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PERMANENT MISSION OF THE REPUBLIC OF
AZERBAIJAN TO THE UNITED NATIONS OFFICE
AND OTHER INTERNATIONAL ORGANIZATIONS
AT GENEVA



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Nr. 107/15/N

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit herewith the information of the Government of the Republic of Azerbaijan in accordance with the UN Human Rights Council resolution "Equal participation on political and public affairs" (27/24).

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 9 pages.



Geneva, 16 March 2015

Office of the United Nations
High Commissioner for Human Rights
GENEVA

Fax: 022 928 90 08

Equal access to public service

Article 15

The conditions for access to public service in the Republic of Azerbaijan are as follows:

- Status of persons (men/women, person with disabilities, children);
- Relevant requirements/documents;
- Legislation of the Republic of Azerbaijan on the relevant spheres.

In order to guarantee accessibility to public services on equal footing in transparent and citizen-friendly environment the State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan – citizen-centric central body of executive power was launched in 2012 to run “ASAN Service”.

The target audience of ASAN is all segments of the Azerbaijani society and foreign citizens alike residing in the country.

In regard to above-mentioned conditions, the following opportunities are offered for all categories of people at each “ASAN Service” center:

- Special walking trials and boards with brail alphabet have been placed for visually disabled and handicapped persons at “ASAN Service” centers;
- Special elevator was configured for disable persons at Sumgait “ASAN Service” center;
- Kids’ area and mother-care rooms at each “ASAN Service” centers.
- Mobile “ASAN service” is realized through cars and large buses in the regions where the stationary “ASAN service” centers are presently absent;
- The other type of Mobile “ASAN service” is called intra city-mobile service. This is the new and unique service that delivers the public services to the addresses. It enables citizens of the country to receive the end result products (documents) to their work and home addresses depending on their preference. In order to ensure the social solidarity, intra-city mobile service is rendered free of charge to all disabled people and children under medical care;

Protection and promotion of human rights and fundamental freedoms, such as the application of right to be informed, right to freedom of expression, guarantees of equality and non-discrimination in the process of public service delivery are the key benefits of overall work of “ASAN service” centers.

- There are e-survey, exit poll equipment, Skype complaint kiosk, inter-active questionnaire on the website (www.asan.gov.az), on-line chatting, 1 08 Call Center, as well as the official Facebook page (www.facebook.com/asasn.gov.az) that directly accumulate feedback of the citizens about the services and their quality;
- Moreover, 108 Call Center is also available for questions and answers and provide the information sharing in the most covenant manner for the people of all categories of age, sex, nationality, social status;
- To enable the older generation to express their valuable reactions transparent exit poll boxes and paper-based questionnaires are applied throughout the service. Journals for complaint and suggestions are also at the disposal of citizens to help evaluate the advantages and disadvantages of the system, pros and cons of procedures in place.
- There is no privileged group at "ASAN Service" center. For this reason, special queue system enables that citizens take queue with his/her ID card; or call to Call center and tell his/her preferred date/time; or fill in the application form in the web site (www.asan.gov.az) and indicate his/her preferred timing.
- Before the Mobile buses visit regions, the State Agency is raising awareness and informing citizens via official Facebook page, website of "ASAN service", special brochures and TV programs, via local authorities.
- In October 2014, Child Legal Aid Center was launched in Baku "ASAN Service" center no 4 as part of the efforts to protect and promote children's rights in the context of better use of group of services especially tailored for child.

Article 16

Equal recruitment of women, person with disability are always in the spotlight of the Human Resources policy of the State Agency.

According to the Law of the Republic of Azerbaijan On Civil Service citizens of the Republic of Azerbaijan aged 16 owning professional skills in accordance with requirements of the relevant position have the right to be recruited for civil service regardless of race, nationality, language, sex, social origin, property status, place of residence, religion, beliefs, membership in social and other organizations.

In order to ensure the transparency and objectivity citizens are employed by the State Agency on the basis of the two-stage recruitment process: competition and interview.

The process of recruitment in the State Agency is carried out in a transparent and competitive manner, with due respect to the requirements of the existing laws of the Republic of Azerbaijan.

*Unofficial translation***The right to vote and to be elected**

6. Is there universal and equal suffrage in your country? Are the rights of article 25b of ICCR guaranteed by law? If yes, please make reference to such legislation.

Article 56 of the Constitution of the Republic of Azerbaijan implies that citizens of the Republic of Azerbaijan shall have the right to elect and be elected to state bodies, also take part in referendum and the people recognized incapable by law court have no right to take part in elections and referendum and the participation of military personnel, judges, state employees, religious officials, persons imprisoned by decision of law court in elections might be restricted by law. Active and passive suffrage of citizens of the Republic of Azerbaijan is also stipulated in Articles 12 and 13 of the Election Code of the Republic of Azerbaijan.

Universal and equal suffrage of citizens of the Republic of Azerbaijan is regulated by Articles 3 (Universal suffrage) and 4 (Equal suffrage) of the Election Code of the Republic of Azerbaijan.

General (Universal) suffrage - Citizens of the Republic of Azerbaijan shall have the right to elect, be elected to and participate in referendums, regardless of their race, ethnicity, religion, language, gender, origin, property status, office position, beliefs, affiliation with political parties, trade unions or other public associations, or any other status.

Equal suffrage - Citizens shall enjoy equality in participation in elections and referendums. Each citizen shall have a single vote for each poll. Each vote cast by a citizen shall hold equal weight.

Requirements of Article 25b of International Covenant on Civil and Political Rights are taken into account in Articles 3, 4, 5, 6 and 7 of the Election Code of the Republic of Azerbaijan.

Direct suffrage - Citizens shall vote in person for a candidate during elections, for or against issues addressed by a referendum.

Voting in place of other persons shall be prohibited. The citizens voting in place of others or providing conditions for voting in place of others shall be subjected to the liability stipulated in either the Criminal Code or the Code on Administrative Offences of the Republic of Azerbaijan.

Secrecy of Voting - Voting during elections and referendums should be secret and should exclude any control over the expression of a voter's will.

Obligation of Holding Elections and Referendums - It shall be obligatory to hold elections to the Milli Majlis of the Republic of Azerbaijan, to the post of the President of the Republic of Azerbaijan and to municipalities within the time periods indicated in the Constitution of the Republic of Azerbaijan and the Election Code.

It shall be obligatory to hold referendums on the issues indicated in Item 2 of Article 3 and Article 152 of the Constitution of the Republic of Azerbaijan.

7. Which obstacles have been identified as preventing individuals from exercising the right to vote and which measures have been adopted to overcome them?

Pursuant to the legislation of the Republic of Azerbaijan, obstacles which prevent citizens from exercising the right to vote are the cases of forcing a citizen to vote against their will or preventing them from voting, providing conditions for voting in place of others in elections (referendum), interfering in or influencing the work of election (referendum) commissions or interfering in the activity of an election commission members to fulfil their duties, deliberately calculating the votes inaccurately, determining the voting results incorrectly or violating the secrecy of the vote, voting in place of other persons, etc. To prevent such obstacles, the Central Election Commission carries out various projects regularly to raise awareness of voters and members of lower election commissions. During every pre-election period CEC members and the officials of the Secretariat make speeches on different topics which are aimed at awareness-raising of voters in the periodicals and TV channels broadcasted within the whole territory of the republic and educational video clips on voters' lists and "voting procedures" are prepared and broadcasted in TV and radio channels.

Pursuant to Article 2 of the Election Code of the Republic of Azerbaijan, participation of citizens in elections and referendums shall be free and voluntary. The actions impeding in the implementation of suffrage, also other election rights shall impose criminal liability and be punished by fine and imprisonment as defined by Articles 159, 159-1 and 161 of the Criminal Code of the Republic of Azerbaijan.

8. Is information on voter registration and on the electoral process (e.g. voting sheets) available in formats and languages, including minority languages that render them accessible to all? Please provide examples.

According to Article 21 of the Constitution of the Republic of Azerbaijan, the Azerbaijani language is an official language of the Republic of Azerbaijan. Therefore, all official documents, as well as, voters' lists, election and voting papers shall be prepared and published in the Azerbaijani language. Minorities living within the country do not have any problems with using Azerbaijanian language and so far state bodies have not received any official appeal on this issue.

9. If voter registration is required, how is it facilitated? Are education and registration campaigns organized prior to major elections?

All citizens who have active suffrage shall be included in the voters' lists. A voter may be included in the voter's list under the relevant precinct on the basis of the voter's permanent place of residence (i.e. the place a voter has resided for at least 6 out of 12 months prior to the announcement of elections) as determined by the body responsible for recording citizens' place of residence or place of stay (Articles 45-48 of the Election Code).

The voters' lists are regularly updated under the cooperation with relevant bodies (local Registration and ID cards department of the Ministry of Interior Affairs, State Registration Departments of Civil Status Acts, municipalities and other bodies dealing with civil registration) not only during elections and limited period, but also through the whole year and the relevant information is considered in the lists upon deliverance to Constituency Election Commissions (Con.ECs) efficiently.

Furthermore, an election commission shall provide a citizen with information on his/her inclusion or exclusion in the voters' list, upon the citizen's request (Article 46.2 of the Election Code).

CEC holds an intensive campaign in different ways for voters to check their entries in the lists and cooperates with mass media closely in this field. Different campaign posters calling to elections – "Check your names in the voters' lists", "Do not forget to check your names in the voters' lists", "CEC hotline – 115", "Voters' lists on the website" are published in large circulation and displayed in densely-populated areas in all the regions of the republic (shopping and entertainment centres, bus stops and other social places). Different video clips on these topics are prepared and broadcasted in the TV channels functioning within the republic.

10. With respect to the right to vote and to be elected, how are the rights and needs of members of specific groups (women, persons with disabilities, minorities, indigenous people, first-time voters, etc.) taken into account?

Active and passive suffrage of specific groups (women, persons with disabilities, minorities, first-time voters) is implemented on the basis of universal and equal suffrage. Certain needs of some category voters are taken into consideration during the implementation of these rights and they are provided with special opportunities. As an example to the above-mentioned, CEC has used stencils with all the information to be included in ballot papers in Braille alphabet for fully or partly visually-disabled persons since 2003 and these citizens who possess active suffrage have access to free voting in this way.

The voters who have limitations with movement abilities have been facilitated to come to the polling station and vote independently since 2013, an investigation was conducted to ensure their free movement and consequently, entrance ramps were installed in more than 1000 election precincts for the movement of the wheelchairs. Generally, the voting of the voters unable to come to the polling station due to health reasons is implemented in the places of their residence with the help of mobile ballot boxes on the voting day during elections in the Republic of Azerbaijan, as specified in the Election Code.

Within the framework of organizing educational activity for first-time voters as defined in State Program of "Azerbaijan Youth in 2011-2015", the Central Election Commission carried out different educational projects for first-time voters in the pre-election period jointly with the Ministry of Youth and Sports of the Republic of Azerbaijan. During different elections CEC has prepared and distributed special cards to young voters, who aged 18 on the Election Day and got active suffrage since that time to encourage them to participate in the elections. Different projects aiming at preparing and publicizing various video clips and posters are also carried out during the activities to call young voters to elections.

11. What are the legal restrictions to the right to stand for election in your country, if any? Which practical obstacles have been identified in relation to the right to be elected? Which measures have been put in place to overcome these obstacles?

Except for the cases stipulated in Article 56 of the Constitution of the Republic of Azerbaijan and Article 13 of the Election Code, every citizen having active suffrage shall also possess passive suffrage, i.e. citizens shall have the right to initiate a referendum campaign group and to be elected to the office of President, a deputy to the Milli Majlis, or as a member of a municipality, given they meet the candidacy requirements of the Constitution of the Republic of Azerbaijan for these offices.

Restrictions on passive suffrage shall be established by Articles 56, 85 and 100 of the Constitution of the Republic of Azerbaijan and the Election Code.

The following persons shall not have passive suffrage, i.e. they shall not have a right to be elected as a deputy to the Milli Majlis, as President or as member of a municipality:

- persons sentenced by decision of a court to serving in institutions of confinement, whose sentence has entered into force;
- persons sentenced for the crimes (serious and especially serious) indicated in Articles 15.4– 15.5 of the Criminal Code of the Republic of Azerbaijan;
- citizens of the Republic of Azerbaijan with dual citizenship (until their dual citizenship expires);
- citizens of the Republic of Azerbaijan who have liabilities before foreign countries (until such liabilities are terminated).

Restrictions on these rights of candidates have not been encountered in the election practice on the right to be elected.

12. What positive measures have been taken to ensure that women, members of minorities, indigenous people, persons with disabilities and members of other disadvantaged groups are able to stand for elective office?

Women, members of minorities, persons with disabilities also enjoy the opportunities implied in the country legislation and they are represented in elective offices of the Republic of Azerbaijan (the Milli Majlis of the Republic of Azerbaijan and municipalities).

13. What measures (including legislative measures) are in place to ensure that candidates for elective office are not faced with discrimination, harassment and violations of their rights to freedom of opinion, expression, assembly and association?

Discrimination and harassment of candidates for elective office are not typical for democratic election atmosphere. All candidates shall have equal rights as defined by law and their rights including freedom of opinion, expression and assembly shall be protected by the Constitution, Election Code, Law "On Freedom of Assembly" and other legislative acts of the Republic of Azerbaijan.

All opportunities are provided for registered candidates to hold meetings with voters, to allocate appropriate venues for them to conduct pre-election campaign freely, thereby ensuring citizens' freedom of assembly during elections. The necessary activities are undertaken to guarantee legal opportunities for the actors of pre-election campaign to conduct their campaign and form pre-election atmosphere based on equal conditions for the conduct of free, fair and transparent elections. Pursuant to the Election

Code, sufficient open and closed venues are allocated for candidates. Candidates hold pre-election meetings with voters freely by using these areas free of charge upon informing the Constituency Election Commissions on this.

14. Please explain how possible interferences with the electors' will and with voter or candidate registration are avoided. Is undue interference prohibited by law? How does the State ensure effective access to judicial and other remedies in case of violations?

The Azerbaijani state guarantees its citizens to express their will freely through the protection of principles and norms on election right. Voters are fully facilitated to express their will freely.

Permanent voters' list is approved by the Precinct Election Commission on every polling station in the form defined by the Central Election Commission up to March 30 every year and is updated at least 25 days prior to the voting day. After this period a voter may be included in the voters' list only by the Precinct Election Commission in a manner defined by the Central Election Commission up to the voting day (including the voting day) (Article 46.1 of the Election Code).

If a voter does not find his/her name in the voters' list, they may appeal to the Precinct Election Commission. In this case, the name of this voter is included in supplementary voters' list and their voting is ensured.

Any violation of the rules for including voters in the voters' lists shall be protected by the legislation of administrative offences of the Republic of Azerbaijan (Articles 42.2, 43-1 and 44 of the Code of Administrative Offences).

Registration of candidates is implemented in a free and organized manner. Any false obstacles are not formed to prevent them and subjective factors have been minimized. Meanwhile, law violations during the registration of candidates in elections are avoided by superior election commission (CEC) and appeal courts and offended human and civil election rights are re-established in comply with the election legislation.

Orders of President of the Republic of Azerbaijan "On improving election practice in the Republic of Azerbaijan", dated May 11, 2005 and "On urgent activities for the preparation and conduct of the Elections to the Milli Majlis of the Republic of Azerbaijan", dated October 25, 2005 recommend the election actors and other relevant persons to undertake necessary activities to provide full and unrestricted implementation of the provisions stipulated in the Election Code and to ensure the election rights of citizens.

Pursuant to Orders of President of the Republic of Azerbaijan "On the approval of National Activity Plan for the protection of human rights in the Republic of Azerbaijan", dated October 28, 2006 and "On the approval of

National Activity Program to increase the efficiency of protecting human rights and freedoms in the Republic of Azerbaijan", dated December 27, 2011, the Central Election Commission regularly focuses on the issues concerning constitutional basis of election right, legal framework of the participation of political parties and blocs of political parties in elections, international election standards, election practice of other countries, role of transparency institutions and mass media in the election process, aspects of local and international observation, role of the bodies of the Ministry of Interior Affairs and Ministry of Justice in the election process, legislative acts which impose liability for the violation of election right and types of liability, consideration of appeals on the violation of citizens' election rights, juridical remedy of election right, practice of juridical remedy of election right at the European Court of Human Rights, compile and update of voters' lists and other topics during the regular organization of professional courses on election right for the members of lower election commissions and the implementation of educational activities on the conduct of elections.

The Central Election Commission cooperates closely with many international organizations and bodies, specialized in elections field, focuses on further development of the election practice basing on the world-wide experience and carries out broad educational projects. Meantime, a number of educational activities are implemented for different election actors to prevent undue interferences in elections. These activities include informational sessions "On the prevention of undue intervention in the election process" for the heads of executive authorities and chairpersons of Constituency Election Commissions of cities and regions, organized by the Administration of President of the Republic of Azerbaijan, Central Election Commission and international organizations. The goal of the activities is to exchange views with participants on the cases which might be assessed as an intervention in the election process and the ways to prevent them, also on relevant election practice of foreign countries. Many issues are clarified and the prevention of undue intervention in the election process is discussed thoroughly at the sessions conducted in elections regularly. Representatives of embassies and diplomatic missions of foreign countries to the Republic of Azerbaijan, as well as, international organizations are invited to these informational sessions and all the sessions are publicized by mass media.

The Election Code prohibits any intervention in elections and law violations, imposes serious punishment and effective legal remedies for the violations and interferences.