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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**LAW**  
**ON POLITICAL PARTIES**  
**OF THE REPUBLIC OF AZERBAIJAN**

## **LAW OF THE REPUBLIC OF AZERBAIJAN ON POLITICAL PARTIES**

*(adopted on 3 June 1992; amended by the Laws of 25 June 1992, 5 November 1996, 5 October 2001, 2 July 2002, 30 December 2003, 4 May 2004, 11 July 2004, 4 March 2005, 15 April 2005, 3 March 2006, 1 October 2007, 9 October 2007 and 5 March 2010)*

### **Chapter I General Provisions**

#### **Article 1. Definition of political party**

For the purposes of this Law, political party shall mean an association of citizens of the Republic of Azerbaijan pursuing common political ideas and aims, and participating in the political life of the country.

Political parties, taking as a basis their functions and aims compatible with the Constitution and laws of the Republic of Azerbaijan, shall take an active part in the formation of the political will of the citizens of the Republic of Azerbaijan.

#### **Article 2. Legislative framework of the establishment and functioning of political parties**

The legislative framework of the establishment and functioning of political parties shall consist of the Constitution of the Republic of Azerbaijan and this Law as well as other legislative acts of the Republic of Azerbaijan adopted in accordance with them.

### **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, the equality of rights of their members, self-government, legality and publicity.

#### **Article 4. Conditions for the establishment of political parties**

Political parties shall be constituted upon the territorial criterion. Functioning of primary organizations, committees and other organizational structures of political parties in the State bodies of the Republic of Azerbaijan shall be prohibited.

The initiators of establishing a political party shall convene a constituent congress (conference) or general meeting, and adopt the charter and set up the leading bodies.

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

The establishment and functioning of the political parties, which purpose or the method of operation is to overthrow or change forcibly the constitutional order of the Republic of Azerbaijan or to violate its territorial integrity, to advocate for war, violence and brutality, to instigate racial, national and religious hatred, to perpetrate other acts contradictory to the constitutional order of the Republic of Azerbaijan and incompatible with its international legal obligations 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 put forward the candidatures of their members to the elective State bodies;
- 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 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, 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;
- sanctions not contradicting the laws of the Republic of Azerbaijan that might be imposed on the territorial branches;
- powers and rules of organization of the leading bodies of the political party, terms of their office;
- procedure of adoption and implementation of decisions and forms of supervision;
- conditions, forms and terms of convocation of meetings of the members of the party and their representatives;
- 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 7. Name of a party**

The name of a party, the abbreviator of its name as well as its symbols shall differ from the names and symbols of the other parties registered in the Republic of Azerbaijan.

In cases, where the name of a party is changed, it shall be re-registered as provided for in this Law.

#### **Article 8. Membership in a political party**

Political parties shall have registered membership.

Members of political parties shall be those citizens of the Republic of Azerbaijan who reached the age of 18, joined the party voluntarily, accepted its charter and programme, and possess legal capacity.

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 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, international legal instruments on human rights and freedoms ratified by the Republic of Azerbaijan.

Participation or non-participation of a citizen in the activity of a political party may not serve as a basis for the restriction of his/her rights and freedoms, or barring him/her from discharging of the duties defined by law, except for the cases referred to in 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. Expression of will in the bodies of a political party**

Procedure of the expression of will in the bodies of the political party shall be set forth in the charter of the party.

**Article 11. International relations of political parties**

Political parties may join to international public (non-governmental) associations, maintain direct international relations, and conclude relevant agreements.

**Chapter III****Political parties and the State****Article 12. Rights and duties of political parties**

For the implementation of the aims and tasks defined in their charters, programme documents and other acts, the political parties shall:

- disseminate freely the information about their aims and activities;
- establish political blocs, unions, federations and associations by uniting on a voluntary basis;
- take part in a democratic way (individually, in a bloc or union with other parties and organizations) in the elections of the President, parliament and other elective bodies of the Republic of Azerbaijan, in the formation of the bodies of executive power of the Republic of Azerbaijan;
- influence in a democratic way the drafting of decisions of the State bodies;
- represent and protect the interests of their members in the State bodies and nongovernmental entities;
- discharge other functions provided for in this Law and in other legislative acts of the Republic of Azerbaijan.
- Political parties may not interfere with the activities of State bodies and officials.
- Political parties have the right to disseminate information about their activities, to popularize their ideas, aims and programmes, to establish mass media, and to hold meetings, demonstrations and other mass arrangements within the procedure defined by law.
- The leading bodies of political parties shall be based only 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 set forth in their charters 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 leading bodies of parties and, for this purpose, the establishment of a State guard service and the arrangement of its provision.

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**

A political party shall be subject to State registration at the relevant body of executive power of the Republic of Azerbaijan.

For State registration of a political party an application containing the signatures of the members of its leading bodies and indication of the places of residence of each of them shall be presented within one month as of the date of the adoption of the charter. The charter, minutes of the constituent congress (conference) that adopted the charter, the document attesting the number of the members of the party shall be attached to the application.

Any amendments introduced into the charter of a political party shall be subject to State registration within the procedure and terms as determined for State registration of political parties.

As of the date of obtaining the State registration, a political party shall be regarded as a legal person as provided for in the legislation of the Republic of Azerbaijan.

State registration of a political party shall be refused if its charter is inconsistent with the provisions of Articles 3, 4 and 5 of this Law, or its founding documents are not in compliance with the legislation, as well as if a party under the same name has previously been registered.

If State registration is refused, written information thereof shall be given to the applicants by indicating the provisions of the legislation, which the charter has been found to be inconsistent with.

An appeal with respect to the refusal of State registration may be lodged in accordance with administrative procedure and / or may be lodged with a court.

Parties may possess emblems, banners, pennants and badges as their symbols. The symbols shall not serve for advocating for the aims referred to in Paragraph 4 of Article 4 of this Law.

Relevant body of executive power of the Republic of Azerbaijan shall be entitled to demand from the leading bodies of a political party which has undergone state registration to present their decisions, and to seek explanations from them with regard to issues related to the observance of the charter of the party.

**Article 15. Liability for violations of the legislation on political parties**

Violations of the legislation on political parties shall give rise to criminal, administrative, financial or other liability as provided for in the legislation of the Republic of Azerbaijan.

In cases, where political parties violate the legislation on political parties, they shall bear liability as provided for in the legislation of the Republic of Azerbaijan.

If a political party commits an act that deviates from the aims and tasks determined in its charter or runs counter to the existing legislation, the Ministry of Justice of the Republic of Azerbaijan may make a warning in written to the leading body of that party.

Activities of political parties which impede elimination of conditions resulting in state of emergency may be suspended as provided in the legislation.

**Article 16. Liquidation of a political party**

If a political party commits the acts referred to in Paragraph 4 of Article 4 of this Law, it shall be liquidated by a court decision.

A political party may be liquidated by a court decision if it re-commits the acts referred to in paragraph 3 of Article 15 of this Law.

A motion on liquidation of a political party shall be submitted by the Ministry of Justice of the Republic of Azerbaijan.

Court may suspend the activity of that political party in cases and manner provided in the legislation of the Republic of Azerbaijan until the taking of the final decision.

**Chapter IV****Financial maintenance of the functioning of political parties****Article 17. Financing of the activities of political parties**

The activities of political parties shall be financed at the expense of these parties, without allocation of funds from the State budget, except for the financing of the election campaigns in accordance with the Election Code of the Republic of Azerbaijan.

Financing of the activities of political parties by foreign States as well as by legal and natural persons of foreign States shall be prohibited.

**Article 18. Incomes and expenditures of political parties**

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

The following shall be regarded as income 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 local organizations;
- other proceeds.
- The following shall be regarded as expenditures:
  - expenditures incurred for the current activities;
  - expenditures incurred for activities of the departments of the political party and for the information;
  - expenditures incurred for the relations with the public and conducting of elections;
  - payments to the local 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**

Parties shall have the right to receive donations. The following shall have no right to grant donations to political parties:

- State agencies;
- the organizations, which serve exclusively charity purposes or religious purposes from the standpoint of the nature of their actual activities in accordance with their charters (founding documents);
- trade unions;
- mass movements.
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Besides, political parties may not receive donations granted with the purpose of gaining economical or political benefit.

The amount of donations granted in favour of political parties shall be included into the financial account, and the name (surname) of the donator, his/her address, the amount of the donation shall be indicated.

**Article 20. Ownership of parties**

The ownership of 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 parties shall be protected by the legislation of the Republic of Azerbaijan.

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

The ownership of 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 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**

Parties shall draw up account documents reflecting the income and expenditures as well as the property situation to be accounted of.

The financial statement shall consist of income and expenditures parts, as well as the statement about its property.

The statements of territorial organizations shall also be included into the financial statement of the party.

The financial statement to be drawn up at the end of each calendar year shall indicate the number of the party members paying membership dues.