan in cooperation with the Council of Europe and comply with the judgements against Azerbaijan of the European Court of Human Rights;
11. Calls on the Council, the Commission, and the HR/VP to mount a strong, unified response to the crackdown underway in Azerbaijan in order to make clear that the prevailing situation is wholly unacceptable and that it cannot be business as usual until the government releases all those imprisoned on politically motivated charges and ends the ongoing crackdown against independent civil society groups;
12. Takes the view that the negotiations toward a "Strategic Partnership Agreement" with Azerbaijan should be put on hold until these minimum steps are met, and any future advancement in relations between the European Union and Azerbaijan should be clearly linked to concrete steps on the part of the government to improve its abysmal record;
13. Calls on the Council, the Commission and European External Action Service (EEAS) to strictly apply the "more for more" principle, with a specific focus on the situation of human rights defenders, in line with the EU Guidelines on Human Rights Defenders, arbitrary and politically motivated detentions, the independence of the judiciary, democratic reforms and fundamental rights and freedoms, and to clearly lay down the consequences of lagging behind in relation to reforms including targeted sanctions on Azerbaijani authorities and officials involved in acts of repression; calls, in particular, for a review of ENI programming putting an end to all assistance which is not strictly HR/civil society oriented;
14. Calls on the prosecuting authorities of the EU member states to conduct thorough investigation on the use of the European financial system to syphon off state assets of Azerbaijan as revealed by work of Khadija Ismaylova and calls on the European Commission to ensure coordination of investigative efforts across the Union and its partner countries in compliance with the EU's anti-money laundering directives;
15. Regrets that the EU-Azerbaijan Human Rights dialogue hasn't made any substantial progress as the regards the human rights situation in the country; calls on the EEAS to step up this dialogue with a view to making it effective and result-oriented and to report regularly to the European Parliament;
16. Calls upon the government of Azerbaijan for the simplification of overly complicated and lengthy procedure for registration of NGOs and for substantial legislative amendments to repeal changes limiting NGOs to accept donations without the state registration and to comply with the Council of Europe's Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe; regrets, in this regard, that the European Union has only been

able to disburse 2 of its 13 grants to NGOs in 2014 because of this restrictive legislation and continues to face severe limitations to its ability to fund independent civil society groups and activists in Azerbaijan;

17. Calls on the EEAS to fully apply the EU guidelines on Human Rights Defenders and to organise regular meetings at the EU Delegation in Baku with independent human rights organisations, including by coordinating those meetings with EU Member State representations, and use those meetings to show public support for the work of human rights defenders; welcomes the commitment the EEAS to monitor closely all trials and judicial proceedings against human rights defenders and urges it to continue to assist and visit them in prison reporting to the European Parliament;

18. Takes the view that at present the conditions are not in place for a free and fair vote on 1 November 2015 given that leaders of opposition parties have been imprisoned, media and journalists are not allowed to operate freely and a climate of fear is prevalent; urges, in this regard, the Azerbaijani authorities to cooperate fully with the OSCE/ODIHR and to comply with its recommendations;

19. Urges the European companies that operate in Azerbaijan to be outspoken in demanding high human rights standards and adopt high standards of corporate social responsibility taking into account the impact of their actions on the human rights situation in the country;

20. Is extremely concerned about the situation of LGBTI people in Azerbaijan; strongly condemns political hate speech against LGBTI people coming from the highest levels; calls on the Azerbaijani government to stop obstructing and intimidating human rights defenders working on the rights of LGBTI people;

21. Reminds of its decision to send a delegation of the European Parliament to Azerbaijan and stresses the importance to send this delegation as soon as possible in order to engage with the Azerbaijani authorities on urgent issues such as human rights and the conflict in Nagorny Karabakh;

22. Instructs its President to forward this resolution to the President, the Government and Parliament of the Republic of Azerbaijan the EEAS, the Council, the Commission and the Council of Europe.

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