**Civil Society Internet Governance Caucus**  **Statement on Azerbaijan - draft**

The **Civil Society Internet Governance Caucus** wishes to express its grave concern over the reports[[1]](#footnote-1) of violation of human rights of civil society in Azerbaijan.

We note that the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg had in September 2011 (CommDH(2011)33) made a series of observations and recommendations[[2]](#footnote-2) such as the need to strengthen and protect human rights in Azerbaijan. Notably he recommended decriminalizing defamation and allowing civil society to operate without restrictions. He further called upon Azerbaijan to end the arrests of journalists and those with differing political views. We reaffirm these recommendations.

Whilst Azerbaijan is a non-member state of the United Nations Human Rights Council, it was encouraging to note the commitment made by the Government of Azerbaijan at the 20th Session of the United Nations Human Rights Council in Geneva when it co-sponsored the Council’s first resolution on the promotion, protection and enjoyment of human rights on the Internet, The Resolution affirms that “the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights”.[[3]](#footnote-3)

Welcoming this commitment, we would like to urge the Government of Azerbaijan to encourage the creation of a safe and free environment for online and offline expression where diverse and conflicting views on issues can be held and expressed.

As Azerbaijan acceded to the ICCPR on 13 August 1992, it is obliged to respect the rights enshrined in the Covenant and provide only for those limitations which are legitimate under it. Article 19 protects the rights of everyone to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice rights.

Restrictions may only be provided by law and must be necessary for respect of the rights or reputations of others or for the protection of national security or of public order (ordre public), or of public health or morals. This restriction is to be interpreted in light of the Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, of 2011. Thus any limitation to the right to freedom of expression must be provided by a law that is clear and accessible to everyone, it must aim to ensure one of the legitimate purpose set out in Article 19, and, importantly, must be necessary and the least restrictive means required to achieve the purported aim.

We would also like to remind Azerbaijan that, in the words, of Special Rapporteur La Rue, “any legislation restricting the right to freedom of expression must be applied by a body which is independent of any political, commercial, or other unwarranted influences in a manner that is neither arbitrary nor discriminatory, and with adequate safeguards against abuse, including the possibility of challenge and remedy against its abusive application.”[[4]](#footnote-4)

We would finally like to call upon the Government of Azerbaijan to review its legislations, policies and practices to ensure that freedom of expression, freedom of association, and freedom of peaceful assembly is encouraged as these are fundamental elements of a stable and democratic society.

1. <http://www.hrw.org/world-report-2012/world-report-2012-azerbaijan> [↑](#footnote-ref-1)
2. <https://wcd.coe.int/ViewDoc.jsp?id=1839497> [↑](#footnote-ref-2)
3. Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet, adopted 5 July 2012, UN Doc. A/HRC/20/L.13 (preliminary), http://goo.gl/IxtmC. [↑](#footnote-ref-3)
4. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, UN Doc. A/HRC/17/27 of 16 May 2011, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf>, para. 24. [↑](#footnote-ref-4)