

First floor, No. 41, South Aban St.
Karim Khan Ave, Tehran, Iran
Phone: 00982188900837
Fax: 00982188800817
Email: info@womenrightful.com
Website: www.womenrightful.com



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Individual NGO Submission for the Universal Periodic Review of the human rights situation in Azerbaijan (2023)

Submitted by: The Institute for the Protection of Women's Rights (IPWR)

For further information, please contact:

Executive Director: Maryam Yousef Safari; Maryam15459@gmail.com

Advisor: Bahar Akhavan; akhavanbahar8@gmail.com

The Institute for the Protection of Women's Rights (IPWR), a non-governmental organization, was established in 2015 and granted consultative status by the Economic and Social Council (ECOSOC) in 2019. In general, the institution's activities can be described in the direction of supporting women's rights in political, social, cultural, economic, etc. The Institute's most important goals are as follows:

- Helping women get to know their rights
- Empowering women and achieving gender justice
- Combating discrimination and violence against women
- Offering useful suggestions and proposals to the Government to realize women's rights

This report explains the violation of the right to free and fair elections in Azerbaijan.

Elections in Azerbaijan: “Neither free nor fair

On April 11th 2018, Ilham Aliyev became president of Azerbaijan for the fourth time. With 86% of the votes, Aliyev secured himself seven new years in power. The competition was however low, as opposition parties boycotted elections, consolidating the power of the Aliyev dynasty, which has held the presidency since 1993 when his father first took office. Though the 1995 constitution allowed a maximum of two terms for the presidency, a controversial referendum in 2009 scrapped term limits, which has paved the way for Aliyev the run for a third term.

In a country that is overwhelmingly controlled by one family and its circle of connections, it has been impossible to develop a democracy where people have real choices and believe their votes count. The ruling party can effectively dominate political campaigns using its power to control the media, limit the space for civil society and stifle any public criticism. Ruling party candidates use public resources to fund their campaigns and any public protest results in strict crackdowns by the police¹.

In the increasingly restrictive environment with no opposition candidates running, and no independent media to report on the growing number of serious human rights violations and repressive political situation in the country, the election cannot be called either free or fair.

If citizens cannot exercise their formal right to change their government at free and fair elections, then democratic political activism and participation fade out. This creates favorable conditions for different sorts of authoritarian rule or dictatorship. Lack of government accountability to the parliament, as well as lack of transparency in the government, undermine economic growth. Both these trends are clearly visible in present-day Azerbaijan:

¹ <https://www.transparency.org/en/news/abusing-democracy-power-elites-in-azerbaijan>

voters' turnout is declining dramatically year after year, and foreign investors are leaving the country almost in a rush because Azerbaijan's corruption index is poor.²

Election violations

Local and international observers documented serious and systematic electoral violations, unchanged from previous elections: incidents of ballot box stuffing, repeat voting (carousels), and tampering with results protocols. Voter turnout registered by observers was at some stations almost 50% lower than the official numbers.

Reactions on social media show that people in Azerbaijan see no hope and are desperate because they understand that it will be very hard to stand another seven-year term.

Lack of transparency

Election Observation Mission reported widespread disregard for mandatory procedures, lack of transparency, and numerous serious irregularities, such as ballot box stuffing. Their preliminary report issued on April 12th also notes a restrictive political environment and a legal framework that curtails fundamental rights and freedoms in the country.

It assessed voting itself negatively in 12% of more than 1,300 polling stations observed, which is a very high number and is of serious concern.

[Right to participate in public affairs](#)

According to the general comment 25 of the Human Rights Committee, rights of citizens to participate in public affairs of the country entitles beneficiaries, without any discrimination, among others, to participate in free and fairly held elections without fear or intimidation. Since UPR 2018, Azerbaijan held two elections. December 2019 Municipal Elections and 9 February 2020 early Parliamentary Elections were held under conditions where the right to public affairs and other supporting rights were repeatedly restricted. Domestic election observation NGO EMDS statistics-based observation missions to both elections and produced preliminary and final reports accordingly. Moreover, the OSCE Office for Democratic Institutions and Human Rights also observed the Parliamentary Elections in Azerbaijan. Both reports highlight the troubling patterns regarding the right to participate in public affairs. Both elections were held in an atmosphere where restrictive laws and politically discriminative patterns of persecution rendered the civil society organizations and opposition political parties unable to function properly and reach out to the public to effectively disseminate their messages. Opposition candidates and coalitions suffered from discriminatory and illegal barriers in all stages of the elections, usually accompanied by prolonged registration issues, groundless rejections in the

² <https://www.csce.gov/sites/helsinkicommission.house.gov/files/Testimony%20Nazim.pdf>

nomination processes, undue restrictions on propaganda efforts and intimidation from workplaces or local executive authorities to withdraw candidacies. Election days in both elections were accompanied by a series of serious violations, such as ballot stuffing, multiple voting, group voting, intimidation and harassment of representatives and observers of opposition forces and independent candidates and so on which effectively

damaged the integrity of elections. Local courts in charge of reviewing election complaints granted 0 cases in total in Parliamentary Elections and either rejected or solved the issue in favour of authorities in all cases. Moreover, the right to participate in public affairs strives under conditions where all supporting rights and freedoms to it such as freedom of expression, and freedom of peaceful assembly and association among others are effectively upheld by States. During the election periods in both elections, freedom of expression and press was under dire conditions in Azerbaijan. Journalists constantly faced pressure from authorities for their professional work whereas local independent media outlets continued to suffer from blockage of access to their websites. International stakeholders alongside domestic rights defenders repeatedly pointed out the systemic problems in the protection of freedom of expression in Azerbaijan, including during the time of elections. Following the elections that are reported to be marred with traditional irregularities and E-day violations, citizens, observers and candidates organized post-election protests on 11, 16 and 21 February in front of the Central Election Committee and demanded the investigation of irregularities and new elections. However, all three protests were disrupted by police officers where dozens of activists were beaten, detained and removed from the scene and a number of participants, including Rabiyya Mammadova got bodily injuries as a result. Moreover, authorities used politically motivated persecutions after the elections as a tool to punish the active participants of elections and post-election protests where opposition candidate Ruslan Izzatli, activist Fuad Ismayilov and others became victims of retaliatory moves in the following months. Such tactics to intimidate citizens for taking an active part in public affairs are in breach of international principles.

recommendations

- The law on freedom of peaceful assembly and association must be amended to bring it in line with international legislation by, among others, eliminating unnecessary restrictions on the work of NGOs and the organization of peaceful events.
- Election Code should be amended to improve the situation of handling post-election complaints, and the composition of election commissions and electronic solutions should be introduced into the election system to ease technical matters such as nomination, registration etc.
- Current laws and practices should be revised and changed to deprive the authorities of deciding on the fate of the receipt of grants and more specific measures should be introduced for ground on which peaceful events can be disallowed
- Azerbaijani authorities should effectively address the lack of independence in the judiciary that enables and condones arbitrary arrests and prosecutions; end the politically motivated prosecution of members of civil society and all arbitrary restrictions

- on their work; to stop reprisals for legitimate human rights work.³
- Respect Article 19 of the Universal Declaration of Human Rights, which underlines that the exercise of the right to freedom of opinion and expression "includes the freedom to hold opinions without interference
 - ensure the full respect of the right to assemble and protest, and strict adherence to the United Nations Basic Principles on the Use of Force and Firearms by Law-Enforcement Officials

³https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/NGOsMidTermReports/MidTermReview_UPR_Azerbaijan_EMDS.pdf