

**DECISION OF THE CABINET OF MINISTERS OF THE REPUBLIC OF
AZERBAIJAN**

On approving the

‘Regulations on election of public councils by civil society institutions’

With an aim to ensure the enforcement of item 1.1.5 of the Decree #89 of the President of the Republic of Azerbaijan of 16 January 2014 ‘On implementation of the Law of the Republic of Azerbaijan # 816-IVQ of 22 November 2013 on Public Participation’, the Cabinet of Ministers of the Republic of Azerbaijan **decides:**

1. “To approve the Regulations on election of public councils by civil society institutions” (attached).
2. This decision shall enter into force on 1 June 2014.

Artur Rasi-zade, Prime-minister of the Republic of Azerbaijan

Baku, 30 May 2014

#171

Approved

by the Decision # 171 of the Cabinet of
Ministers of the Republic of Azerbaijan

dated 30 May 2014

REGULATIONS

On election of public councils by civil society institutions

1. General provisions

1.1. These Regulations are prepared in accordance with Article 6.1 of the Law "On Public Participation" of the Republic of Azerbaijan (hereinafter - the Law) and they define the rules on election of public councils by civil society institutions.

1.2. Any citizen of the Republic of Azerbaijan with the capacity to act and above 16, irrespective of his/her race, nationality, religion, language, sex, origin, property, position, belief, membership in political parties, trade unions and other public unions, who has high moral values and ethics, experienced or knowledgeable in the relevant field in regards to public council under central executive authorities, can be a member of the public council.

1.3. Staff members of the central and local executive authority and local self-government bodies cannot be members of the public councils established under the said bodies.

1.4. The term of office of the public council shall be two years.

1.5. Central and local executive authorities as well as local self-government bodies shall create all conditions for free formation of a public council and demonstrate equal treatment to all parties.

2. Organization of elections to a public council

2.1. In accordance with Article 6.1 of the Law, public councils shall be elected by civil society institutions.

2.2. The organization of elections of public councils shall be realized by the same central and local executive authorities and local self-government bodies.

2.3. With the purpose of organizing the elections of the public councils, election commissions consisting of 9 persons shall be established at the central and local executive authorities and local self-government bodies.

2.4. The election commissions shall compose of 4 staff members of the central and local executive authorities and local self-government bodies and 5 members of civil society institutions (in relation to public councils at the central executive authority - representatives of civil society institutions specialized in the relevant field).

2.5. The exact number of the members of public councils to be operating under the central and local executive authorities and local self-government bodies shall be determined by election commissions consisting of 5-15 members by taking into account the diversity of the activity and workload of this body.

2.6. The activity of the election commissions is limited to organization of elections to the public council and determination of the number of members of the public council.

2.7. The members of the public councils are elected by the civil society institutions in a meeting consisting of representatives in equal number of civil society institutions. The members of the election commissions cannot participate in the voting.

2.8. The central and local executive authorities and local self-government bodies shall announce a call for nominations of the candidates to the public council, the starting and ending time of the registration through their official internet site or by other existent means (mass media, information board, etc.).

2.9. The period for nominating the candidates and the registration cannot be less than 20 working days and more than 30 working days.

2.10. Each civil society institution may nominate only one candidate to a public council.

2.11. Civil society institution shall add to the application the following documents in regards to a candidate nominated by it for a public council:

2.11.1. a copy of ID;

2.11.2. CV;

2.11.3. a copy of document confirming the membership of the nominee in any civil society institution, if applicable.

2.12. In addition to the required documents, the civil society institution may also present other documents providing more information about the nominee.

2.13. The Election Commission shall examine the request of an individual for the registration as a candidate for a public council within 3 days and make a relevant decision on it.

2.14. Registration of the nominees is denied only if a person does not correspond to the requirements set forth in items 1.2, 1.3 and 2.12 of the present Regulations.

2.15. If the nomination of a person is not registered, he shall receive an instant notification by email or in person with indication of the reasons.

2.16. A person whose nomination to the public council was rejected shall have the right to appeal to the central and local executive authorities and local self-government bodies and/or to complain to a court.

2.17. Elections to a public council shall be conducted within a month after the end of the nomination process.

2.18. The Election Commission shall declare the list of the registered candidates to a public council through official internet site or other existent means (mass media, information board, etc.).

2.19. The Election Commission by providing equal opportunities to the registered candidates shall create conditions for the candidates to give more information about themselves through its official internet site or other existent means (mass media, information board, etc.) as well as ensure links from its official internet site to other web pages that contain information about them.

2.20. After completion of the nominating process the registered candidates may distribute campaign materials with an aim of pre-election promotion until a day before the elections.

2.21. The information about the time and location of the elections to a public council shall be announced through the official internet site or other existent means (mass media, information board, etc.).

2.22. Information about the next elections for forming a new public council and announcement of a call for candidates to a public council and the start and end dates of the registration shall be given two months before the end of the term of office of a public council through the official internet site or other existent means (mass media, information board, etc.) of central and local executive authorities and local self-government bodies.

2.23. The term of office of a public council ends on the first day when a meeting of the newly elected public council takes place.

3. Elections to Public Councils

3.1. Irrespective whether a candidate is nominated or not, the members of a public council are elected among nominated candidates through secret voting at the joint meeting of civil society institutions (their regional bodies), equal number of representatives of civil society institutions in regards to the central and local executive authorities and local self-government bodies operating in that territory.

3.2. The civil society institution that want their representatives participate in the joint meeting shall apply to the election commission ten days before the election day by indicating necessary information about those persons (name, surname, patronymic name, date of birth, address and contact details).

3.3. The election commission shall carry out the registration of the representatives who will participate in the joint meeting based on the application from the civil society institutions.

3.4. The representatives of civil society institutions at the joint meeting shall receive a ballot paper (voting bulletin) prepared by the election commission with the names of nominees.

3.5. The ballot box shall be placed in the middle of the room visible from each site where the joint meeting is held.

3.6. The civil society institutions' representatives who participate in the joint meeting shall vote for the candidates that are equal or less in numbers with the members of the public council.

3.7. The voting shall be realized by putting a tick in the cells on the right side of the surnames of the candidates in the ballot paper one votes for and by throwing the card into the ballot box.

3.8. The ballot paper shall be void if a number of the marked cells is more than the number of members of a public council or there is no mark in empty cells.

3.9. The nominees who received more than half of votes of the participants of the joint meeting shall be considered to be elected to the membership of a public council.

3.10. If the number of candidates who collected sufficient votes to be elected to the public council will be less than the number of members of the public council, a decision to hold re-elections for vacant places shall be made within three days. The candidates with the majority of votes in re-elections shall be elected to the vacant places.

3.11. Upon completion of the voting process with the observation of a participant of the joint meeting the ballot boxes shall be opened by the members of the election commission and the ballot papers shall be counted.

3.12. The results of the elections shall be declared on the day of elections and the election commission shall prepare a protocol on the results.

3.13. If candidates who lost the elections have any concerns on the voting process or the results, they may apply to the relevant central and local executive authorities and local self-government bodies and/or appeal to the court.

3.14. The public council shall start its activity by holding its first meeting within 20 days since the preparation of the protocol on voting results by the election commission.

4. Final Provisions

4.1. The candidates elected to the public council shall receive IDs confirming membership of the council. A form of the ID of the public council's members shall be approved by central and local executive authorities and local self-government bodies.

4.2. The members shall not be paid salary, honorarium, reimbursement and other payments for their work in a public council.

4.3. Public councils formed as a result of the elections shall function in accordance with the rules set force in Articles 7 and 11 of the Law.

Translated by MG Consulting