

DRAFT UPDATED RECOMMENDATIONS FOR PUBLIC COMMENT
August 29 2017

This document includes the draft updated recommendations to address the unresolved constraints on the operating environment for civil society organizations in Azerbaijan that were developed by decision of the OGP Steering Committee outlined in the [Azerbaijan continued inactivity resolution](#). The updated recommendations were developed based on inputs received from stakeholders involved in the Response Policy case during a three-week consultation period that ran from July 24 to August 11. A round of public comments on the draft recommendations will be held from August 29 to September 13. The updated set of recommendations will be finalized and endorsed by the C&S by September 15, 2017, at which point the one-year period will begin. Please send your recommendations to the Support Unit at (jaime.mercado@opengovpartnership.org) by Wednesday, September 13, 2017.

Updated Recommendations for the Government of Azerbaijan
Criteria and Standards Subcommittee
To be published on September 15, 2017

On June 28, 2017, the OGP Steering Committee [resolved](#) to extend Azerbaijan's inactivity status for a period of one year, due to unresolved constraints on the civic space for civil society organizations. The Steering Committee further mandated the Criteria and Standards Subcommittee (C&S), in consultation with civil society and government, to develop an updated set of recommendations to improve the unresolved issues by September 15, 2017.

Ahead of the Steering Committee decision, the C&S and Support Unit drafted a report with the support of third party analysis, external reports, mission reports and interviews with key stakeholders in Azerbaijan. The report summarizes the Azerbaijan Response Policy process and assesses how the Government of Azerbaijan has addressed the original recommendations put forward by C&S as part of the 2016 inactivity decision. The C&S recommendation highlighted that noticeable efforts have been made in order to address the recommendations under the response policy, particularly those regarding OGP processes. However, it also concluded that there remain unresolved constraints on the operating environment for civil society organizations, which, through the updated recommendations, the C&S hopes will help remedy the concerns outlined.

The process to develop updated recommendations to address the unresolved constraints on the operating environment for civil society organizations included two rounds of consultations to enable all stakeholders to provide input. This included a three-week period (**July 24 to August 11**) where several

stakeholders provided draft that became updated set of recommendations, and a two-week period **(August 29 - September 13)** for a round of public comments on the draft recommendations.

The recommendations put forward only address the unresolved constraints on the operating environment for civil society organizations identified in the report, namely CSO registration and access to funding. The recommendations do not include proposals received regarding the OGP process and the implementation or development of the current, or future, National Action Plan. Furthermore, following on the agreed upon resolution, they do not include proposals related to alleged politically motivated legal proceedings against civil society activists and journalists .

The Government of Azerbaijan will have one year, beginning on September 15, 2017, to address these recommendations in order to regain active status in the Partnership.

1. Simplify registration process for Civil Society Organizations (CSOs)

1.1 Simplify the procedures for establishing and registering CSOs in Azerbaijan and remove discretionary actions that limit their ability to operate. Some concrete proposals to do this are:

- Enable the online registration of CSOs, including the ability to amend registration documents.
- Fulfill the registration of CSOs within set time limits.
- Registration of CSOs should only be denied on clear grounds that are legitimate under international law.

1.2 Eliminate requirement for CSOs to obtain an extract (registration certificate) every two years.

Registration should be a one-time procedure; CSOs should not have to periodically re-register, or even re-register under a newly enacted law.

1.3 Revise the Code of Administrative Offences to reduce the number of penalties and prevent excessive harshness for CSOs.

2. Simplify regulations to access funding

2.1 Introduce changes to limit the discretion to arbitrarily deny grant registration or, ideally, eliminate this procedure.

2.2 Introduce changes related to donor registration. Some concrete proposals to do this are:

- Eliminate the need for foreign donors to register individual grants with the Government of Azerbaijan
- Eliminate the necessity for a foreign donor to have an agreement with the Ministry of Justice and register its representative office in Azerbaijan, in order to be a grantor.
- Exclude foreign donors that operate on the base of bilateral and multilateral agreements from the obligation to obtain the right to provide grants.

2.3 Eliminate the need to obtain the opinion on 'financial-economic expediency' in order to issue or receive a foreign grant.

2.4 Simplify financial operations for NGOs. In particular, bank operations related to grants and donations should remain independent and not be subject to any state interference.