

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 206 (2006)<sup>1</sup> on the rerun of local by-elections in Azerbaijan (observed on 6 October 2006)

The Congress,

1. Refers to:

*a.* the Committee of Ministers' Statutory Resolution (2000) 1 on the Congress of Local and Regional Authorities of the Council of Europe, in particular its Article 2, paragraph 3, mandating the Congress to draw up country-by-country reports on the situation of local and regional democracy in member states (monitoring reports);

*b.* the principles laid down in the European Charter of Local Self-Government which was ratified by Azerbaijan on 15 April 2002 and entered into force in that country on 1 August 2002;

*c.* its Recommendation 126 (2003) and Resolution 151 (2003) on local and regional democracy in Azerbaijan, and its reports on the observations of local elections in Azerbaijan (1999 (rerun 2000) and 2004);<sup>2</sup>

*d.* its Recommendation 182 (2005) on public participation in local affairs and elections;

*e.* its report on the local elections held on 6 October 2006 and the conclusions of the Congress observation mission;

2. Recalls the key role of national associations of local and regional authorities in facilitating the exercise of local and regional democracy in general, and the efforts of the Congress and the Norwegian Association of Local and Regional Authorities in supporting the development of local democracy in Azerbaijan through their joint project to help the establishment of a national association of local authorities in Azerbaijan;

3. Welcomes the will demonstrated by the Azerbaijani authorities to co-operate with the Congress in this field and commends the Azerbaijani authorities for the efforts made in conducting the local elections overall in compliance with international electoral standards, following the "Presidential executive order on improvement of electoral practice" (11 May 2005);

4. The Congress has noted, however:

*a.* that further to the commitments made upon ratification of the European Charter of Local Self-Government, it is clear that municipalities in Azerbaijan are still not allocated adequate responsibilities, trained staff and resources that would enable them to play a consistent role and increase

the level of trust from the central authorities and the population;

*b.* that elements such as low voter turnout and the lack of an active pre-electoral campaign, in the opinion of the Congress, reflect the small degree of priority conferred by governmental authorities and political forces to real practice of local and regional democracy;

*c.* that although women are fairly represented in electoral administrative functions, they hold few positions of influence in political life;

*d.* that elections in Azerbaijan are regulated by a rather weighty Election Code, which does not fully integrate the Venice Commission's recommendations;

*e.* that serious irregularities in polling stations and attempts of influence/intimidation outside the polling stations were observed, and that most polling stations are difficult to reach or are inaccessible for the elderly and people with disabilities;

5. Invites the Azerbaijani presidential, parliamentary and governmental authorities to take all necessary measures aimed at implementing the following recommendations, namely to:

*a.* increase efforts to bring legislative provisions fully into line with the Venice Commission's recommendations and with the European Charter of Local Self-Government by granting municipalities a substantial share of public affairs, ensuring that sufficient means are provided for their implementation and, concerning the status of Baku and other large cities, by setting up a city council directly elected by the citizens to run a local public administration acting at overall city level;

*b.* to respond to the training needs of electoral commission members, local elected representatives and municipal staff in the daily exercise of their responsibilities, as a basic requirement to improve democratic practices; in addition, to foster real understanding of local democracy among the population and encourage the participation of civil society through public debate and freedom of assembly;

*c.* opt for the Congress's proposal to establish a single association of local self-government or one structure at nationwide level, which could best represent all municipalities' interests, on the national and international stage;

6. Asks the Committee of Ministers to take note of the present recommendation and its explanatory memorandum, and to transmit it to the relevant bodies in the intergovernmental sector, the Venice Commission, the Directorate of Co-operation for Local and Regional Democracy, the Directorate of Political Affairs and the Commissioner for Human Rights;

7. Invites the Parliamentary Assembly of the Council of Europe to take account of the above recommendations in

its procedure for monitoring Azerbaijan's commitments and undertakings;

8. Reaffirms its readiness to support Azerbaijani authorities in their efforts to implement the above-mentioned recommendations and to strengthen local and regional democracy in conformity with the European Charter of Local Self-Government. The Congress therefore wishes to invite the authorities of Azerbaijan to inform the Congress Bureau of the status of implementation of

Recommendation 126 (2003) on local and regional democracy in Azerbaijan.

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1. Debated and adopted by the Standing Committee of the Congress on 15 November 2006 (see Document CG(13)33, draft recommendation presented by M. Juhkami (Estonia, L, EPP/CD), on behalf of V. Moreira (France, R, SOC), rapporteur).
  2. **Reports on local elections in Azerbaijan: CG/BUR (6) 184** – 6 March 2000 and CG/BUR (11) 95 – 17 December 2004.