

December 12, 2023.

Baku, Azerbaijan

STATEMENT

**by the Election Monitoring and Democracy Studies Center
on the announcement of an extraordinary election presidential election scheduled for
February 7, 2024, in the Republic of Azerbaijan**

On December 7, 2023, the President of Azerbaijan Ilham Aliyev signed a decree on the holding of an extraordinary presidential election in the country in accordance with Part I of Article 101 of the Constitution of the Republic of Azerbaijan and Article 179 of the Election Code¹. It should be recalled that the authority to convene an extraordinary election was introduced into the national legislation following the referendum held on September 26, 2016. The Venice Commission of the Council of Europe, in its assessment of the amendments related to that referendum, highlighted the lack of clarity regarding the motives behind the changes, the absence of parliamentary involvement in the discussion of the referendum act, and the insufficient regulation of the procedure for the entry into force of the constitutional amendments.²

The Election Monitoring and Democracy Studies Center (EMDS) has assessed the legal and political environment concerning holding the extraordinary presidential election on February 7, 2024. It observes that while the decree to hold the election 14 months before the time was in line with the Election Code of the Republic of Azerbaijan, these measures do not adhere to the principles of periodicity in elections and democratic constitutionalism.

EMDS contends that since the decree on the holding of the early presidential election was issued without showing concrete political needs and without holding open public discussions in the society, it has made it difficult for the participation of all interested parties in the election process, including political parties and candidates for the presidency, as well as the preparation of civil society organizations and international election observation organizations. Consequently, the established international standards were not adhered to, particularly those emphasizing "holding elections at a reasonable interval and time,"³ to which the Republic of

¹ The text of the decree - <https://president.az/az/articles/view/62417>

² Opinion of the Venice Commission of the Council of Europe - [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)029-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)029-e)

³ International Covenant on Civil and Political Rights (Article 25b) and Additional Protocol to the Convention on Human Rights and Fundamental Freedoms in Europe (Article 3)

Azerbaijan is a signatory. Moreover, there has been a lack of a reasonable and logical explanation regarding the holding of elections in an extraordinary manner.

Referring to the experiences of Council of Europe member states, EMDS points out that holding early elections is typically reserved for exceptional circumstances. It notes that the right to exercise this authority is generally applied within the framework of exceptional conditions. However, Article 101, Part I of the Constitution of Azerbaijan does not specify such exceptional conditions and rules. Consequently, the president is vested with the power to announce extraordinary elections without setting specific and particular grounds. The absence of defined exceptional conditions and rules in the first part of Article 101 of the Constitution contradicts the European electoral experience.

EMDS regrettably informs that currently, approximately 200 political prisoners, encompassing journalists, social activists, and members of political parties, are being held in prison. Measures restricting freedom of expression, exemplified by the recent enactments of the "On Media" and "On Political Parties" laws, along with the suppression of independent Internet TV and blocking of websites, as well as the massive persecution of social media activists, significantly constrain citizen participation in the extraordinary presidential election. These actions pose challenges to establishing democratic conditions regarding the electoral process. At the same time, continued legal and political pressures against civil society and human rights organizations have exhausted the opportunities for civil society organizations to work on voter education, protection of electoral rights, and organization of local election observation.

Based on the non-implementation of over 50 recommendations from the OSCE Office for Democratic Institutions and Human Rights, two opinions from the Venice Commission of the Council of Europe and more than 50 decisions from the European Court of Human Rights regarding electoral rights violations, EMDS asserts that the establishment of a competitive political environment, the guarantee of freedom of expression, the right to free assembly and association, and the creation of opportunities for media, political parties, and civil society institutions to operate have not been adequately ensured on the eve of the extraordinary presidential election.

One critical issue that needs addressing on the eve of the election is simplifying the existing complex mechanism concerning voter registration, ensuring accurate and transparent calculations of the number of voters. Regrettably, since 2009, EMDS has noted a disparity between the population aged 18 and above reported by the State Statistics Committee and the voter lists published by the Central Election Commission (CEC). Despite this ongoing concern, no significant attention has been given towards resolving this issue.

EMDS considers it necessary to carry out measures in the following directions in order to hold the extraordinary presidential election on February 7, 2024 in a free, transparent and competitive manner:

- Release those who are considered political prisoners by local and international human rights organizations;

- All political parties should be granted the right to hold their meetings and assemblies, as well as peaceful protests;
- Democratic changes should be made to laws that prevent the free operation of local and international NGOs in the country, and the persecution of civil society activists should be stopped;
- The persecution of journalists and bloggers should be stopped, the measures to block independent and oppositional websites should be removed;
- The Azerbaijani authorities should appeal to the OSCE Office for Democratic Institutions and Human Rights and the Parliamentary Assembly of the Council of Europe to invite the international election observation mission of both institutions to the country;

Note: EMDS worked to protect citizens' electoral rights, observe the election process and organize public information about the election process during municipal, parliamentary, and presidential elections and referendums held in Azerbaijan from 2001-2020.