

The Congress of Local and Regional Authorities



Chamber of Local Authorities

18 th SESSION
CPL(18)2
8 February 2010

Municipal Elections in Azerbaijan (23 December 2009)

Rapporteur: Francis LEC, France (L, SOC)¹

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Summary

Following the official invitation from the Azerbaijani authorities to observe the municipal elections of Wednesday 23 December 2009, the Congress appointed an observer delegation, headed by Gaye Doganoglu, Member of the Municipal Council of Muratpasa/Antalya, Turkey. Francis Lec, Vice-President of the General Council of La Somme, France, was appointed Congress Rapporteur of this observation mission. The delegation was composed of eleven members of the Congress, assisted by the Congress Secretariat.

The delegation concluded that the elections were, in general, technically well prepared and took place in a calm atmosphere. However, the delegation pointed to three major matters of concern:

- the lack of a truly pluralistic party landscape, the scarcity of real opposition candidates and, as a consequence, the absence of a competitive election campaign (in the streets and on TV);
- the doubtfulness of the registration process and the vote counting due to incidents in some of the polling-stations;
- the underdevelopment of territorial democracy in Azerbaijan.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
ILDG: Independent and Liberal Democrat Group of the Congress
EPP/CD: European People's Party – Christian Democrats of the Congress
SOC: Socialist Group of the Congress
NR: Members not belonging to a Political Group of the Congress



A. DRAFT RESOLUTION²

1. The Congress of Local and Regional Authorities takes note of the Preliminary Draft Recommendation regarding the Municipal Elections in Azerbaijan observed on 23 December 2009 and expresses concern in respect of the state of territorial democracy and local self-government in the country. The Congress

a. confirms its readiness to assist Azerbaijan in devising and implementing the necessary reforms for a tangible improvement of local and regional democracy in Azerbaijan, e.g. through developing specific training programmes for elected representatives at local and regional level;

b. mandates the Institutional Committee to examine as soon as possible, latest within two years, the progress made by the country in honouring her commitments to the Charter of Local Self-Government, in particular in respect of plans for the delegation of powers from local executive authorities to elected municipalities, for the strengthening of their financial autonomy and with regard to the election of the Mayor of Baku;

c. 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 of the Council of Europe, to the Venice Commission, the Directorate General of Democracy and Political Affairs, the CPT, GRECO and the Commissioner for Human Rights;

d. invites the Parliamentary Assembly of the Council of Europe to take account of the above recommendation in its procedures for monitoring Azerbaijan's commitments and undertakings.

² Preliminary draft recommendation approved by the Bureau of the Congress on 5 February 2010.

Members of the Bureau:

Y. Mildon, President of the Congress, *I. Micallef (President ad interim of the Congress and President of the Chamber of Local Authorities)*, *L. Sfirloaga (President of the Chamber of Regions)*, D. Suica, G. Krug, A. Knape, *S. Rihniemi*, H. Zach, *I. Borbely*, *J.-C. Frécon*, *S. Orlova*, *F. Pellegrini*, *K. Andersen*, *E. Yeritsyan*, I. Michas, O. Van Veldhuizen, *N. Romanova*.

N.B.: The names of members who took part in the vote are in italics.

Secretariat of the Bureau: D. Rios, L. Taesch

B. DRAFT RECOMMENDATION³

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 the Council of Europe;

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

c. Resolution 151(2003) on the local and regional democracy in Azerbaijan;

d. previous Reports on elections observed in Azerbaijan, notably the Report on the local elections held on 17 December 2004 and 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 is aware of the positive developments in respect of the technical organisation of the elections of 23 December 2009 and noted a considerable step forward, particularly in comparison to 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 setting was well-prepared.

4. The Congress is satisfied about the visible improvement over the past years regarding the economic stability of the country.

5. Nevertheless, the Congress regrets to note that:

a. despite repeated calls to create a city municipality and to elect the Mayor of Baku, Azerbaijan has not yet complied with this Congress recommendation (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 and by the tendency of moving towards an autocratic system, leaves little scope for the opposition which became evident on election day, given the scarcity of real 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 in Azerbaijan where elections do not play an important role;

d. the low-key campaign, in the streets and on TV, 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 polling stations are not easily accessible to persons 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 - and which give reason to call the integrity of the elections of 23 December 2009 seriously into doubt.

³ See footnote 2

7. The Congress remains concerned about the state of territorial democracy in Azerbaijan with regard to political powers, competences and financial means of municipalities. The lack of trust of the population in local authorities is a consequence of this unsatisfactory situation and leaves room for improvement for the authorities.

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

a. to introduce tools to strengthen transparency regarding voter participation and vote count⁴ and to revise the system to oversee the number of ballots cast;

b. to clearly define the role of domestic observers by introducing measures to strictly specify those persons who are allowed to be present during voting and counting procedures;

c. to improve media pluralism, in particular concerning television and radio, and to create legal conditions in which independent journalists and free media can operate without intimidations or threats;

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

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

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

g. to review, more generally speaking, the situation of commitments honoured in conformity with the European Charter of Local Self-Government, in particular in respect of changing legislation to enable the election of the Mayor of Baku and strengthening the financial autonomy of the municipalities in Azerbaijan.

⁴ (e.g. to improve the readability of the ballot papers by providing separate ballots for candidates of different parties)

C. EXPLANATORY MEMORANDUM

I. Introduction

1. Following an official invitation from the authorities of the Republic of Azerbaijan to observe the municipal elections on Wednesday 23 December 2009, the Bureau of the Congress responded positively.

2. The delegation, headed by Mrs Gaye Doganoglu (Turkey, EPP-CD), was composed of members of the Congress and accompanied by representatives of the Congress secretariat. Mr Francis Lec (France, SOC) was appointed Rapporteur on the elections. The Congress delegation was the only international mission to monitor the elections of 23 December.

3. Already on 7 and 8 December a pre-election mission explored the situation in the capital city of Baku and in the municipalities of Sumgait and Novkhani, outside Baku.

4. The Congress wishes to express its thanks to Ms Veronika Kotek, Special Representative of the Secretary General of the Council of Europe, and her colleagues, for their assistance.

II. Pre-election mission

5. A delegation of the Congress of Local and Regional Authorities of the Council of Europe visited Baku on 7 and 8 December 2009 to assess the political situation in the country prior to the municipal elections of 23 December. It was the aim of the mission to get a general idea on the state of affairs during the electoral campaign and to obtain more specific information in respect of territorial democracy, political pluralism, freedom of expression and the media in Azerbaijan.

6. The delegation was composed of five Congress members: Mrs Gaye Doganoglu (Turkey, EPP-CD), Congress Vice-President Istvan Borbely (Hungary, EPP-CD), Mr Nigel Mermagen (United Kingdom, ILDG), Mr Dobrica Milovanovic (Serbia, NR) and Mrs Gudrun Mosler-Törnström (Austria, SOC). Three members of the Congress secretariat accompanied the pre-election delegation.

7. They met with representatives of the government and of electoral bodies, with members of the diplomatic community in Baku, with party representatives, NGOs and the media. Due to a delay, the delegation did not have the opportunity to hold the meeting that was scheduled with opposition parties. The three Associations of Local Authorities of Azerbaijan, in co-operation with the Azerbaijani delegation to the Congress, organised a visit to the municipalities of Sumgait and Novkhani, outside Baku, to meet with members of the respective municipal councils. The detailed programme of this mission is provided in Appendix I.

III. Election observation mission

8. The actual election observation mission of the Congress of Local and Regional Authorities was carried out from 20 to 24 December 2009.

9. In the days preceding the elections, the delegation met with Mr Vilayat Zahirov, Deputy Minister of Justice, and with Mr Mazahir Panahov, Chair of the Central Election Commission. As a follow-up to the Congress pre-election mission, further meetings with representatives of the ruling party and with members of opposition parties were requested. Also, the delegation received feedback on the latest developments of the election campaign from media representatives.

10. The Congress wishes to thank all those listed in the programmes for the useful information provided and for their readiness to answer the questions of the delegation. The final programmes – of the pre-election and observation missions - are set out in Appendix I.

11. The delegation was composed of the following members:

Gaye Doganoglu, Member of the Municipal Council of Muratpasa/Antalya (Turkey, EPP/CD, L) – Head of Delegation

Francis Lec, Vice-President of the General Council of La Somme (France, SOC) - Rapporteur

Istvan Borbely, Member of the General Assembly of Fejér County (Hungary, EPP/CD, R)

Jean-Claude Frécon, Municipal councillor of Pouilly-lès-Feurs / Senator of the Loire (France, SOC, L)

Mihkel Juhkami, Chair, Rakvere City Council (Estonia, EPP/CD, L)

Amy Koopmanschap, Mayor of Diemen (Netherlands, SOC, L)

Nigel Mermagen, Councillor, South Somerset District Council (United Kingdom, ILDG, L)

Dobrica Milovanovic, Mayor of the Assembly of the City of Kragujevac (Serbia, NI, L)

Christopher Newbury, Councillor, Wiltshire County Council (United Kingdom, EPP/CD, L)

Paolo Rondelli, Municipal Councillor of San Marino (San Marino, SOC, L)

Jean-Louis Testud, Deputy Mayor of Suresnes (France, EPP/CD, L)

Congress Secretariat

Jean-Philippe Bozouls, Executive Secretary of the Chamber of Local Authorities

Renate Zikmund, Head of the Division of International Relations, Communication and Election Observation

Lucrezia Titi, Communication Assistant of the Division of International Relations, Communication and Election Observation

Nioucha Ziaemoghadam, Assistant of the Division of International Relations, Communication and Election Observation

IV. Territorial organisation, electoral rules and regulations

12. The basis of the status of municipalities in Azerbaijan is determined by the Constitution. Regulations of municipal elections and legislation on local self-government (competences, responsibilities, resources and supervision of municipalities) are determined by specific laws, such as the Law of the Republic of Azerbaijan on the Status of municipalities (1999). Following a referendum held on 18 March 2009, some amendments to the Constitution were adopted, including amendments to article 146, on local self-government. The Venice Commission expressed concern on some articles which were added to the Law on the status of Municipalities, after this referendum, in particular regarding the suspension of powers of members of municipal councils, reporting to supervisory authorities and the pre-term dismissal of councils. 5.

13. The Election Code of the Republic of Azerbaijan – adopted in May 2003 and amended in June 2008 – establishes the rules for the organisation and the conduct of elections of deputies to the Parliament of the Republic of Azerbaijan (the Milli Majlis), presidential and municipal elections of the Republic of Azerbaijan and nationwide opinion polls/referendums.

14. The Azerbaijani authorities signed the European Charter of Local Self-Government on 21 December 2001 and ratified it on 15 April 2002. The Charter officially came into force on 1 August 2002 under the terms of the ratifying legislation passed by the Milli Majlis. The Republic of Azerbaijan accepted most of the Charter's articles as binding. It also declared its inability to guarantee the application of the Charter provisions “in the territories occupied by the Republic of Armenia”- until such time as they were liberated.

⁵ Cfr. CDL-AD(2009)49 Opinion nr. 559/2009, Venice Commission <http://is.qd/5otQx>

15. Municipalities (cf. IV Chapter of the Constitution) approve local taxes, can own municipal property, approve and implement local programmes on social security, social and economic development and ecological matters. Municipalities may adopt Municipal Acts, which are binding for the citizens living and legal persons located in the relevant territory.

16. Each municipality is administered by a council, elected directly, whose membership varies according to the size of the population, from five members in municipalities with populations of under 500 inhabitants to 19 members in municipalities with populations of between 100,000 and 300,000. There are special arrangements for the city of Baku, which is divided into 11 districts and 48 municipalities.

17. The term of office of elected members of municipalities is 5 years. The first local elections took place in December 1999 in 2,667 municipalities. A re-run was organised in March 2000 because of the annulment of the results in 75 municipalities. New municipal elections were held on 17 December 2004. In 141 municipalities results were declared invalid, and a re-run took place on 6 October 2006. The election of 6 October 2006 was actually held in 603 municipalities, including newly established constituencies or old constituencies with vacant seats, and in the 141 municipalities where results of 2004 had been invalidated. As a result of mergers and amalgamations, the voting on 23 December 2009 took place in 1,718 municipalities.

18. Election administration is operated by the Central Election Commission (CEC), by Constituency Election Commissions (ConEC) and by Precinct Election Commissions (PEC). The CEC is responsible for the maintenance of a centralised computerised voter register.

19. Beside elected representatives of municipalities, so-called local executive authorities are appointed by the President of the Republic to exercise central government powers as decentralised bodies. "Local Executive power shall be implemented by the Heads of Executive power. Heads of Executive power shall be appointed and removed from holding positions by the President of the Azerbaijan Republic. Authority of the Local Executive power shall be determined by the President of the Azerbaijan Republic."⁶

20. As stipulated in the Constitution of Azerbaijan, the Nakhichevan Autonomous Republic is an autonomous State forming a part of the Republic of Azerbaijan. Its territory is also divided into local executive powers, headed by representatives appointed by the President of Azerbaijan, and elected municipalities.

21. Despite Congress' appeals to create a single association of local authorities, as it is the case in other Council of Europe member states, Azerbaijan has three associations of local authorities:

- Association of City Municipalities of Azerbaijan (Dilara Aliyeva St. 251 A Baku),
- Association of Settlement-Municipalities of Azerbaijan (Dilara Aliyeva St. 251 A Baku),
- Association of Village-Municipalities of Azerbaijan (Dilara Aliyeva St. 251 A Baku).

22. During different meetings of the Congress delegation in the framework of the mission to observe the elections of 23 December 2009, it was pointed out by the officials that the state of decentralisation in Azerbaijan has to be seen in a positive way. According to these interlocutors, respective laws and the state of the delegation of powers in Azerbaijan were not yet fully satisfactory but heading in the right direction.

23. Contrary to these official statements, the delegation got the overall impression that there was little confidence of the population in the integrity and the functioning of the municipalities in Azerbaijan and that municipalities were seen as "formal institutions" only.

⁶ Article 124 of the Constitution

24. On several occasions Congress leaders invited Azerbaijani authorities to create the conditions for the election of the Mayor of Baku. Azerbaijani authorities made clear, that this was not a priority for them and they postponed any decision until after the elections of 23 December 2009.

V. The political situation at large

25. The Congress delegation heard complaints from different interlocutors with regard to the state of democracy and the human rights situation in Azerbaijan. Representatives of the diplomatic community and of the civil society mentioned a general lack of political pluralism in the country, they described the current situation of the opposition as "having been successfully atomised by the government". According to an important number of interlocutors, the role of the real opposition in the country was a very limited one and has deteriorated over the past 15 years.

26. The lack of political dialogue and the absence of a competitive atmosphere were repeatedly mentioned during the talks. Different interlocutors expressed the fear that the country would move towards an autocratic society, lacking independence of major societal stakeholders (e.g. the judiciary, the media).

27. The delegation heard critical evaluations in respect of the tendency in Azerbaijan to adopt new laws without creating, at the same time, the appropriate conditions for a fully-fledged pluralistic system. Moreover, according to these voices, laws, rules and regulations were introduced by the government to demonstrate the will to formally align with Western standards, rather than to strengthen effectively the rule of law in the country.

28. Governmental representatives and speakers of the ruling YAP-party painted the picture of a country which was falling into chaos after the declaration of independence in 1991. According to them, progress only started from 1996 on. The current political situation was qualified by the officials as "stable".

29. Concerning economic stability, representatives of the diplomatic community confirmed that there was visible improvement over the past years.

VI. Campaign and media coverage

30. Though the official election campaign was launched on 25 November 2009, the Congress observers were surprised by the fact that both during the pre-election mission and the actual observation mission there were few visual signs of a lively election campaign (e.g. hardly any posters in the streets of Baku). The only items of information visible were small posters fixed by the Central Election Commission on practical arrangements for the elections (according to the CEC, 500,000 such posters were displayed throughout the country).

31. A large number of the delegation's interlocutors emphasised that it was difficult for candidates who were not affiliated directly – or indirectly – to the ruling YAP-party to register for the municipal elections of 23 December 2009. The delegation heard complaints – which were already brought forward during the visit of the Council of Europe Ago Group at the end of November – about obstacles and artificial barriers for candidates to register at the local electoral commissions (according to the Ago Group, the proportion of rejected candidatures was apparently as high as 90% for some parties). The delegation welcomed reports that the CEC had ruled out some of the incorrect decisions taken by electoral commissions at local level.

32. The delegation also heard that - amongst more than 31,000 candidates who registered for the elections throughout the country - there were approximately 200 candidates who could be attributed to "real" opposition parties. The delegation was informed of pressure on certain candidates in respect of their registration and of "lists of candidates to be elected" allegedly already in circulation prior to the elections.

33. During meetings with different representatives of the authorities (ministerial level, CEC, Parliamentary Committee on Regional Policies) the Congress delegation noted with surprise that diverging figures were given out as regards the number of parties and candidates involved in the elections of 23 December. The authorities pointed out that – in comparison to municipal elections in 2004 and 2006 - more candidates with higher education, more female candidates and more candidates under 30 figured on the lists.

34. During meetings with media representatives, the Congress delegation heard complaints about the “non-existence of a normal pre-electoral situation”, including the absence of a real campaign. The interlocutors reported that there were no noteworthy competitive debates on radio or TV – due to the fact that free airtime was available, de facto, only for representatives of the ruling YAP party (only parties that registered candidates in more than 50% of the municipalities are qualified for free airtime on TV).

35. According to a monitoring on seven nationwide TV channels (AzTV, Public Television, Idman-Azerbaijan, ANS, ATV, Lider, Space and Khazar) carried out by the Institute for Reporters Freedom and Safety (IRFS)⁷, no TV channel – except Public TV – allocated paid air time to the candidates. There were no broadcasts or talk-shows in which candidates could present their programmes and ideas. There was no free or paid advertising to promote political parties or candidates during the pre-election period. Apart from coverage on representatives of the ruling YAP-party, there were practically no TV programmes featuring candidates of other parties. In general, TV channels were restricted to providing information on election “technicalities” during their news programmes (e.g. CEC meetings etc).

36. In Azerbaijan, the broadcast system is based on a tri-partite model. There is state TV and radio, the so-called “Public Television and Radio” and there are private channels. “Public TV” was supposed to replace state TV – but did not contribute to the creation of real media pluralism in the country. Concerning the print sector, there is a broad variety of mainly daily papers in the country. According to media specialists, approximately 90% of these titles are government-controlled or, at least, close to the government.

37. According to the monitoring report of the “Institute for Reporters Freedom and Safety”, AzTV – the TV channel which is funded by the state – campaigned throughout the pre-electoral period in favour of the ruling YAP-party. AzTV dedicated a large part of programmes to the party’s Chairman, President Ilham Aliyev, and to other members of the ruling YAP-party. The coverage of candidates of other parties is qualified by the IRFS as “sporadic”.

38. Public TV (ITV) provided mainly technical information on the municipal elections and educational programmes like “The nation is voting” (e.g. on activities of District Election Commissions). Although, footage of YAP-meetings and pictures of the President of the Republic were shown everytime, at the beginning and at the end of “The nation is voting”. Coverage of other parties, in particular of opposition parties, was – according to the report – of a “sporadic nature”.

39. Although all private TV channels broadcast news on the official start of the election campaign, there was no follow-up in the form of regular discussions, talk-shows or information on the technical aspects of the elections. The fact that the private channels did not file a complaint to the Central Electoral Commission against the decision to refuse the allocation of paid air time to them, is for IRFS a sign that these channels were not really interested in covering the municipal elections of 23 December.

⁷ This monitoring was funded by the Marshal Fund, www.irfs.org

VII. Congress deployment on election day

40. The Congress delegation was divided in seven teams which covered some twenty different constituencies. At the beginning of the day, the deployment of teams was as follows:

Constituencies of Khatai first, second, third, fourth: Mrs Gaye Doganoglu (Turkey, EPP-CD, L) and Mr Jean-Philippe Bozouls (Congress Secretariat, Executive Secretary of the Chamber of Local Authorities),

Constituencies of Siyazan and Sumgait: Mr Jean-Claude Frécon (France, SOC, L) and Mr Nigel Mermagen (United Kingdom, ILDG, L); both members also visited polling stations in Deveci and Baku constituencies,

Constituency of Kurdamir: Mr Mihkel Juhkami (Estonia, EPP/CD, L), Mrs Amy Koopmanschap (Netherlands, SOC, L) and Mr Christopher Newbury (United Kingdom, EPP/CD, L),

Constituencies of Binagadi first, second, third: Mr Istvan Borbely (Hungary, EPP/CD, R) and Mrs Renate Zikmund (Congress Secretariat, Head of the Division of Communication, International Relations and Election Observation),

Constituencies of Shirvan and Sabirabad: Mr Dobrica Milovanovic (Serbia, NI, L) and Ms Nioucha Ziaemoghadam (Congress Secretariat, Division of Communication, International Relations and Election Observation),

Constituencies of Nasimi first, second, Nasimi-Sabail: Mr Francis Lec (France, SOC, L) and Mr Jean-Louis Testud (France, EPP/CD, L),

Constituencies of Azizbayov first, second and Sabail: Mr Paolo Rondelli (San Marino, SOC, L) and Ms Lucrezia Titi (Congress Secretariat, Division of Communication, International Relations and Election Observation).

41. The polling stations were open from 8 am until 7 pm. The Congress teams observed opening procedures as well as closing and counting sessions in different polling stations. In relation to the developments and observations during polling day, the teams decided to inspect certain polling stations twice or to add specific precincts to their observation programme.

VIII. Deficits, irregularities and violations on voting day

42. Despite the noticeable improvements in respect of the overall organisation of the 23 December elections in Azerbaijan – in particular, in comparison to the previous local elections – the Congress members were concerned by those deficiencies in the conduct of the vote which they observed themselves and which were reported to them by different interlocutors.

43. Concerning domestic observers who were present in the polling stations – 40,906 according to CEC, including 16 political parties, 9 NGOs and others - they often belonged either to the ruling YAP-party or to satellite formations of this party. Members of the Congress delegation noticed that local observers who pretended to belong to so-called “opposition parties” systematically were not even aware of the number of candidates of their own faction on the list. In fact, with the exception of the sporadic presence of NGOs or representatives of Embassies there was no observation system in place which could be qualified as “independent”.

44. In addition, there was no reliable system established regarding the control of voter participation. The Congress observers regretted that it was difficult to obtain concrete information from the head of the electoral commission about the votes cast at a specific point in time. Indications were approximate, never precise.

45. Ballot papers – including dozens of candidates – were more or less illegible. Due to the bulky ballot papers, there was an accumulation of ballot-boxes in some of the polling-stations. Occasionally, the ballot-boxes seemed to be either easily “accessible” or to be placed in remote corners of the room, difficult to oversee.

46. With regard to irregularities observed during the voting, there were some cases of family voting or cases where the same person “assisted” numerous voters.

47. The vote count in polling-stations was described by the Congress observers as generally long drawn out. As pre-printed lists were not available, members of the Congress delegation observed that electoral staff were invited by the head of the commission to fill-in by hand blank sheets with the names of the different candidates. This obfuscated and retarded the operations.

48. In addition, Congress observers witnessed situations in which the vote count turned out to be totally fictitious, resulting in a false outcome.

49. Such occurrences, which clearly constitute a violation of Council of Europe standards, were observed in different electoral precincts.

IX. Election results and follow-up

50. According to the results announced by the Central Electoral Commission, the voter turnout was 32.04%.

51. 1,478,186 voters elected 15,591 members of the councils in 1,718 municipalities. The Central Election Commission declared invalid the voting results in 9 municipalities.

52. The results announced by the Chair of the Central Electoral Commission and published on the CEC website were presented in an incoherent manner (see Appendix II).

X. Conclusion

53. The Congress election observation delegation states that the municipal elections of 23 December 2009 – although, technically well prepared and carried out in a calm atmosphere – were lacking the essence of pluralistic democracy, namely a real choice between competing parties and a public election campaign. On election day – notably during the vote count – Congress observers witnessed incidents which give reason to call the integrity of the vote of 23 December seriously into doubt.

54. With regard to the overall organisation of these elections, especially concerning practical arrangements, the Congress delegation noted a sensible step forward, particularly in comparison to the previous elections which took place in October 2006. However, democracy is not only about the organisational framework of elections.

55. Taking into account its own impressions and observations as well as the reports and materials received by Congress interlocutors during both the pre-electoral and the election observation mission, the delegation is convinced that there is room for improvements for the Azerbaijani authorities with regard to pluralistic democracy, media freedom and human rights - and that, more specifically, the situation of territorial democracy in Azerbaijan is still unsatisfactory.

Appendix I: Programmes

Pre-election observation mission of the Congress of Local and Regional Authorities of the Council of Europe in Azerbaijan, from 6 to 9 December 2009

Sunday, 6 December 2009

Arrival of the delegation (evening).

Monday, 7 December 2009

Breakfast briefing in the hotel with Veronika KOTEK,
Special Representative of the CoE Secretary General in Baku.

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|---------------|---|
| 09:00 - 10:00 | Meeting with the diplomatic community of Baku
<i>Venue: Hotel Atropat</i> |
| 10:15 – 11:30 | Round Table with NGOs ^(*) :
<i>Venue: Hotel Atropat</i> |
| 11:45 - 12:45 | Exchange of views with media representatives ^(*) :
<i>Venue: Hotel Atropat</i> |
| 15:00 – 15:45 | Meeting with the Head of the Central Election Commission (Chairman Mr Mazahir PANAHOV) |
| 16:00 – 16:45 | Meeting with the Head of the Parliamentary Committee on Regional Policies (Chairman Mr Arif RAHIMZADE) |
| 17:00 – 18:00 | Meeting with the three Municipal Associations of Azerbaijan, with members of the Azerbaijani delegation to the Congress and with the Secretary of the Azerbaijani delegation
<i>Venue: Hotel Atropat</i> |

Tuesday, 8 December 2009

- | | |
|---------------|--|
| 9:00 | Working breakfast with IRFS ^(*)
<i>Venue: Hotel Atropat</i> |
| 10:15 – 11:15 | Meeting with Mr Ramiz MEHDIYEV, Head of the Presidential Administration
<i>Venue: Presidential Administration</i> |
| 11:30 | Mr Fikrat MAMMADOV, Minister of Justice
<i>Venue: Ministry of Justice</i> |
| 12:30 | Meeting with a representative of the YAP party ^(*)
<i>Venue: Hotel Atropat</i> |
| 16:00 | Visit of the Municipalities of Sumgait and Novkhani, outside Baku |

^(*) Inofficial meetings to be arranged by the CoE office in Baku.

***Municipal elections observation mission
of the Congress of Local and Regional Authorities of the Council of Europe
in Azerbaijan, from 20 to 24 December 2009***

Sunday, 20 December 2009

Arrival of the delegation at Baku International Airport.

Monday, 21 December 2009

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|---------------|--|
| 09h00 – 11h00 | General Briefing for the delegation (based on meetings/ impressions received during the pre-election mission)
<i>Venue: Hotel Atropat</i> |
| 15h30 – 16h30 | Meeting with the Head of the Central Election Commission (Chairman Mr Mazahir PANAHOV)
<i>Venue: CEC premises</i> |
| 17h00 – 18h00 | Exchange of Views with Khadija ISMAYILOVA, Baku Bureau Chief of Radio Free Europe/Radio Liberty
<i>Venue: Hotel Atropat</i> |

Tuesday, 22 December 2009

- | | |
|---------------|---|
| 10h00 – 11h00 | Internal briefing |
| 15h30 – 16h15 | Meeting with representatives of the ruling YAP party
<i>Venue: Hotel Atropat</i> |
| 17h15 – 18h00 | Meeting with Mr Vilayat ZAHIROV, Deputy Minister of Justice
<i>Venue: Ministry of Justice</i> |
| 18h30 – 20h00 | Evening Briefing for the delegation, preparations for the election day, distribution of materials, deployment of teams, briefing for the drivers and the interpreters etc.
<i>Venue: Hotel Atropat</i> |

Wednesday, 23 December

Election day. Deployment to different areas of the country.

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|---------------|---|
| 23h00 – 01h00 | Post-election briefing, drafting of the final statement, preparation of the final press conference
<i>Venue: Hotel Atropat</i> |
|---------------|---|

Thursday, 24 December

- | | |
|-------|---|
| 09h30 | Press Conference
<i>Venue: Hotel Atropat</i> |
|-------|---|

Appendix II: Results published by the Central Election Commission

#	General information	In figures	Percentage
	Total:	15591	100,00
	The individually nominated (on their own initiatives)	4809	30,84
	The nominated by initiative groups	77	0,50
	The nominated by political parties	10705	68,66
1	New Azerbaijan Party	10290	65,99
2	Great Creation Party	132	0,85
3	United Azerbaijan Popular Front Party	81	0,52
4	"Ana Vatan" (Motherland) Party	62	0,40
5	Civil Solidarity Party	61	0,39
6	Azerbaijan Hope Party	41	0,26
7	Azerbaijan Democratic Reforms Political Party	15	0,10
8	Civil Union Party	14	0,09
9	Azerbaijan Social Welfare Party	5	0,03
10	Musavat Party	4	0,03

	Total:	15591	100,00
	Independents	4157	26,66
	Not indicated party affiliation	157	1,01
	On party affiliation	11277	72,33
1	New Azerbaijan Party	10431	66,90
2	"Ana Vatan" (Motherland) Party	214	1,37
3	Great Creation Party	142	0,91
4	Azerbaijan Social Welfare Party	133	0,85
5	Civil Solidarity Party	115	0,74
6	United Azerbaijan Popular Front Party	95	0,61
7	Azerbaijan Hope Party	43	0,28
8	Azerbaijan Communist Party	25	0,16
9	Azerbaijan Democratic Reforms Political Party	18	0,12
10	Azerbaijan National Independence Party	15	0,10
11	Civil Union Party	14	0,09
12	"Adalet" (Justice) Party	13	0,08
13	Modern Musavat Party	5	0,03
14	Musavat Party	3	0,02
15	World of Democratic Azerbaijan Party	3	0,02
16	Classical Popular Front Party	3	0,02
17	Azerbaijan Democrat Party	2	0,01
18	"Milli Vahdat" (National Unity) Party	2	0,01
19	Azerbaijan Popular Front Party	1	0,01

www.cec.gov.az/en/Statistical_information.pdf

Appendix III: Media Advisory

Ref. MA148a09

Strasbourg, 30.11.2009

Delegation of the Council of Europe Congress makes pre-electoral visit to Azerbaijan

Date: 7-8 December 2009

Location: Baku (Azerbaijan)

Description: A delegation of the Congress of Local and Regional Authorities of the Council of Europe, headed by Gaye Doganoglu (Turkey, EPP-CD), will carry out a pre-electoral mission to Azerbaijan, in view of the municipal elections scheduled for 23 December 2009.

The delegation will meet with representatives of government, opposition and electoral bodies, as well as with the Azerbaijani delegation in the Congress. An exchange of views will be held with members of the diplomatic community of Baku, with media representatives and NGOs.

Members of the delegation:

Ms Gaye Doganoglu (Turkey, EPP/CD) – **Head of Delegation**
Mr Nigel Mermagen (UK, ILDG)
Mr Istvan Borbely (Hungary, EPP/CD)
Mr Dobrica Milovanovic (Serbia, NI)
Ms Gudrun Mosler-Törnström (Austria, SOC)

Press contacts on the spot:

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Appendix IV: Media Advisory

Ref: MA161a09

Strasbourg, 17.12.2009

Council of Europe Congress to observe local elections in Azerbaijan

Date: 20-24 December 2009

Location: Baku (Azerbaijan)

Description: A delegation of the Congress of Local and Regional Authorities of the Council of Europe, headed by Gaye Doganoglu (Turkey, EPP-CD), will observe the municipal elections in Azerbaijan, on 23 December 2009.

Prior to the election day, the delegation will meet with representatives of government, opposition and electoral bodies. An exchange of views with media experts is planned to discuss developments, after the pre-election mission carried out by the Congress on 7 and 8 December.

On election day the observation teams will monitor the vote in different areas of the country.

A **press conference** will be held on **Thursday 24 December at 9.30 am in Baku** (Atropat Hotel, Icheri Sheher, 11-13-79 Magomayev str.).

Members of the delegation:

Mrs Gaye Doganoglu (Turkey, EPP/CD) – **Head of Delegation**

Mr Istvan Borbely (Hungary, EPP/CD)

Mr Jean-Claude Frécon (France, SOC)

Mr Mihkel Juhkami (Estonia, EPP/CD)

Mrs Amy Koopmanschap (Netherlands, SOC)

Mr Francis Lec (France, SOC)

Mr Nigel Mermagen (UK, ILDG)

Mr Dobrica Milovanovic (Serbia, NI)

Mr Christopher Newbury (UK, EPP/CD)

Mr Paolo Rondelli (San Marino, SOC)

Mr Jean-Louis Testud (France, EPP/CD)

Congress Secretariat:

Mr Jean-Philippe Bozouls, Executive Secretary of the Chamber of Local Authorities

Mrs Renate Zikmund, Head of the Division of Communication, International Relations and Election Observation

Mrs Lucrezia Titi, Communication Assistant

Mrs Nioucha Ziaemoghadam, Assistant

More information can be found at www.coe.int/congress-azerbaijan2009

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Appendix V: Press Release

Ref. 985a09

Congress delegation hopes to meet with Azerbaijani opposition leaders before municipal elections on 23 December

Baku, 21.12.2009 - "We regret that the delegation of the Congress did not have the opportunity to meet the opposition parties of Azerbaijan today to discuss the situation before the municipal elections on 23 December.

"The delegation is ready to listen to the opposition at a later stage, it places great importance on a free and open discussion with political leaders of the country.

"Therefore, the delegation regretted not to have been able, during the pre-electoral mission, to hold a meeting with the opposition parties, because we consider that an exchange of views between the opposition and the international community is in the interest of the democratic development of Azerbaijan", said Gaye Doganoglu (Turkey, EPP/CD), Head of the Congress delegation.

On behalf of the Congress delegation, notably of the two Congress Vice-Presidents Jean-Claude Frecon (France, SOC) and Istvan Borbely (Hungary, EPP/CD), Gaye Doganoglu re-issued the invitation to the leaders of the opposition parties to meet with the delegation before 23 December.

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Appendix VI: Press Release

Ref. 998a09

Congress delegation calls for reactivation of pluralistic democracy in Azerbaijan

Baku, 24.12.2009. – An international delegation of the Council of Europe Congress of Local and Regional Authorities observed the municipal elections in Azerbaijan on 23 December 2009. The delegation composed of 11 Congress members representing 8 different Council of Europe countries monitored the vote in about 100 polling stations. A pre-election mission was carried out prior to the election day, on 7 and 8 December.

In respect of the overall organisation of the election day, Gaye Doganoglu (Turkey, EPP/CD), Head of the Congress delegation, stressed that concerning practical arrangements, the elections took place in a calm atmosphere and were well prepared. "Though concrete improvement is necessary", she said.

Francis Lec (France, SOC), Congress Rapporteur on the municipal elections of 23 December, pointed to the importance of independent media and freedom of expression for a genuine democratic climate. "Unpaid airtime on TV was restricted to parties that registered candidates in at least 50% of the municipalities. De facto, television largely transmitted the image of a single party system in Azerbaijan, where elections do not play an important role", stated the Rapporteur.

Jean-Claude Frécon (France, SOC), Rapporteur for the Congress monitoring on Azerbaijan, underlined that there were few visual signs of a lively election campaign and that competition between parties was missing in the run-up to the elections. The turnout of 31,86% reported by the Central Election Commission confirms the overall impression of the Congress delegation that this vote did not enjoy enough public interest due to a low-key campaign and the lack of a truly pluralistic party landscape in Azerbaijan", concluded Jean-Claude Frécon.

The list of incidents noticed by members of the Congress delegation on 23 December includes, in particular, shortcomings concerning the counting of the voters in the polling stations, the role and the origin of local election observers, the readability of ballot papers and the regularity of the vote count.

"Based on incidents in some of the polling-stations the integrity of the vote could be called into doubt. There is still room for improvements for the Azerbaijani authorities", underlined the Rapporteur for the elections, Francis Lec.

The Congress delegation considers the elections of 23 December 2009 as being symptomatic of the still unsatisfactory situation of local democracy and – more generally – of the weakness of local governments in Azerbaijan .

Press contacts on the spot:

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