



**Statement by the Delegation of the Republic of Azerbaijan
1114th Meeting of the Permanent Council,
04 October 2016**

*On the referendum on the modifications to the
Constitution of the Republic of Azerbaijan*

Mr. Chairperson,

On 26 September 2016, the People of the Republic of Azerbaijan voted on the modifications to the Constitution of the Republic of Azerbaijan in a nation-wide referendum.

In accordance with the Constitution, the Referendum Act was submitted by the President of the Republic of Azerbaijan to the Constitutional Court for review on 18 July 2016. The Referendum Act proposed to modify 29 articles of the Constitution, including human rights provisions, and was directed at strengthening the protection of the human rights and freedoms of the citizens of Azerbaijan and streamlining the functioning of the administration. The Constitutional Court confirmed the compliance of the proposed modifications with the Constitution on 25 July 2016.

The modifications are in line with the international obligations of the Republic of Azerbaijan on human rights protection, in particular those stipulated in the European Convention on Human Rights. The modifications, *inter alia*, introduce into the Constitution such concepts as “protection of personal data”, “human dignity”, “social responsibility”, “social justice”, prohibit abuse of the rights, strengthen non-discrimination clauses, provide additional protection to the workers by prohibiting lock-outs. Furthermore, the modifications introduce protection of rights and liberties in the court and by administrative means and proclaim such principles of fair trial as impartiality, reasonable time and the right to be heard. The new provisions further protect civic rights and liberties and proclaim State and its officials’ liability for violation of these rights as a result of actions or inaction of the State officials.

Ahead of the referendum, sufficient information on the draft modifications has been provided to the public and appropriate conditions were established allowing for their proper examination, including by releasing by the Central Election Commission of the sample ballot paper, detailed comparative analysis of the proposed changes, available also online, which ensured the freedom of voters to form an opinion on the proposed modifications. The Central Election Commission

provided press announcements, training manuals and information bulletins online to update the voters and observers on the process in a timely manner.

Some 26 print and online media outlets and 7 TV and radio stations registered with the Central Election Commission to participate in the pre-referendum campaign and public debate.

In accordance with the law of the Republic of Azerbaijan on the freedom of assembly, 128 open-air and 128 in-door locations in 117 election constituencies were identified for the public rallies and gatherings to debate and express opinion on the proposed Constitutional modifications. A number of public rallies were held in the designated areas.

Throughout the process, the Central Election Commission operated professionally and transparently, holding frequent meetings that were open to observers and media representatives. To ensure the accuracy and transparency of the electoral process, the voter lists were made available online for public review and citizens were able to check their registration through the Central Election Commission's website. The updated voter list included 5,267,111 voters.

The Central Election Commission set up web-cams in 1000 polling stations throughout the country (approximately 20 per cent of all the polling stations) to provide online real-time opportunity for both domestic and international observers, media representatives and the wider public to monitor the voting process, vote counting and tabulation of the voting results.

During the referendum, the citizens of Azerbaijan were provided with an opportunity to express their opinion on each and every proposed modification in 29 articles of the Constitution. To ensure that every vote is cast and every voice is heard, polling stations were opened in the Embassies and Consulates of the Republic of Azerbaijan abroad as well.

The Central Election Commission reported voter turnout at 69,7 per cent (3,673,029 voters). According to the Election Code, the Central Election Commission must provide final voting results within 25 days after the referendum was held. As of today, based on the results released by the Central Election Commission, the majority of voters voted in favour of adoption of the modifications to the Constitution.

117 international observers from 18 international organisations (including the delegations of the Parliamentary Assembly of the Council of Europe, CIS Inter-Parliamentary Assembly, Parliamentary Assembly of the Turkic-speaking countries, European People's Party and others), representing 33 countries as well as 53,531 local observers, representing political parties, civil society organisations and media of Azerbaijan, registered and observed the referendum.

The Parliamentary Assembly of the Council of Europe established an ad hoc committee, led by Mr. Aleksandar Nikoloski, which conducted an assessment mission of the Constitutional referendum in Azerbaijan. In its statement, released in the aftermath of the referendum, the Committee concluded that "the referendum was organised in accordance with the national legislation and the Constitution of Azerbaijan and is considered legal and legitimate". The Committee further noted that "the voting process was transparent, well organised, efficient and

peaceful throughout polling day, and that no serious violations were observed during the counting process and that is why we respect the will of the Azerbaijani people”.

International Observers Mission of the Parliamentary Assembly of Turkic-Speaking countries, led by Mr. Nurlan Dulatbekov, member of Mazhilis of the Parliament of Kazakhstan, in its Statement stated that “the mission has not observed any significant violations or deviations that could somehow affect the referendum outcomes and voting procedure was administered in conformity with national legislation of Azerbaijan and international norms.”

The observer’s mission of the Inter-Parliamentary Assembly of CIS concluded that the referendum was “legitimate, transparent, democratic and reflected the will of the People of Azerbaijan”.

According to the European People's Party’s vice-president and Portuguese MEP Mário David, who led the EPP’s delegation to observe the referendum, “the process of the referendum...has been conducted in a free, open and sound process, in accordance with the best international standards, and that it will definitively express the will of the people of Azerbaijan.”

Thank you, Mr. Chairperson.