

Azerbaijani NGOs Demand Fairer Deal

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Azerbaijan's "third sector" appeals for better treatment from the authorities

Around 150 representatives of Azerbaijani non-governmental organisations signed a letter to the government this week calling on it to review legislation regulating their activity and to build a new relationship with them based on equal partnership.

The April 14 letter is an expression of the frustration that the non-governmental organisations or NGOs are feeling as they battle with unclear legislation and problems in obtaining registration.

Experts estimate that there are around 1,600 NGOs registered in Azerbaijan, but only 200 of them work actively. They play an increasingly important role in Azerbaijan. They are receiving large grants to run social programmes connected with the Baku-Tbilisi-Ceyhan pipeline. And after the suppression of the mainstream political opposition following last October's presidential elections, they provide an independent voice in society.

Everyone is also mindful of the example of neighbouring Georgia, where NGOs played a central part in the "Rose Revolution" that ended up removing President Eduard Shevardnadze from office. Leading human rights NGOs have faced sustained pressure from the authorities over the last year before and after Azerbaijan's own presidential elections. Some are still not officially registered.

Arzu Abdullayeva, chair of Azerbaijan's Helsinki Citizens' Assembly, said that her own organisation had won registration in 2001 only after a nine-year battle and with the help of the Council of Europe. "The authorities are very afraid of the Georgian syndrome," she said. "They are continuing their policy of discrediting the NGOs by accusing them of being enemies of the people, of selling themselves and publishing articles to other people's orders."

Leila Yunus who heads the Institute of Peace and Democracy said nine years after it started work in 1995 her organisation had still not been registered by the justice ministry. "The reasons for the refusal to register us are not clear," Yunus said.

On the registration issue, Subkhi Kyazimov, deputy head of the legal persons registration department at the justice ministry, said that over 100 organisations had been registered in 2003, and about 40 had received registration so far in 2004.

At the same time, the ministry shut down several NGOs, three of them for alleged links with militant organisations. Kyazimov said that it was important that the state monitored grants received by NGOs, as organisations were not declaring all the money they received. Last month, the Azerbaijani parliament approved measures whereby those who do not declare their grants can be fined.

Last week, President Ilham Aliiev also signed a decree, which should speed up and clarify the process of registration. The justice ministry now has two months to improve and develop it as a new law.

Non governmental activists are concerned that the law as it stands discriminates against them in a number of ways.

“A lack of clarity in the legislation, which regulates NGO activity, poses a threat for an NGO at each and every level of its functioning,” Leila Madatova, spokesperson for the Society for Legal Enlightenment, told IWPR.

She noted that at the moment the law on NGOs directly violates their constitutional right to be an observer at presidential, parliamentary and municipal elections in Azerbaijan. “Although the Constitution, the supreme law of the land, gives foreign organisations the right to be present as observers at elections, which is also stated in the electoral code of the country, the law on NGOs limits this right. Where is the logic in that?” said Madatova.

She also pointed out, “Today officials are able to close an NGO for even the most minor violation of laws, and even though such a decision must be taken by a court, the biased attitude of judicial bodies gives us reason to doubt that the issue would get a fair hearing.”

For instance, according to the law, an NGO can be closed if it committed three legal violations in one year or has been issued three warnings to correct its violations. “But the law does not specify the type of violations, which makes it possible for every official to interpret this clause as he pleases, even though the constitution and European Convention on Human Rights state that it is the most serious violations that must form the basis of this action,” Madatova said.

Yunus contrasted this kind of problem with the situation of Georgian organisations, which are in a far stronger position.

“If you compare the activity of the Young Lawyers Association in Azerbaijan and Georgia, which have the same legislative base, then the Georgian NGO is much more active than the Azerbaijani one,” Yunus said.

“This organisation managed to get the Constitutional Court in Georgia to recognise the right to freedom of assembly, demonstrations and marches. In the end, the result was that to hold mass assemblies citizens only have to inform the executive authorities and not to ask their permission. The right of citizens to hold marches and rallies is underwritten by the constitution of Azerbaijan, but here it needs to be permitted.”

Arastun Mekhtiev, an official at the department for public organisations and political parties with Azerbaijan’s presidential administration, ascribed the atmosphere of suspicion between government and the “third sector” in the country to “a negative psychological factor”, to which NGOs themselves had contributed. “I think it will take time to improve relations between NGOs and state bodies,” he said. “And even if the government presently cannot offer material and technical support to the third sector, this will become possible in the next two or three years.”

The organisations themselves would like the government to involve them in implementing social and economic programmes. However, they say that the mechanism of getting NGOs involved must be improved, as there has been a tendency in recent years for state officials to found their own organisations, which then get preferential treatment.

“It’s good that the government is already engaging non-governmental organisations in work of several state commissions, but the question is what the criteria are for selecting this or that NGO. This process must be transparent,” deputy Alimamed Nuriev stressed.

“I would like to depend financially on my state, but not on the one that has such a negative attitude towards NGOs,” said head of the Azerbaijan Lawyers Association Annagi Hajibeili. “It’s better to depend on international donors.”

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