

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 284 (2010)¹ Municipal elections in Azerbaijan (23 December 2009)

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

- a.* the Committee of Ministers' Statutory Resolution (2000)¹ on the Congress of Local and Regional Authorities of Europe;
- b.* the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by Azerbaijan on 15 April 2002 and entered into force on 1 August 2002;
- c.* its Resolution 151 (2003) on local and regional democracy in Azerbaijan;
- d.* its previous reports on elections observed in Azerbaijan, notably the report on the local elections held on 17 December 2004 and its Recommendation 206 (2006) on the partial repetition of local elections in Azerbaijan (observed on 6 October 2006).

2. The Congress underlines its specific role in the observation of local and regional elections in Council of Europe member countries.

3. The Congress:

- a.* is aware of the positive developments in respect of the technical organisation of the elections of 23 December 2009 and, most importantly, notes a considerable step forward in comparison to the previous local elections which took place in October 2006. The Congress also takes into account that the vote took place in a calm atmosphere and that the general organisation was satisfactory;
- b.* sees as encouraging, in comparison with previous elections, the substantial increase of female (26.5%) and youth (27.6%) representation among members of municipalities elected as a result of the 23 December 2009 municipal elections, which is an indication of the highly active participation of women and young people in the public and political life of the country.

4. The Congress:

- a.* is satisfied about the visible improvement over recent years regarding the economic stability of the country;
- b.* also takes due note of the decision taken by the Central Election Commission to invalidate results of the voting in 33 polling stations representing 9 municipalities, in order to redress the shortcomings that occurred in the electoral process. Furthermore, 18 precinct and 2 constituency electoral

commissions were dissolved and the chairs of 2 constituency election commissions were dismissed. Moreover, the head of the executive branch of one district was dismissed for interference with the election process.

5. Nevertheless, the Congress regrets to note that:

- a.* despite repeated calls, Azerbaijan has yet to comply with the Congress recommendation on creating a city municipality and electing the Mayor of Baku (as laid down in Article 3 of the European Charter of Local Self-Government);
- b.* the overall political situation in Azerbaijan, marked by the lack of a truly pluralistic party landscape, leaves little scope for an opposition, and this became evident on election day, given the scarcity of opposition candidates;
- c.* there were few visual signs of a lively election campaign and the media, in particular television, largely transmitted the image of a single party system where elections do not play an important role;
- d.* the low-key campaign, in the streets and on television, the lack of a truly pluralistic landscape and the absence of a genuine system of local self-government resulted in a low turnout; the Congress considers this low participation as an alarming signal;
- e.* a number of buildings where polling stations were located are not easily accessible to people with disabilities and elderly people.

6. In addition, the Congress is worried about the readability of the ballot papers, the counting system of the voters, the role and the origin of domestic election observers and, in particular, about incidents which occurred in some polling stations during the vote count, which give reason to call the integrity of the elections of 23 December 2009 seriously into doubt.

7. The Congress remains concerned about the state of territorial democracy in Azerbaijan with regard to political powers, competences and financial resources of municipalities. This leaves room for improvement by the authorities.

8. Taking into account the previous comments, the Congress invites the Azerbaijani authorities to take all necessary steps to:

- a.* introduce tools to strengthen transparency regarding voter participation and vote count² and revise the system to oversee the number of ballots cast;
- b.* clearly define the role of domestic observers by introducing measures to specify strictly those persons who are allowed to be present during voting and counting procedures;
- c.* improve media pluralism, in particular concerning radio and television, and create legal conditions in which all journalists and media can freely operate without intimidation or threats;

d. lift the bans on certain radio stations and release arrested journalists;

e. amend the rules for allocating free airtime on radio and television for pre-election campaigning in municipal elections (as laid out in the Election Code of Azerbaijan), allowing for competitive debates involving opposition representatives;

f. abolish the rule stating that candidates of political parties have to be registered in more than half of all municipalities to be given access to unpaid airtime;

g. review, more generally speaking, the situation of commitments honoured in conformity with the European Charter of

Local Self-Government, in particular with respect to changing legislation to enable the election of the Mayor of Baku and strengthening the financial autonomy of the municipalities in Azerbaijan.

1. Debated and approved by the Chamber of Local Authorities on 18 March 2010 and adopted by the Congress on 19 March 2010, 3rd Sitting (see Document CPL(18)2, explanatory memorandum), rapporteur: F. Lec (France, L, SOC).

2. For instance, to improve the readability of the ballot papers by providing separate ballots for candidates of different parties.