

LAW OF THE REPUBLIC OF AZERBAIJAN ON POLITICAL PARTIES

Chapter I

General Provisions

Article 1. Definition of political party

A political party is a non-commercial legal entity established by the citizens of the Republic of Azerbaijan for the purpose of participating in the political life of the country, forming and expressing the political will of the citizens.

Article 2. Legislation of the Republic of Azerbaijan on political parties

Legislation of the Republic of Azerbaijan on political parties shall consist of the Constitution of the Republic of Azerbaijan, international agreements which the Republic of Azerbaijan is a party to, this Law and other legislative acts of the Republic of Azerbaijan.

Chapter II

Principles of establishment and functioning of political parties

Article 3. Principles of establishment and functioning of political parties

Political parties shall be established and function on the basis of the principles of freedom of association, voluntariness, equality of rights of their members, self-government, legality and publicity.

Within their activities political parties may not restrict the fundamental rights and freedoms of human and citizens, enshrined in the Constitution of the Republic of Azerbaijan, in international agreements which the Republic of Azerbaijan is a party to and in other legislative acts of the Republic of Azerbaijan.

Article 4. Conditions for the establishment of political parties

Political parties shall be constituted upon the territorial criterion. Establishment of the organizations of political parties within state bodies and bodies of local self-government shall be prohibited.

Membership in a political party may not be restricted on professional, racial, sexual, ethnic and religious criteria.

In order to get registered, at least the membership of 1000 citizens of the Republic of Azerbaijan in a political party shall be required.

Establishment and functioning of political parties aiming or seeking to change the constitutional order and secular nature of the Republic of Azerbaijan, to violate territorial integrity, to promote war, violence and brutality, to instigate racial, national and religious hatred, shall be prohibited.

The establishment and functioning of political parties of foreign States, as well as their branches and subsidiaries in the territory of the Republic of Azerbaijan shall not be allowed.

Article 5. Forms of functioning of the political parties

Parties shall carry out their political activities in the following ways:

- to exert influence on the formation of public opinion pursuant to their charters;
- to encourage the political activity of their members;
- to conduct political enlightenment activities among citizens;
- to nominate candidates to elective state authorities and bodies of local self-government;
- to deliver the opinions of a political party on public issues to state authorities and bodies of local self-government;
- to influence the activity of the legislative and executive bodies of the Republic of Azerbaijan in accordance with their charters;
- to exert influence on the formation of internal and foreign policy of the Republic of Azerbaijan by elaborating political and social programs.

Article 5-1. Establishment of a political party

5-1.1. A political party shall be established through the holding of constituent congress, adoption of charter and program of political party, formation of its governing and supervisory bodies at that congress.

5-1.2. The preparation, convocation and holding of the constituent congress of political party shall be carried out by an organizational committee established by the initiators of the political party.

5-1.3. Information about venue and date of the constituent congress of political party shall be published in mass media by the organizational committee.

5-1.4. The organizational committee shall be terminated once the constituent congress of the political party is held.

5-1.5. Property and financial resources at the disposal of the organizational committee shall be transferred to the established political party.

5-1.6. Subject to the Law of the Republic of Azerbaijan "on state registration and state

registry of legal entities”, the political party shall apply for its state registration providing a document certifying the number of party members, within the period of one month from the date of establishment of the political party.

Article 6. Charter of a political party

A political party shall have a charter available to everyone for the acquaintance.

The following shall be enshrined in a charter:

- name, abbreviated form of the name, aims and functions of the political party;
- structure of the political party;
- conditions and procedure of joining the political party and secession from it;
- rights and duties of the members of the political party;
- disciplinary measures not contradicting the laws of the Republic of Azerbaijan that might be imposed on the members of the political parties and the grounds for imposition thereof;
- mutual relations with the territorial organizations;
- rules of organization and powers of the leading bodies of the political party, terms of their office;
- procedure of adoption and implementation of decisions, including a decision on liquidation of the political party and forms of supervision;
- conditions, forms and terms of convocation of meetings of the members of the party and their representatives;
- procedure of nominating representatives from a political party in the course of elections of the Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan and bodies of local self-government;
- procedure of expressing will in the bodies of political party;
- procedure of lodging complaint by the members of political party against the decisions of governing bodies of the political party;
- sources of the funds and other property of the political party;
- procedure of amending of the charter of the political party;
- procedure of termination of the functioning of the political party and destiny of its property.

Article 6-1. Program of a political party

6-1.1. A political party shall have a program reflecting its aims and objectives, and principles and methods of its activity.

6-1.2. A political party shall submit its program during its state registration and later shall inform the relevant body of executive authority on any amendments made to that program.

Article 7. Name of a Political party

The name of a political party, the abbreviated form of its name as well as its symbols shall differ from the names and symbols of the other parties passed state registration in

the Republic of Azerbaijan.

Amendments made to the name of a political party shall be subject to the state registration in accordance with the Law of the Republic of Azerbaijan "on state registration and state registry of legal entities.

Article 8. Membership in a political party

Citizens of the Republic of Azerbaijan who accepted the charter and program of a political party, who have reached the age of maturity and possess full legal capacity may become members of the political party. Political parties shall carry out the registration of their members.

No one may be forced to join any political party or remain in its membership.

During the term of their office, presidents, vice-presidents and judges of all the courts of the Republic of Azerbaijan, The Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan, servicemen, employees of public prosecutor's office, justice, internal affairs, national security, border service, customs, finance, taxation, courier communication service, emergency, migration bodies, State-owned press bodies, with the exception of auxiliary and technical staff, members, director general and deputy directors general of Broadcasting Council of Public Television and Radio Broadcasting Company, members of the Management Board of Central Bank of the Republic of Azerbaijan, religious figures may not be members of political parties.

The persons enumerated in Paragraph 3 of this Article shall suspend their membership in political parties during the all period of their election, service or office.

Joining to the political party shall be available for men and women on the same conditions and equal opportunities shall be created for them thereof.

Article 9. Rights of members of a political party

The rights of members of a political party shall be defined in its charter and may not contradict the Constitution and laws of the Republic of Azerbaijan and international agreements which it is a party to.

Members of a political party shall be entitled to be elected to and to elect its governing bodies, to obtain information about the activities of the political party and those of its governing bodies, to lodge complaint against the decisions of governing bodies as provided in the charter of the political party, and to other rights provided in the charter of the political party.

Participation of a citizen in the activity of a political party may not serve as ground for the restriction of his/her rights, and relieving him/her from discharging his/her duties prescribed by law, except for the cases referred to in the Article 8 of this Law. Requiring of indication of the affiliation to any political party in official documents shall not be

allowed.

Each member or group of members of a party shall have the right to freely express their will.

Article 10. Bodies of a political party

10.1. Supreme governing body of a political party shall be its Congress to be held at least once every five years.

10.2. The congress of a political party shall establish collegial bodies of the political party.

10.3. Other governing bodies of a political party, rules of organization and powers of the governing bodies shall be determined by the charter of the political party.

Article 11. International relations of political parties

Political parties may join to international non-governmental organizations, maintain direct international relations, and conclude relevant agreements.

Chapter III

Political parties and the State

Article 12. Rights of a political party

12.1. A political party shall have the following rights:

12.1.1. to freely disseminate information about its aims and activities, to promote its ideas, aims and programs;

12.1.2. to create political coalitions, unions, federations, associations through voluntary amalgamation;

12.1.3. to participate in elections of the Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan and bodies of local self-government, as well as in popular referenda;

12.1.4. to submit proposals on the elaboration of draft legislative acts by state authorities;

12.1.5. to found means of mass media in accordance with the Law of the Republic of Azerbaijan "on mass media";

12.1.6. to hold meetings, demonstrations, rallies, pickets and gatherings in accordance with the Law of the Republic of Azerbaijan "on freedom of assembly";

12.1.7. to accept donations in accordance with this Law;

12.1.8. to have emblems, flags, pennons and signs as symbols;

12.2. Symbols of a political party shall not serve the promotion of aims set forth in the fourth paragraph of Article 4 of this Law.

Article 12-1. Duties of a political party

12-1.1. A political party shall have the following duties:

12-1.1.1. to comply with the Constitution, laws, other legal acts of the Republic of Azerbaijan and its own charter;

12-1.1.2. to submit its financial statement annually to the relevant body of executive authority;

12-1.1.3. in case of a change of legal address and contact phone numbers to update the relevant body of executive authority about such a change;

12-1.1.4. not to interfere with the activity of state authorities and officials.

12-1.2. The headquarters of the governing bodies of a political party shall be located in the territory of the Republic of Azerbaijan.

Article 13. Rights and obligations of the State vis-à-vis political parties

The State shall guarantee the respect for the rights and legitimate interests of political parties, the creation of equal legal conditions for the implementation of the tasks in accordance with the Constitution and laws of the Republic of Azerbaijan, as well as for the circulation of their documents through the organs of the State-owned press, the protection and security of the governing bodies of parties.

In accordance with Article 17-1 of this Law the State shall render financial assistance to political parties through the allocation of funds from the state budget.

The interference with the activities of political parties by State bodies and officials shall not be allowed, except for cases provided for by law.

Article 14. State registration of a political party

14.1. A political party shall be subject to state registration by the relevant body of executive authority in accordance with the Law of the Republic of Azerbaijan "on state registration and state registry of legal entities.

14.2. A political party which has not undergone state registration may not act and operate as a political party which has undergone state registration.

Article 16. Liquidation or suspension of the activity of a political party

16.1. A political party shall be liquidated upon the decision of the congress of the political party on liquidation of the political party or on a court decision.

16.2. The decision of the congress of a political party on liquidation of the political party shall be adopted as provided in the charter of the political party.

16.3. The relevant body of executive authority shall issue a reasoned written warning to a political party when the political party violates the laws of the Republic of Azerbaijan.

16.4. The relevant body of executive authority shall submit a motion to the court for holding the political party liable as provided by law, in the following cases:

16.4.1. when a political party commits the acts provided in the fourth paragraph of Article 4 of this Law;

16.4.2. when a political party fails to remedy the issues indicated in the warning provided in the Article 16.3 of this Law.

16.5. The court decision on liquidation of the political party shall be made on the ground of the application of the relevant body of executive authority, in accordance with the Code of Administrative Procedure of the Republic of Azerbaijan.

16.6. When a political party is liquidated, claims of its creditors shall be satisfied as provided in the Civil Code of the Republic of Azerbaijan.

16.7. Speaking or acting on behalf of the liquidated political party or participation in illegal organization of its activity or in its activity shall be prohibited.

Chapter IV

Financial maintenance of the functioning of political parties

Article 17. Financing of the activities of political parties

17.1. Activities of political parties shall be financed through the allocation of funds from the state budget and other funds they have obtained in accordance with this Law.

17.2. Financing of political parties by the following persons, including the obtainment of donations there from, shall be prohibited:

17.2.1. state bodies and other state entities, except for the cases referred to in Article 17-1 of this Law;

17.2.2. municipal authorities and their subordinate entities;

17.2.3. foreign states and foreign legal entities;

17.2.4. foreigners, and persons without citizenship;

17.2.5. persons under the age of maturity;

17.2.6. individuals who fail to indicate their last names, first names, patronymic, series and numbers of Identity Card or those of a substituting document;

17.2.7. military units;

17.2.8. public associations and foundations, religious entities;

17.2.9. legal entities.

Article 17-1. Allocation of funds for political parties from the state budget

17-1.1. Funds shall be allocated annually from the state budget in order to finance activities of political parties. Those funds shall be indicated as a separate line in the state budget.

17-1.2. 10 percent of the funds allocated from the state budget shall be divided proportionally to the number of earned votes, among the political parties that nominated candidates who earned at least 3 percent of the valid votes in the last elections of the Milli Majlis of the Republic of Azerbaijan, but which are not represented in the Milli Majlis of the Republic of Azerbaijan. 40 percent of the funds shall be equally divided among the political parties represented in the Milli Majlis of the Republic of Azerbaijan and 50 percent shall be divided proportionally to the number of elected Members of the

Parliament.

17-1.3. If political parties have participated in the last elections of the Milli Majlis of the Republic of Azerbaijan within a coalition of political parties, the funds allocated from the state budget shall be provided to each party separately as provided in Article 17-1.2 of this Law.

17-1.4. The funds allocated from the state budget under Article 17-1.1 of this Law shall be transferred by the relevant body of executive authority to the bank account of the political party in equal parts on quarterly basis, taking into account the requirements of Articles 17-1.2 and 17-1.3 of this Law.

17-1.5. If the political parties refuse to accept the funds allocated from the state budget, those funds shall be returned to the state budget.

17-1.6. The political parties failing to submit their annual financial statements as required in the Law of the Republic of Azerbaijan "on Accounting", shall be held liable as provided by law.

Article 18. Profits and expenses of political parties

The resources gained by political parties in the form of currency or wealth having currency equivalent shall be their profit. The benefits gained as a result of exemption of a political party from the generally undertaken obligations shall also be regarded as profit.

The followings shall be regarded as profits of a political party:

- membership dues;
- proceeds from the property;
- proceeds from the arrangements, circulation of press outlets and articles, and other similar lucrative activity;
- proceeds in the form of donations;
- resources received in the form of payment of the expenditures for the election campaign;
- payments of the lower organizations;
- funds allocated from the state budget;
- funds earned from debts and loans;
- property obtained through succession or inheritance;
- other proceeds.

The following shall be regarded as expenses of political party :

- funds spent for the current activities;
- expenditures incurred for maintenance and informational support of political parties;
- payments to the lower organizations;
- loan interest;
- individual expenditures;
- other expenditures.

The tax authorities shall supervise the sources of income of political parties, the amount of the gained resources and payment of the taxes as provided for in the tax legislation.

Article 19. Donations

19.1. Political parties shall be entitled to receive donations.

19.2. Political parties may not, directly or indirectly, provide material or other boons or any privilege or advantage to a person granting donations; or to any other person, may not make such offer or give such promise in lieu of accepted or promised donation.

19.3. A person granting donations to the political party may not demand or accept, directly or indirectly, for him/her or third parties, material or other boons, any privilege or advantage, may not give consent to such offer or promise in lieu of donation granted and to be granted.

19.4. Donated funds shall be received in the form of transfer to the bank account of political party.

19.5. The value of the donations submitted in kind shall be defined in accordance with market value.

19.6. The amount of donations received by political parties and information required by the relevant body of executive authority, about the persons granting donations, shall be included in the financial statement.

Article 20. Ownership of Political parties

The ownership of Political parties may contain premises, equipment, publishing and printing houses, means of transport, as well as other property necessary to implement the tasks set forth in the charter.

The right to property of Political parties shall be protected by the legislation of the Republic of Azerbaijan.

Political parties may use the premises and other property in accordance with the contracts on debt or lease concluded with other persons.

The ownership of political parties may not contain the land, industrial enterprises, production unions and cooperatives; parties may not be engaged in business or commercial activity.

The possession of Political parties of the armament, explosive substances and other materials causing threat to the life and health of citizens (including threat to the environment), their stocking or preservation shall be prohibited.

Article 21. Financial statement

21.1. Political parties shall carry out their accounting and make financial statements in accordance with the Law of the Republic of Azerbaijan "on accounting".

21.2. Political parties shall submit their annual financial statements to the relevant body of executive authority no later than April 1 of each year.

21.3. The number of the members of a political party paying membership fees shall be indicated in the financial statement.

21.4. The form, content and procedure of submission of financial statements of political parties shall be determined by the relevant body of executive authority.

21.5. Political parties shall publish their annual financial statements in mass media along with auditor's opinion.

Article 22. Liability for the violation of the Law

Persons not complying with the requirements of this Law shall be held liable in accordance with the law.

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Acting as the President of the Republic of Azerbaijan

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