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Human rights situation in Azerbaijan

Greens/EFA motion for resolution

Tabled by Ulrike Lunacek, Tamás Meszerics, Molly Scott Cato, Michèle Rivasi, Barbara Lochbihler on behalf of the Greens/EFA Group

for a debate on cases of breaches of human rights, democracy and the rule of law

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 and to its resolution on the case of Ilgar Mammadov of 13 June 2013,

- having regard to the Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on "Delivering on a new European Neighbourhood Policy" of 15 May 2012,

- 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 statement of the spokespersons of HR/VP and Commissioner Fule on the arrest of Leyla Yunus of 2 August 2014,

- having regard to the statement of the HR/VP Spokesperson on the arrest of Rasul Jafarov of 6 August 2014,

- having regard to the statement of the EU on the situation of human rights and civil society in Azerbaijan of 14 August 2014,

- having regard to the remarks of Commissioner Füle at the end of the Informal Partnership Dialogue of the Foreign Ministers of Eastern Partnership countries in Baku of 8 September 2014,

- 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 122 (5) of the Rules of Procedure,

A. whereas in the last two months there has been a 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 since late July the government has targeted some of the country's most prominent human rights defenders, imprisoning them on charges that seem politically motivated with regard, in particular, to the cases of Leyla Yunus, the well-known director of the Institute for Peace and Democracy, and her husband, the historian Arif Yunus, Rasul Jafarov, chair of Azerbaijan's Human Rights Club, and Intigam Aliyev, chair of the Legal Education Society,

C. whereas Mr Anar Mammadli, Chairperson of the Election Monitoring and Democracy Studies Centre (EMDS), and Mr Bashir Suleymanli, Director of EMDS, were sentenced to respectively 5 years and 6 months imprisonment and 3 years and 6 months on 26 May 2014 mainly on charges, ranging from tax evasion to illegal entrepreneurship,

D. whereas, at the same time, 8 activists of the non-governmental youth movement NIDA, were convicted on charges of hooliganism, drug possession and possession of explosives, as well as intent to cause public disorder, and social media activist, Mr Omar Mammadov, Abdul Abilov, Elsever Murselli were sentenced to between 5 and 5,5 years imprisonment on charges of drug possession and none of them had access to a lawyer of their own choosing, and they all complained of ill-treatment in police custody,

E. whereas many more journalists, human rights defenders and activists are facing legal charges brought against them in Azerbaijan, including Hasan Huseynli, head of Intelligent Citizen Enlightenment Center Public Union, sentenced to 6-years imprisonment on 14 July, investigative journalist of the leading Russian-language newspaper "Zerkalo" Rauf Mirkadirov held on pre-trial detention on charges of treason, as well as the Institute for Reporters' Freedom and Safety (IRFS), leading media rights NGO in the country led by the well known and an internationally recognised human rights defender Emin Huseynov, of which the police raided the offices on 8 August 2014, and recently arrested prominent opposition journalist Seymur Haziyev, who was accused of criminal hooliganism charges and held in 2 months of pre-trial custody,

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 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,

H. whereas the Azerbaijan's leadership is now 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,

I. whereas, in spite of Azerbaijan's leadership claims that no one is imprisoned on politically motivated charges, the government's use of criminal prosecution as a tool for political retaliation is a well-documented problem highlighted by a number of international bodies, including the Parliamentary Assembly of the Council of Europe in a January 2013 resolution which specifically called attention to the issue,

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; whereas Azerbaijani authorities have furthermore not given due considerations to the findings of the Council of Europe Commissioner on Human Rights following his visits to the country,

K. whereas in February 2014, President Aliyev signed further amendments to the NGO Law, which now provides the authorities with additional powers for temporary suspension and permanent banning of national and foreign NGOs in Azerbaijan, and introduces new offences punishable by fines, which have now increased to 2,500 - 3,000 AZN (around 2,600 - 3,100 euros) for NGOs and between 1,000 – 2,000 AZN (around 1,000 – 2,100 euros) for directors of national and foreign NGOs,

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 since 14 May 2014 Azerbaijan has taken over the rotating Chairmanship of the Council of Europe's Committee of Ministers,

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 EaP, 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, calls for the immediate and unconditional release of human rights defenders Anar Mammadli, Bashir Suleymanli, Leyla Yunus and her husband Arif Yunus, Rasul Jafarov, Intigam Aliyev and Hasan Huseynli, journalist Rauf Mirkadirov, all NIDA activists, social media activists including Omar Mammadov, Abdul Abilov, Elsever Murselli as well as Tofiq Yaqublu and Ilgar Mammadov in line with the European Court of Human Rights judgement, and drop all charges against them.

3. 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;

4. 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;

5. Urges the government of Azerbaijan to invite and fully cooperate with the Council of Europe Venice Commission and Commissioner, 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 depending on conclusions of those experts;

6. 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;

7. Calls on the Council, the Commission, and the HR/VP to speak out and take the necessary action against 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 immediately releases all those imprisoned on politically motivated charges and ends the ongoing crackdown against independent civil society groups;

8. Takes the view that the negotiations toward a “Strategic Modernization Partnership” 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;

9. 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 the possibility of 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;

10. 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;

11. Points out that the Commission has made a strong commitment to promoting transparency and accountability in the management of natural resources and serves as an important partner of the international Extractive Industries Transparency Initiative (EITI); believes, in this regard, that the government crackdown in Azerbaijan severely compromises the integrity of EITI's multi-stakeholder process, which requires the active participation of independent civil society organizations;

12. Urges the Parliament of Azerbaijan to adopt legislative amendments that repeal the criminal slander and libel provisions of the Criminal Code and adopt legislative amendments to repeal recent changes criminalizing on-line libel and slander;

13. 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;

14. Calls on the Council and the Member States to urge the International Olympic Committee (IOC) to call on the Azerbaijani authorities to stop the crackdown, and make clear that it expects them, as hosts of the European Olympic Games to be held next year, to uphold the Olympic Charter’s requirement to respect press freedoms;

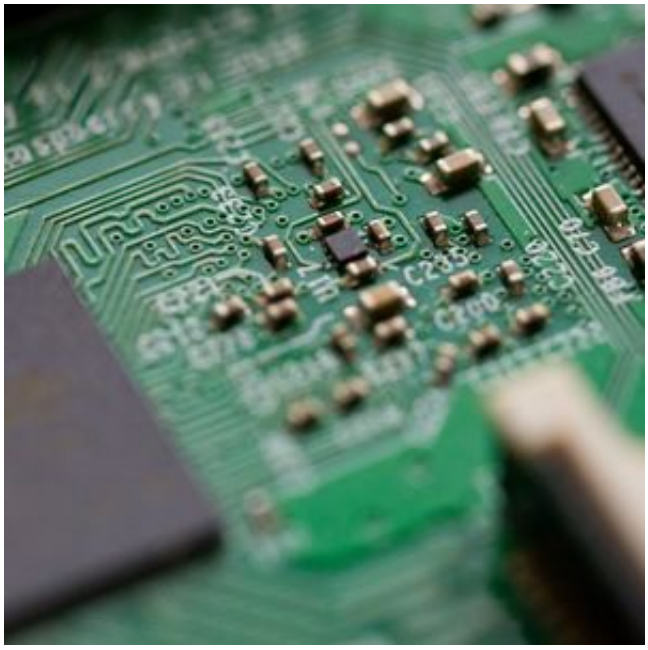
15. Calls on the EEAS to fully apply the EU guidelines on Human Rights Defenders and to organise regular meetings at the EU Delegation in Baku with independent human rights organisations, including by coordinating those meetings with EU Member State representations, and use those meetings to show public support for the work of human rights defenders; urges the EEAS to monitor closely all trials and judicial proceedings against human rights defenders and to report to the European Parliament; EU guidelines on HRDs to be fully applied by EU del and EU Embassies on the ground

16. 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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Barbara Lochbihler

Member



Ulrike Lunacek

EP Vice-President, Member



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Vice-President

Contact person



Paolo Bergamaschi

Advisor on Foreign Affairs

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