



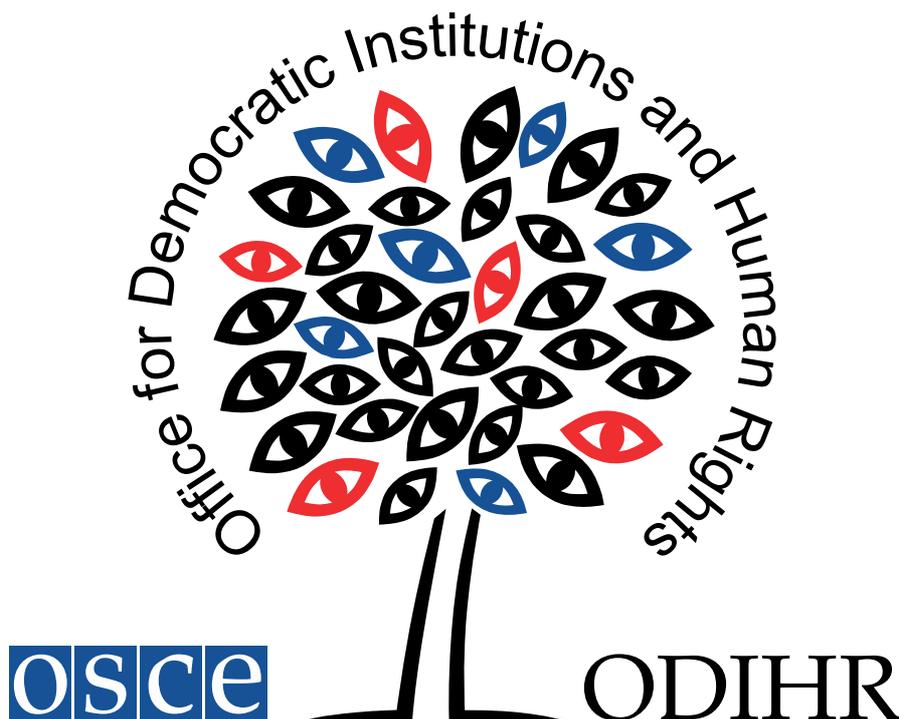
Office for Democratic Institutions and Human Rights

# REPUBLIC OF AZERBAIJAN

## EARLY PRESIDENTIAL ELECTION

### 11 April 2018

ODIHR Election Observation Mission  
Final Report



Warsaw  
18 July 2018

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**REPUBLIC OF AZERBAIJAN**  
**EARLY PRESIDENTIAL ELECTION**  
**11 April 2018**

**ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the Government of the Republic of Azerbaijan, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 9 March 2018 to observe the 11 April early presidential election. The ODIHR EOM assessed compliance of the election process with OSCE commitments and other international obligations and standards for democratic elections and with domestic legislation. On election day, an International Election Observation Mission (IEOM) was formed as a common endeavour of the ODIHR EOM and delegations of the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe. The ODIHR EOM remained in the country until 21 April to follow post-election day developments.

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 12 April concluded that the election “took place within a restrictive political environment and under a legal framework that curtails fundamental rights and freedoms, which are pre-requisites for genuine democratic elections. Against this background and in the absence of pluralism, including in the media, this election lacked genuine competition. Other candidates refrained from directly challenging or criticizing the incumbent, and distinction was not made between his campaign and official activities. At the same time, authorities were co-operative and international observers were able to operate freely in the pre-election period. The election administration was well-resourced and prepared the election efficiently. On election day, international observers reported widespread disregard for mandatory procedures, lack of transparency, and numerous serious irregularities, such as ballot box stuffing.”

This was the first presidential election since recent constitutional amendments further increased the president’s powers. The election took place within an environment heavily dominated by the ruling New Azerbaijan Party (YAP), whose chairperson, President Ilham Aliyev, was standing for a fourth consecutive term. Several opposition parties boycotted the election, referring to a *de facto* non-competitive environment, while others did not put forward candidates, stating that the early election date provided insufficient time to meaningfully participate.

The Constitution guarantees fundamental rights and freedoms. However, these constitutional guarantees are subject to legal and administrative restrictions, as also concluded by the European Court of Human Rights. The Election Code is detailed and well-structured, but supplementary instructions issued by the Central Election Commission (CEC) did not cover all procedural aspects of the election. While a few previous ODIHR recommendations have been partially taken into account, none of ODIHR’s priority recommendations were addressed.

The election was administered by the CEC, 125 Constituency Election Commissions (ConECs) and some 5,400 Precinct Election Commissions. The election administration appeared highly organized and well-resourced, administering the election within legal deadlines. The formula for appointing election commissions does not provide for an impartial election administration in practice, given that there is no political differentiation between the three nominating groups in the parliament. Commission chairpersons, by law, represent the parliamentary majority.

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Azerbaijani.

The CEC held public sessions, during which the majority of members did not engage in any discussion or voice dissenting or argumentative opinions. The actual decision-making by the CEC and ConECs was not always fully transparent. Sessions observed only served to formally confirm decisions by a unanimous vote. ConEC sessions were frequently called on an ad-hoc basis. In general, the election administration failed to clearly demonstrate that it is independent from the government.

The permanent voter register maintained by the CEC contains the records of around 5.2 million voters. The election administration undertook considerable efforts to update the voter lists, and voters were provided with ample opportunity to verify their records. Data provided by state authorities show that the number of voters in the voter lists is almost two million lower than the approximate number of citizens of voting age. The lack of public information to explain this gap raises questions as to the accuracy of the figures. Persons declared incapacitated by a court decision do not have the right to vote, contrary to international standards.

The CEC registered eight candidates. It denied the registration of two nominees, arguing that they lacked sufficient supporting signatures. The verification of supporting signatures was conducted by a CEC working group (WG) through visual checks of signature entries for validity and suspected duplicate signatures. The WG was unable to clearly demonstrate that the process was technically adequate and accountable. The information the WG provided casts doubts whether OSCE commitments regarding the right to stand are adequately protected by law and implemented in practice.

The election campaign generated limited public engagement. The YAP conducted a well-organized and well-financed campaign on behalf of the incumbent. While the incumbent did not participate in the campaign, he continued his official duties, paying numerous visits across the country while also receiving many high-level international visitors. The campaigns of the other seven candidates appeared hampered by a lack of resources. The election lacked any serious competition between candidates genuinely opposing one another. The ODIHR EOM did not observe any of the seven other candidates explicitly criticizing the president and noted a number of cases where candidates publicly endorsed the incumbent.

Persistent allegations of the misuse of administrative resources by the YAP campaign reduced confidence in the process. The ODIHR EOM observed cases where YAP structures appeared to misuse administrative resources for the incumbent's campaign; campaign events where public-sector employees or university students were coerced to attend; and cases where attendees to YAP activities were forcibly prevented from leaving. This raises concerns whether the campaign was conducted in a fair and free atmosphere, as provided by paragraph 7.7 of the 1990 OSCE Copenhagen Document.

Candidates may only finance their campaign from private funds and donations; there is no public campaign funding. Candidates must submit campaign finance reports to the CEC, which may audit them. The CEC published candidates' reports, as required by law. However, the absence of a legal requirement to publish audit findings, and the lack of sanctions for not complying with campaign-finance provisions, limited the level of transparency and accountability of campaign finance.

The media operate in a highly restrictive legal framework that challenges the freedoms of expression and the press. Criminal prosecution for defamation, including in online content, harsher penalties for defamation of the president, and arbitrary arrests and detentions of journalists and bloggers have a chilling effect on any potential independent reporting. Access to some websites was limited after the competent ministry was authorized by law to temporarily block websites, without prior court decision. During the campaign, the news coverage of all TV stations and the majority of online and print media monitored by the ODIHR EOM was focused on praising the authorities. Most political coverage was given to the incumbent in his official capacity, while all other candidates combined

received only a fraction of the time. The broad Election Code definition of campaigning rendered campaign-related editorial programs impossible.

Women remain heavily underrepresented in politics. None of the eight presidential candidates in this election were women. Women are also underrepresented in the election administration, especially in management positions.

The CEC accredited 58,175 domestic and 894 international observers. A number of ODIHR EOM interlocutors maintained that restrictive legal provisions related to foreign funding and other legal and administrative obstacles limit the possibility of civil-society organizations to observe. A well-known citizen observer group, the Election Monitoring and Democracy Studies Center, remains unregistered since 2008, and its volunteers had to accredit themselves individually.

Election disputes are adjudicated by election commissions and courts. No formal complaints were filed, before or after election day. Several ODIHR EOM interlocutors specifically stated that they did not file complaints because they did not trust election commissions and courts to handle them impartially and professionally. Given the absence of formal complaints, the ODIHR EOM was not in a position to assess the effectiveness of the adjudication system and whether it would in practice provide an adequate and effective remedy against violations of electoral rights.

While election day was conducted in a calm environment, it was characterized by a widespread disregard for mandatory procedures, numerous instances of serious irregularities, lack of transparency, and cases of hindrance to the work of observers. IEOM observers assessed voting negatively in 12 per cent of polling stations observed and reported numerous serious violations, including indications of ballot box stuffing, multiple voting, and series of seemingly identical signatures. Procedures related to inking, a key safeguard against multiple voting, were frequently disregarded. IEOM observers assessed negatively more than half of the vote counts they observed, largely due to an obvious disregard for prescribed procedures or deliberate falsifications, including of results. Tabulation at ConEC level was assessed largely positively, although again, procedures were frequently not followed.

The CEC adopted the final results protocol on 15 April, invalidating the results in four polling stations due to violations. The Constitutional Court approved the results on 17 April, and President Aliyev was inaugurated at a special plenary session of parliament the following day.

This report offers a number of recommendations to support efforts to bring elections in Azerbaijan closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to the review of existing legal framework, candidacy requirements, voter list verification, composition of election administration, as well as environment and framework for media and the elections campaign. ODIHR stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and previous reports.

## **II. INTRODUCTION AND ACKNOWLEDGMENTS**

Following an invitation from the government of the Republic of Azerbaijan to observe the 11 April 2018 early presidential election and based on the recommendations of a Needs Assessment Mission conducted from 21 to 22 February, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 9 March. The ODIHR EOM, led by Corien Jonker, consisted of 12-member core team based in Baku and 28 long-term observers, who were deployed on 15 March in 13 locations throughout the country.

On election day, an International Election Observation Mission (IEOM) was formed as a common endeavor of the ODIHR EOM and joined forces with delegations of the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). Ms. Nilza de Sena was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the OSCE short-term observer mission. Ms. Margret Kiener Nellen headed the OSCE PA delegation. Mr. Viorel Riceard Badea headed the PACE delegation. Each of the institutions involved in this IEOM has endorsed the 2005 Declaration of Principles for International Election Observation. In total, 350 observers from 40 countries were deployed, including 265 long-term and short-term observers deployed by ODIHR, as well as a 48-member delegation from the OSCE PA, and a 37-member delegation from the PACE. Opening was observed in 138 polling stations and voting was observed in more than 1,300 polling stations across the country. Counting was observed in 133 polling stations, and the tabulation in 118 Constituency Election Commissions (ConECs). The EOM remained in Azerbaijan until 21 April to follow post-election developments.

The ODIHR EOM assessed compliance of the election process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation. This final report follows a Statement of Preliminary Findings and Conclusions which was released at a press conference in Baku on 12 April 2018.<sup>2</sup>

The ODIHR EOM wishes to thank the government of the Republic of Azerbaijan for the invitation to observe the election, the Central Election Commission (CEC) and the Ministry of Foreign Affairs for their co-operation and assistance. It also expresses its appreciation representatives of political parties, candidates, media, civil society organizations, the international community, and other interlocutors for their co-operation, and for sharing their views.

### III. BACKGROUND AND POLITICAL CONTEXT

On 5 February 2018, President Ilham Aliyev declared an early presidential election for 11 April. The Republic of Azerbaijan has a presidential system of government under which the president exercises wide constitutional powers relative to the parliament. The president appoints and chairs the cabinet of ministers and appoints the vice presidents as well as the central and local executive authorities. The president also nominates the judges to the Constitutional Court, Supreme Court and courts of appeal, and the Prosecutor General, who are formally appointed by parliament. The Council of Europe's European Commission for Democracy through Law (Venice Commission) concluded that the provision allowing for the incumbent president to call for early presidential elections was incompatible with democratic standards.<sup>3</sup>

The election took place within a political environment dominated by the ruling New Azerbaijan Party (YAP), which holds a majority in parliament. Its chairperson, President Aliyev, was standing for a fourth consecutive term.<sup>4</sup> Several opposition political entities, including the Popular Front Party and the Equality (Musavat) Party, boycotted the election, referring to a non-competitive environment. Most of these interlocutors informed the ODIHR EOM of their view that the election would not be genuinely competitive, claiming that the seven candidates running against the incumbent either failed to present a credible political alternative or actively supported the president. Other opposition parties informed the ODIHR EOM that they did not put forward their own candidates, stating that the early

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<sup>2</sup> See all previous [ODIHR election-related reports on Azerbaijan](#).

<sup>3</sup> See the Council of Europe's European Commission for Democracy through Law (Venice Commission) "[Opinion on the Draft Modifications to the Constitution Submitted to the Referendum of 26 September 2016](#)" from 18 October 2016, paragraph 55.

<sup>4</sup> The party informed the ODIHR EOM that the election was brought forward to avoid an overlap of presidential and parliamentary elections in 2025.

election date provided insufficient time for them to meaningfully participate. In response to these claims, a senior YAP representative emphasized to the ODIHR EOM that all parties knew well in advance that a presidential election would take place in 2018. Furthermore, he said that the decision to boycott or not participate in the election was motivated by the fact that these parties knew that they had little chance of winning.

Many ODIHR EOM interlocutors pointed to severe limitations placed on the freedoms of association, movement and speech.<sup>5</sup> Several interlocutors noted that the chairperson of the unregistered Republican Alternative Party (REAL) was prevented from being a candidate in this election since he remained in prison despite judgments of the European Court of Human Rights (ECtHR) calling for his release.<sup>6</sup> Senior representatives of several political entities informed the ODIHR EOM of instances of limitations placed on freedom of assembly and difficulties they are facing in terms of securing commercial office spaces and venues for their political activities, also noting that there were around 150 political prisoners/prisoners of conscience in Azerbaijan.<sup>7</sup> The chairperson of the Popular Front Party (PFP) noted that a large number of senior PFP officials were in prison and that he continued to face extensive restrictions to his freedom of movement.<sup>8</sup>

Equality of rights between women and men is provided for by the Constitution and by law. There are no specific legal measures to promote the participation of women in political and public life.<sup>9</sup> With few exceptions, women remain highly underrepresented in politics, holding 21 of the 125 seats in the parliament, 1 out of 14 chairs of state committees, and no ministerial positions in the Cabinet of Ministers. None of the eight candidates contesting this election were women.

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Azerbaijan is party to major international and regional instruments related to the holding of democratic elections.<sup>10</sup> The Constitution guarantees fundamental rights and freedoms, including the freedoms of assembly, expression, association, access to information, the right to take part in political life, and the right to redress. The Constitution also provides for universal, equal and direct suffrage by secret ballot. These constitutional guarantees are in practice restricted by provisions in the Criminal Code, especially those related to defamation, and other legal and administrative restrictions of the freedoms of assembly, expression and association, as also concluded by the UN Human Rights

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<sup>5</sup> The UN Human Rights Committee in its “Concluding observations on the fourth periodic report of Azerbaijan” (16 November 2016), CCPR/C/AZE/CO/4, paragraph 43, calls on Azerbaijan to “[...]bring its electoral regulations and practices into compliance with the Covenant... including by ensuring fully transparent elections and a genuine pluralistic political debate...].”

<sup>6</sup> See [Ilgar Mammadov v. Azerbaijan \(No. 2\), No. 919/15 \(ECtHR 16 November 2017\)](#).

<sup>7</sup> According to international human rights bodies and civil society organizations, there is a large number of political prisoners. See, for example, UN Human Rights Council “[Report of the Special Rapporteur on the situation of human rights defenders on his mission to Azerbaijan](#)” (20 February 2017).

<sup>8</sup> He also informed the ODIHR EOM that he is under a travel ban since 2005, despite a judgment from the European Court of Human Rights. See [Kerimli v. Azerbaijan, No. 3967/09 \(ECtHR 16 July 2015\)](#).

<sup>9</sup> In its [concluding observation on the fifth periodic report of Azerbaijan](#), the UN Committee on the Elimination of Discrimination Against Women recommended the adoption of temporary special measures, including quotas.

<sup>10</sup> Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 Convention for Elimination of All Forms of Discrimination against Women (CEDAW), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 2003 Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities (CRPD), and the 2002 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States. Azerbaijan is also a member of the Council of Europe’s Venice Commission and of the Group of States Against Corruption (GRECO).

Committee.<sup>11</sup> The space in which civil-society organizations, including those involved in election observation, can operate is increasingly confined by restrictive legislation, including provisions for foreign funding.<sup>12</sup>

Presidential elections are primarily regulated by the 1995 Constitution (last amended in 2016) and the comprehensive 2003 Election Code (amended in 2013 and 2017), which governs all elections and referenda.<sup>13</sup> The Election Code is detailed and well-structured. The most recent amendments aimed at harmonizing the Code with the 2016 constitutional amendments and introduced provisions for early elections.<sup>14</sup>

In order to implement and to further detail the Election Code, the Central Election Commission (CEC) issued 48 instructions, of which 11 specifically relate to presidential elections. These instruments are registered with the Ministry of Justice as normative legal acts. Some aspects of the election process, such as procedures and timelines in case of a second round, procedures and grounds for recounts of ballots, and procedures and timelines for invalidation of election results, are not addressed by the CEC regulations.

*The procedures and timelines in case of a second round, procedures and grounds for recounts of ballots, and procedures and timelines for invalidation of election results should be detailed in relevant normative legal acts.*

The latest constitutional amendments were initiated by the president and enacted by referendum in 2016. They granted the president the power to call early presidential elections without defining specific conditions, and introduced the office of vice presidents, appointed and dismissed by the president, who can substitute for the president in case of resignation or inability to exercise his office. In February 2017, the president appointed his spouse, and member of parliament from YAP at the time, Mehriban Aliyeva, as first vice president. The initiative to amend the Constitution met with resistance from parts of the opposition and from civil society, who claimed that the changes granted the president excessive powers and that the process in which changes were adopted was not inclusive and participatory. The substance of the 2016 amendments and the process of their enactment have been a source of concern to several international human rights bodies.<sup>15</sup>

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<sup>11</sup> See the [UN Human Rights Committee “Concluding observations on the fourth periodic report of Azerbaijan” \(16 November 2016\)](#), CCPR/C/AZE/CO/4, paragraphs 38, 40 and 42. See also the Resolution of the Parliamentary Assembly of the Council of Europe (PACE) [“The functioning of democratic institutions in Azerbaijan”](#) (11 October 2017), paragraphs 6, 7 and 8.

<sup>12</sup> The legislation related to non-governmental organizations (NGOs) was amended substantially in 2013 and 2014, rendering registration procedures cumbersome and resulting in many NGOs not being registered. A presidential decree of 2016 also introduced restrictions on foreign funding, which in addition to affecting Azerbaijani civil society’s ability to function, also caused many foreign NGOs to leave the country. See Venice Commission [“Opinion on the Law on non-governmental organisations \(Public Associations and Funds\) as amended by the Republic of Azerbaijan”](#), para. 93, and [“Opinion on the compatibility with human rights standards of the legislation on non-governmental organisations of the Republic of Azerbaijan.”](#)

<sup>13</sup> Aspects of the election process are also regulated by the Law on Political Parties, the Law on Freedom of Assembly, the Law on Non-governmental Organizations, the Law on State Registration and the State Register of Legal Entities, the Law on Radio and Television Broadcasting, the Law on Access to Information, and relevant provisions of the Criminal Code, the Code of Administrative Procedures, and the Civil Procedures Code.

<sup>14</sup> The amendment also modified some polling procedures, such as removing the use of envelopes for polling, and removed the obligation for candidates to compensate the cost of free airtime.

<sup>15</sup> See Venice Commission [“Opinion on the Draft Modifications to the Constitution Submitted to the Referendum of 26 September 2016”](#) from 18 October 2016. The UN Human Rights Committee in its [“Concluding observations on the fourth periodic report of Azerbaijan”](#) (16 November 2016), CCPR/C/AZE/CO/4, paragraph 43 calls on State party to “[...]bring its electoral regulations and practices into compliance with the Covenant... including by ensuring fully transparent elections and a genuine pluralistic political debate...].”

The president is directly elected by popular vote for a seven-year term by an absolute majority of votes cast, with no turnout requirement. If no candidate receives the required majority, a second round takes place between the two candidates who received the most votes, on the second Sunday after the first round.

While a few previous ODIHR recommendations have been partially taken into account, none of the priority recommendations of ODIHR were addressed. Likewise, only a limited number of substantial recommendations of the Venice Commission have been addressed.<sup>16</sup>

*The electoral legal framework should be revised sufficiently in advance of the next elections, through a genuine participatory and consultative process, to bring it in line with international standards and obligations, guarantee constitutionally protected rights and freedoms, eliminate gaps and ambiguities, and address previous ODIHR and Venice Commission recommendations.*

## V. ELECTION ADMINISTRATION

The election was administered by the CEC, 125 Constituency Election Commissions (ConECs) and 5,426 Precinct Election Commissions (PECs), with 18, 9 and 6 commission members, respectively. Of these, 10 ConECs with a total of 510 PECs were established to facilitate voting by internally displaced persons (IDPs). An additional 215 PECs were formed for voting at hospitals, other inpatient institutions, prisons and detention centers, and military units. The Ministry of Foreign Affairs (MFA) co-ordinated out-of-country voting in the 41 polling stations established abroad.

All election commissions are permanent bodies appointed for a five-year term, with the current composition established in 2016. CEC members are elected by parliament, ConEC members are appointed by the CEC, and PEC members are appointed by the respective ConECs. Three of the 18 CEC members are women, including one of the two secretaries. Women are underrepresented in election administration at all levels. At the ConEC and PEC level, 17 and 36 per cent of members, respectively, are women. Only 2 out of 125 ConECs are chaired by women. Some 34 per cent of PEC chairpersons are women.<sup>17</sup>

*Measures and mechanisms to increase the number of women as chairpersons and members of election commissions should be considered.*

By law, the composition of all election commissions reflects the representation of political forces in parliament: three equal quotas are reserved for members nominated by the parliamentary majority, the minority (defined as the remaining political parties represented in parliament), and parliamentarians elected as independent candidates. The formula for appointing election commissions does not provide for an impartial election administration in practice, as evidenced by the case law of the ECtHR, given that there is no political differentiation between the three groups in the parliament that nominate the commissioners.<sup>18</sup> Moreover, the chairpersons of all commissions are, by law, nominees of the parliamentary majority. Most candidates expressed their trust in the work of the election

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<sup>16</sup> According to the [Joint Interim Opinion on the Draft Amendments to the Electoral Code of the Republic of Azerbaijan CDL-AD\(2008\)003](#), some issues regarding presidential elections are still insufficiently addressed, including the composition of election commissions; signing petitions for presidential elections; the refusal of candidates for presidential elections; financing provisions, and the declaration of invalidity of election results.

<sup>17</sup> See also paragraph 26 of the 1997 CEDAW Committee's General Recommendation 23 on CEDAW.

<sup>18</sup> See [stenographs](#) of the sessions of the parliament. See also, for example, [Gahramanli and Others v. Azerbaijan](#), App no 36503/11 (ECtHR, 8 October 2015) paragraph 78, [Tahirov v. Azerbaijan](#), App no 31953/11 (ECtHR, 11 June 2015), paragraph 60 and [Annagi Hajibeyli v. Azerbaijan](#), App no 2204/11 (ECtHR, 22 October 2015), paragraph 53.

administration, while some opposition parties stated that their mistrust in the election administration was one of the reasons for their decision to boycott the election.

*The Election Code should be amended to revise the composition of election commissions at all levels, with the aim of enhancing the impartiality of election commissions and public confidence in their work.*

The CEC is responsible for the overall conduct of all elections and referenda and has a wide-ranging mandate.<sup>19</sup> The CEC held sessions when required, to which the ODIHR EOM was regularly invited and which were well-attended by the media and some candidate representatives. No dissenting or argumentative opinions were stated during the CEC sessions observed by the ODIHR EOM, and the majority of members did not engage in any discussion. All observed sessions only served to formally confirm decisions by a unanimous vote.

While many ConECs met their legal obligation to publish decisions on their noticeboards, at least one quarter of those observed by the ODIHR EOM did not do so. The transparency of the work of ConECs was further lessened by the fact that ConEC sessions were frequently called on an *ad hoc* basis and that ConEC decisions were not published online.<sup>20</sup> Minutes of the CEC and ConEC sessions were not published, as this is not required by law.<sup>21</sup>

*To increase transparency and accountability, election commissions should conduct all substantive work under their responsibility during formal sessions. The law should be amended to require that the minutes of such sessions and all decisions of ConECs are published online.*

Overall, the election administration at all levels appeared highly organized and well-resourced, administering the election within legal deadlines. In the run-up to the election, the CEC organized trainings for ConECs and PECs focusing on election-day procedures, including on the completion of results protocols. In addition, trainings were conducted for law-enforcement representatives on duty during election day. These trainings were assessed by ODIHR EOM observers as having been conducted professionally.

As in previous elections, the CEC installed web cameras in 1,000 polling stations in order to stream and record voting and the vote count, with the stated aim to increase transparency and allow for remote observation. The CEC, on numerous occasions in meetings and sessions, dispelled concerns about the perceived lack of secrecy of the vote, arguing that, in general, the public space is increasingly surveilled and that voters are therefore used to the presence of cameras. The CEC published the list of polling stations where cameras were installed in advance. The CEC explained to the ODIHR EOM that it made sure that none of the cameras have the voting booths in their field-of-view. However, on election day, ODIHR EOM observers noted that in every fifth polling station observed where a camera was installed, the secrecy of the vote may have been perceived as compromised due to the placement of the camera.<sup>22</sup>

*Election commissions should ensure that cameras installed in polling stations are placed in a way that minimizes any perception that the secrecy of the vote is jeopardized.*

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<sup>19</sup> This includes the registration of candidates, maintenance of the voter register, and review of complaints against ConEC decisions. The CEC is also in charge of campaign finance and media oversight during the campaign.

<sup>20</sup> While the CEC maintains a comprehensive website and publishes online all its decisions and regulations, ConECs do not have websites, and ConEC decisions are not posted on the CEC website.

<sup>21</sup> Paragraph 19 of the 2011 CCPR General Comment No. 34 to the ICCPR states that: "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information".

<sup>22</sup> Some web cameras were installed too close to voting booths, and in some cases even directly above the booths.

The CEC conducted an extensive public information campaign aimed at increasing voter turnout and distributed information posters and produced television and radio spots, which were broadcast during the pre-election period. The campaign, however, did not focus on informing voters about their rights.

The authorities made efforts to facilitate voting for persons with disabilities. The CEC informed the ODIHR EOM that it provided Braille ballot sleeves for voters with visual impairments and installed ramps at all 1,455 polling stations where voters with physical disabilities are registered to vote. There is no legal requirement for producing election material in the languages of national minorities. Consequently, all ballots, protocols and other official election materials, as well as voter education and information materials, were produced exclusively in the Azerbaijani language.

## VI. VOTER REGISTRATION

All citizens who are 18 years or older by election day have the right to vote, except those declared incapacitated by a court decision. Deprivation of the right to vote on the basis of mental disability is inconsistent with international obligations and standards and incompatible with Articles 12 and 29 of the UN Convention on the Rights of Persons with Disabilities, as well as paragraph 7.3 of the 1990 OSCE Copenhagen Document.<sup>23</sup> In addition to citizens, stateless persons who have resided in Azerbaijan for at least the last five years have the right to vote.<sup>24</sup>

*Restrictions on the voting rights of persons with mental disabilities should be removed.*

Voter lists are extracted from the integrated nationwide voter register maintained by the CEC. The election administration undertook considerable efforts to update the voter lists. By law, PECs are responsible for updating the lists annually, by 30 May, as well as 25 days before an election day. In addition, the CEC and ConECs have an established practice to obtain monthly updates on citizens' data from various local bodies of executive authorities. According to the CEC and ConECs, this practice improves the accuracy of the voter register, as it increases the frequency of updates.<sup>25</sup> However, this process is not elaborated in existing legislation or regulations, which limits transparency and accountability.<sup>26</sup> Furthermore, the updates received by ConECs include only the list of recent changes that need to be reflected in the voter register, rather than the full data, risking that omissions or mistakes that may have been introduced during previous updates persist in the voter register.

*Comprehensive instructions regulating all procedural and operational aspects of the process of voter list verification and updating should be developed. The authorities could also consider matching voter data with the residence and ID card data held by the government.*

The CEC informed the ODIHR EOM that a total of 5,192,063 voters are registered in the permanent voter register, including 335,422 IDPs. In addition, a total of 13,961 voters were registered on

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<sup>23</sup> Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will “guarantee universal and equal suffrage to adult citizens.” See also The UN Committee on the Rights of Persons with Disabilities (CRPD) “[Concluding Observations on Azerbaijan](#)” (12 May 2014), CRPD/C/AZE/CO/1, paragraph 45. Paragraph 9.4 of the [2013 CRPD Committee’s Communication No. 4/2011](#) provides that “an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability.”

<sup>24</sup> According to official statistics, there are around 3,500 stateless persons in Azerbaijan. The CEC informed the ODIHR EOM that it does not have information on how many of these persons are registered to vote.

<sup>25</sup> The information from various government institutions is provided in hard copies to the ConECs, who reflect the changes in the voter register.

<sup>26</sup> According to Article 46.15 of the Election Code, the heads of government offices that provide updates on citizen information bear responsibility for the accuracy and completeness of the data, and for timely submission.

temporary lists to vote abroad, and 122,302 voters were registered to vote in special polling stations inside the country.

Data provided by state authorities show that the number of voters in the voter lists is almost two million lower than the approximate number of citizens of voting age.<sup>27</sup> Most ODIHR EOM interlocutors expressed the opinion that this is due to the exclusion of a large number of citizens from the voter register who are temporarily or permanently residing abroad. Nonetheless, the lack of public information to explain the gap continues to raise questions related to the accuracy of the figures and may have a negative impact on public confidence.

The CEC conducted an extensive campaign to invite voters to check their voter list entries. Voters were provided with ample opportunity to verify their voter list record. They could check voter lists through online tools or by using a CEC hotline. The CEC published online the complete set of permanent voter lists, disaggregated by precincts. Preliminary extracts of voter lists were displayed at PECs for public scrutiny from 7 to 17 March, when voters could also check their data in person and request corrections.

Until 8 April, voters could request a de-registration voting card (DVC), which allows them to vote in any polling station in the country. According to the CEC, a total of 150,000 DVCs were printed, of which 20,804 were issued to voters by the legal deadline.<sup>28</sup>

*To improve the transparency of the voter registration process, detailed preliminary and final information on the voter list verification and updating process should be published.*

By law, citizens can register to vote on election day through a decision of the PEC, in case they can prove their residence within the precinct. According to the CEC, a total of 18,452 voters were added on supplementary voter lists on election day, which indicates either inaccuracies in voter lists in certain polling stations or insufficient checks for eligibility by those PECs on election day.<sup>29</sup> Although inclusive, voter registration by PECs on election day is not in line with international good practice.<sup>30</sup>

*To ensure inclusiveness while safeguarding the integrity of the voter register, the authorities could consider alternative methods that do not depend on election-day registration.*

## VII. CANDIDATE REGISTRATION

The right to stand for president is granted to voters who have permanently resided in Azerbaijan for at least 10 years and have a university degree, do not hold dual citizenship, and do not have any liabilities before other states or a previous conviction for a serious crime. The residency and education

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<sup>27</sup> The [population information](#) of the State Statistics Committee from 2017 indicates that there are more than 7.1 million individuals of voting age.

<sup>28</sup> The CEC explained to the ODIHR EOM that DVCs are mostly used by PEC members who do not reside in the precinct they are working in and by students. In 33 PECs, 20 or more DVCs were used on election day, according to data published by the CEC. By law, unused DVCs should be destroyed during opening procedures on election day.

<sup>29</sup> A total of 556 PECs registered 10 or more voters on supplementary lists on election day; 220 of these PECs registered 20 or more voters.

<sup>30</sup> Paragraph 1.2 (iv) of the 2002 Venice Commission [Code of Good Practice in Electoral Matters](#) recommends: “In any event polling stations should not be permitted to register voters on election day itself.”

requirements are unreasonably restrictive and run contrary to international obligations and good practice.<sup>31</sup>

*In line with international standards, the educational and residential requirements for candidacy should be lifted.*

Candidates could be nominated by political parties (or coalitions) or groups of voters or run independently. To be registered, prospective candidates had to collect at least 40,000 supporting signatures from registered voters. The CEC had seven days to check the submitted signatures. In case identified errors reduced the number of valid signatures below the required number, the law does not foresee the possibility for nominees to address shortcomings. Furthermore, a voter could only sign in support of one candidate, which can be seen as a limitation of political pluralism.<sup>32</sup> The combination of these rules may hinder prospective candidacies.

*The Election Code should be amended to allow voters to sign in support of multiple candidates.*

The candidate registration period started on 8 February and lasted until 12 March. Fifteen prospective candidates were nominated, of whom ten submitted supporting signatures. By 17 March, the CEC registered eight candidates, all male.<sup>33</sup> The CEC denied the registration of two nominees, arguing that they submitted a considerable number of duplicate or invalid signatures, leading to fewer than 40,000 valid signatures in both cases.<sup>34</sup> Neither of the nominees appealed the CEC decision to court, explaining to the ODIHR EOM that they lack trust in the integrity of the candidate registration process, the independence of the judiciary, and the possibility for a genuine legal redress.

The CEC informed the ODIHR EOM that it had provided the nominated candidates and their representatives with the possibility to observe the signature verification process, as required by law. However, the two unregistered nominees both claimed that they were not invited to observe the verification of their supporting signatures.

*The law should foresee a timeframe for remedying deficiencies related to supporting signatures if such are found by the CEC. The CEC should ensure that prospective candidates are informed in a timely manner about the signature verification process and its timeframe.*

The verification of the submitted signatures was conducted by a CEC working group (WG) and formed the basis for the respective CEC decisions to register or deny registration of candidates. According to the CEC, the WG was chaired by a CEC member, but the actual verification of signatures was conducted only by representatives of the Ministry of Interior and the Ministry of Justice.

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<sup>31</sup> Paragraph 15 of the 1996 [UN Human Rights Committee General Comment No 25](#) to Article 25 of the ICCPR states that any restrictions on the right to stand for election must be justifiable on objective and reasonable criteria and that persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education or residence. See also sections I.1.1.c.iv and I.1.1.d.i. of the 2002 Venice Commission [Code of Good Practice in Electoral Matters](#).

<sup>32</sup> Paragraph 3 of the 1990 OSCE Copenhagen Documents states that participating States “recognize the importance of pluralism with regard to political organizations”. Paragraph 77 of the [2011 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that “in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party.”

<sup>33</sup> Six candidates were nominated by political parties, one was self-nominated, and one was nominated by a group of voters: Ilham Aliyev (New Azerbaijan Party), Araz Alizadeh (Social Democratic Party), Faraj Guliyev (National Revival Movement Party), Hafiz Hajiyev (Modern Equality Party), Gudrat Hasanguliyev (Whole Popular Front Party), Sardar (Jalaloglu) Mammadov (Democratic Party), Razi Nurullayev (Frontiers' Initiative Group), Zahid Oruj (self-nominated).

<sup>34</sup> These two nominees were Tural Feyruz Abbasli and Ali Aliyev.

*The CEC should consider conducting the process of verification of support signatures under its full responsibility and independently from any government institutions.*

WG members described to the ODIHR EOM that the verification process contained visual checks of signature entries, as well as visual checks for suspected duplicate signatures. The WG did not check entries on the signature lists against the electronic and searchable voter lists, but only checked the date of birth and whether ID card numbers are structurally consistent. It relied on a process of comparing signatures solely through visual spot-checks across hundreds of sheets, which cannot be considered to be complete and reliable. The WG was unable to clearly demonstrate that the process was technically adequate and accountable.<sup>35</sup>

The information provided by the WG and analyzed by the ODIHR EOM casts doubts whether the OSCE commitments regarding the right to stand are adequately protected by law and implemented in practice.<sup>36</sup> Moreover, the ECtHR has in recent cases found the legal framework for candidate registration and its implementation to be flawed and in violation of Article 3 of Protocol 1 of the European Convention of Human Rights.<sup>37</sup>

*A clear and detailed set of criteria for checking support signatures and for recording the results of such checks should be developed, so that the process is exact, accountable, and not subject to interpretation. Decisions to accept and reject candidates should be well-grounded and reasoned.*

## VIII. ELECTION CAMPAIGN

The official campaign period commenced on 19 March and lasted for 22 days, until 24 hours before the start of voting on election day. The CEC designated 168 indoor and outdoor venues throughout the country for campaigning.<sup>38</sup> Candidate requests to organize meetings at these locations were accommodated. The authorities interpreted this list of pre-approved venues as exhaustive, thereby limiting citizens' freedom of assembly. Given that political contestants had limited opportunity to organize public meetings outside of the official campaign period, this interpretation further restricted their ability to fully engage voters. Contradictions in legal requirements also caused confusion among candidates as to what were the applicable procedures.<sup>39</sup>

*Contradictions between the Election Code and the Law on Freedom of Assembly on whether notification or application is required for holding a public gathering should be eliminated. Candidates should only be required to notify the executive authorities of their intent to hold a gathering, rather than having to apply for authorization.*

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<sup>35</sup> The WG informed the ODIHR EOM that it did not use any computer-based aid; it did not maintain a list of those who signed in support for any of the candidates whose supporting signatures had already been verified to ensure that there are no duplicates; and it did not maintain a record of which signatures were invalidated and for what reason.

<sup>36</sup> Paragraph 7.5 of the 1990 OSCE Copenhagen Document commits participating States to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination."

<sup>37</sup> See, for example, *Tahirov v. Azerbaijan*, App no 31953/11 (ECtHR, 11 June 2015), paragraphs 53 to 72 and *Annagi Hajibeyli v. Azerbaijan*, App no 2204/11 (ECtHR, 22 October 2015), paragraphs 50 to 55.

<sup>38</sup> The CEC informed the ODIHR EOM that, according to an announcement by the CEC chairperson during a CEC session, political parties and candidates would be free to meet with voters in other locations and without requiring permission to do so. The ODIHR EOM was unable to locate any CEC document confirming this point. CEC session minutes were not made public, nor were they made available to the ODIHR EOM.

<sup>39</sup> While Article 5 of the Law on Freedom of Assembly states that the organizer of a public gathering must notify the authorities, Article 86.2 of the Election Code requires an application for holding meetings with voters.

The election campaign generated limited public engagement. The ODIHR EOM observed, in total, 51 campaign rallies, 40 organized by YAP and 11 by the other seven candidates. The YAP conducted a well-organized and well-financed campaign on behalf of the incumbent, and its campaign events were heavily covered by the media. Senior party officials travelled the country promoting their candidate, highlighting the president's previous achievements as head of state and the importance of regional security and increased economic and social development. The incumbent himself did not participate in the campaign, nor did he make any explicit election-related statements.<sup>40</sup> The other seven presidential candidates informed the ODIHR EOM that due to limited resources, they planned to focus on door-to-door campaigning and the use of social media. Where they existed, the regional campaign structures of these candidates, indeed, appeared far less developed than those of YAP. The ODIHR EOM also observed that the campaign events of these candidates were invariably significantly smaller in size than those of the incumbent.

Persistent allegations of the misuse of administrative resources by the YAP campaign served to reduce confidence in the process. The ODIHR EOM observed 18 instances where YAP structures appeared to misuse administrative resources, with senior public officials participating as speakers or seated in prominent positions, as well as state-owned vehicles being used for transporting party officials to events, all of which took place during working hours. During the period of observation, the president continued his official duties, paying numerous visits across the country while also receiving a significant number of high-level international visitors. The ODIHR EOM noted that, from January until the beginning of March, the president signed 21 decrees aimed at increasing the salaries, pensions, scholarships and other social payments by 10 per cent for a wide range of public sector workers.

The ODIHR EOM observed 16 rallies organized by YAP, where public-sector staff appeared to be coerced to attend. On 5 April, in Mingachevir city, persons attending a YAP rally informed that they had been told to attend by their superiors.<sup>41</sup> On 8 April, the ODIHR EOM observed a YAP campaign event in Lankaran where people appeared compelled to attend, with some teachers informing that they had to attend otherwise they would face consequences. Such cases of misuse of administrative resources by the ruling party are at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document.<sup>42</sup>

The ODIHR EOM observed seven instances where persons attending YAP activities were forcibly prevented from leaving the event by party officials or police. In observing the opening YAP campaign event held in Baku on 19 March, when approaching the exit, ODIHR EOM observers noted that the door had been locked and required assistance of the YAP stewards to open it. In a rally organized in Baku on 28 March, when most of the attendees attempted to leave at the end of the speeches, security and YAP officials were seen closing the doors and ordering them to return to their seats.<sup>43</sup> Furthermore, on 3 April, at a YAP rally in Jalilabad, police prevented participants from leaving and used physical force against one person. Such occurrences raise concerns as to whether the election campaign was conducted, as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document, in a "fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution."

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<sup>40</sup> The incumbent informed the ODIHR EOM that he would not campaign so as not to place his competitors at an electoral disadvantage and because, after 15 years in office, his record was well known.

<sup>41</sup> Including staff from hospitals directed by their heads, as well as large numbers of university students led by their teachers. Classes at the tourism college were suspended, with teachers and students forced to attend the event.

<sup>42</sup> Paragraph 5.4 of the 1990 OSCE Copenhagen Document states that there should be "a clear separation between the State and political parties; in particular, political parties will not be merged with the State."

<sup>43</sup> A group of women informed the ODIHR EOM observers that they had been ordered to return to the venue.

*Authorities should ensure that election campaigning is conducted in an atmosphere free from intimidation and fear of retribution. The authorities and political parties should refrain from coercing public-sector employees, campaign activists and others to attend campaign events.*

While the other seven candidates were observed criticizing the work of the government, the ODIHR EOM did not observe any cases where any individual candidate explicitly criticized the president.<sup>44</sup> In fact, the ODIHR EOM observed a number of instances where candidates publicly endorsed the incumbent.<sup>45</sup> Overall, the election lacked any serious competition between candidates genuinely opposing one another.

On 10 and 31 March, the ODIHR EOM observed two opposition rallies organized in Baku by the National Council of Democratic Forces against the holding of the early presidential election.<sup>46</sup> In the period preceding these protests, the PFP alleged that a significant number of their members had received harassment from the police through either being questioned or, in several instances, being detained for periods up to 30 days. The PFP also claimed that some party members had been dismissed from their jobs as a result of their participation in rallies involving the PFP. The Ministry of Interior informed the ODIHR EOM that these allegations were untrue. Both cases raise serious doubts over the ability of political parties to campaign freely and openly as well as the ability of citizens to engage in political activity without the fear of retribution by the state, challenging Articles 10 and 11 of the European Convention of Human Rights and paragraph 7.7 of the 1990 OSCE Copenhagen Document.<sup>47</sup>

The ODIHR EOM observed a lack of concrete campaign platforms directly addressing gender issues, with women generally still referred to in the context of their perceived ‘traditional’ roles as wives and mothers. The ODIHR EOM also noted that women appeared to be underrepresented in the campaign, both as party officials and as attendees of campaign rallies.

Although national minorities account for some nine per cent of the population according to the 2009 national population census, national minority issues did not feature prominently during the campaign. The ODIHR EOM did not observe the use of any anti-minority rhetoric.

## **IX. CAMPAIGN FINANCE**

Since the 2010 amendment of the Election Code removed public campaign funding, presidential candidates are only allowed to finance their campaigns from private funds and donations. The law prohibits contributions from foreign countries and citizens, international organizations, state bodies and municipalities, charitable organizations, religious associations and anonymous donors. Many ODIHR EOM interlocutors assessed that the absence of public funding only served to increase the inbuilt advantage enjoyed by the incumbent, as the other candidates could not benefit from any state support to fund their campaigns.

*Consideration could be given to reintroducing provisions for public campaign funding, in order to level the playing field.*

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<sup>44</sup> Their platforms included themes such as socio-economic development, the fight against corruption, the need to reduce presidential power, and the importance of maintaining a strong national defense.

<sup>45</sup> Candidate Zahid Oruj stated on 10 March that the “people love Ilham Aliyev... This man has protected this state from great dangers for years. He protected and brought Azerbaijan to this situation.” On election day itself, candidate Hafiz Hajiyev mentioned in an interview that he voted for the incumbent.

<sup>46</sup> The National Council of Democratic Forces is an umbrella organization bringing together some of Azerbaijan's opposition forces.

<sup>47</sup> Articles 10 and 11 of the ECHR guarantee the freedom of expression and the freedoms of assembly and association, respectively.

Nominated candidates must open a special account for their campaign transactions with a bank determined by the CEC, who is in charge of overseeing campaign finance. The maximum amount a candidate can spend for campaign purposes is AZN 10 million (around EUR 4.79 million).<sup>48</sup> The ceiling for contributions is set at AZN 3,000 from individuals, AZN 50,000 from legal entities and AZN 250,000 from the nominating party or group of voters.

Candidates or parties participating in elections are required to submit three financial reports on received campaign contributions and their expenditures to the CEC: an initial report at the time of registration, an interim report between 20 and 10 days prior to election day, and a final report within 10 days from the publication of final results.<sup>49</sup> All registered candidates submitted their three financial reports, which the CEC posted on its website, as required by law.<sup>50</sup>

The Election Code grants the CEC the power to oversee all issues related to campaign finance through the Supervision and Audit Service Groups that are established at the CEC and ConEC level. According to the law, these groups are tasked to audit the reports and request additional information from candidates or parties if required.<sup>51</sup> The absence of a legal requirement to publish the findings of audits, and the lack of sanctions in case of non-compliance with relevant provisions, limited the level of transparency and accountability of campaign finance for this election.

*The legislation could be amended to require mandatory audit of campaign finance reports and publication of the audit result in a timely manner. Appropriate and proportional sanctions for non-compliance with financial reporting provisions should also be incorporated in the legal framework.*

## **X. MEDIA**

### **A. MEDIA ENVIRONMENT AND LEGAL FRAMEWORK**

The 11 television stations with nationwide coverage are the main source of political information in Azerbaijan. The public broadcaster ITV is managed by a broadcasting board appointed by parliament, while the management of the state broadcaster AzTV is appointed directly by the president. Both ITV and AzTV are funded from the state budget. The private broadcasters have opaque ownership structures and also benefit from state support, which undermines their independence.<sup>52</sup> All broadcasters are supervised by the National Council for Radio and TV, whose members were appointed by the president. The shrinking print media market is barely sustainable, with only one of the newspapers focused on covering politics officially reporting a circulation of over 8,000 copies.

Many ODIHR EOM interlocutors alleged direct government influence on all private broadcasters and print media, with websites and social networks being the only potential platform for alternative and critical viewpoints. However, the independence of websites was limited after the Ministry of Transportation, Communications and High Technologies was authorized by law to temporarily block websites based on their content, without prior court decision, which is contrary to international

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<sup>48</sup> EUR 1 is approximately AZN 2.08.

<sup>49</sup> Registered political parties which are not participating in an election are only required to submit annual financial reports to the CEC.

<sup>50</sup> See [financial reports](#) of all candidates.

<sup>51</sup> The CEC Supervision and Audit Service Group comprises three CEC members, the head of the CEC's finance department, and one representative each from the Ministry of Finance, the Ministry of Taxes, the Accounting Chamber, and the Central Bank. At the ConECs level, the groups shall include 3 members of the respective ConECs, representatives of relevant district offices of the Ministry of Finance, Ministry of Tax, State Real Estate Register Service under State Committee for Property Issues, and relevant banks.

<sup>52</sup> In January 2018, the president [granted](#) a total of AZN 3,000,000 as support to all private national broadcasters.

obligations.<sup>53</sup> Decisions of the ministry or of the courts regarding the blocking of websites and the consolidated list of blocked websites are not publicly available.

*The power to restrict access to websites should lie with the judiciary. The process in front of the courts should be public, and decisions and the full list of blocked websites should be publicly available.*

Freedom of expression, media freedom and the right of access to information are guaranteed by the Constitution. Yet, defamation and libel remain criminal offences, from 2016 also applicable to online content, with a penalty of up to three years imprisonment, or up to five years if it targets the president.<sup>54</sup> Journalists and bloggers have also become subject of arbitrary arrests and detentions on criminal charges that are seemingly unrelated to their professional activities but are viewed by ODIHR EOM interlocutors as retaliation for critical reporting.<sup>55</sup> A number of media outlets informed the ODIHR EOM about the practice of refraining from any critical coverage of senior government officials and their families.

*Defamation and libel should be decriminalized and dealt with through proportionate civil sanctions, with a priority given to restoring the harmed reputation, rather than imposing penalties. No one, including the president, should be granted extra protection against defamation.*

The Election Code provided regulations for the allocation of free and paid time in the broadcast media, and of space in the print media, during the official campaign period. The Code defines campaigning in the media as speeches, interviews, press conferences, open discussions, debates, round-table discussions, and political advertising, and TV and radio programs. Such coverage could be free (only in the public broadcaster) or paid (in public and private broadcasters). The broad definition as to what constitutes election campaigning required any campaign-related current affairs programs and talk shows on private broadcasters to be paid for. This rendered the airing of editorial campaign-related content impossible during the campaign period. State-owned AzTV is by law prohibited from airing any campaign-related materials. It interpreted this limitation as prohibiting them from covering any campaign activities in its newscasts.<sup>56</sup>

*To provide voters a wide range of views, editorial election-related programs should not be limited, and the state broadcaster should be allowed to cover the election campaign in its news.*

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<sup>53</sup> The ODIHR EOM noted that a number of websites that provide daily political coverage are inaccessible in Baku and the regions. Paragraph 13 of the 2011 [General Comment No. 34](#) to Article 19 of the ICCPR states that “a free, uncensored and unhindered [...] media is essential in any society to ensure freedom of opinion and expression and enjoyment of other Covenant rights”. Paragraph 43 states that “Any restrictions on the operation of websites, blogs or any other internet-based information dissemination system ... are only permissible to the extent that they are compatible with [freedom of expression].”

<sup>54</sup> In March 2017, Mehman Huseynov, a Facebook blogger, was sentenced to two years in prison on defamation charges. The OSCE Representative for Freedom of the Media (RFoM) has [called](#) on participating States to “Recognize that no one should be penalized for the social media activities such as posting and direct messaging unless they can be directly connected to violent actions.” The PACE [Resolution 1636 \(2008\)](#)<sup>1</sup> states that “state officials shall not be protected against criticism and insult at a higher level than ordinary people, [...] Journalists should not be imprisoned, or media outlets closed, for critical comment.” Paragraph 38 of the 2011 [General Comment No. 34](#) to Article 19 of the ICCPR [highlights, that](#) “in circumstances of public debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high” and the requires that “laws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned.” See also paragraphs 42 and 47 of the same document.

<sup>55</sup> See also, for example, statements of the OSCE RFoM from [18 December 2017](#) and [12 January 2018](#) and the UN Human Rights Committee “[Concluding observations on the fourth periodic report of Azerbaijan](#)” (16 November 2016), CCPR/C/AZE/CO/4, paragraph 36.

<sup>56</sup> During the entire campaign period, AzTV in their prime-time newscasts devoted a total of 17 seconds to all contestants. The official activities of the president were covered extensively, with some 5 hours of coverage.

The free time on public ITV was allocated exclusively for a total of 18 one-hour long roundtables on TV and radio (nine on each), in which seven candidates participated while the incumbent was represented by a proxy. While these roundtables provided contestants with a platform for discussion, significant time was devoted to attacking and condemning opposition parties, movements and individuals that chose to boycott the election. On a number of occasions, the majority of the candidates praised the incumbent. At same time, none of them chose to criticize him directly.

## B. COVERAGE OF THE ELECTION CAMPAIGN



The limited coverage of the campaign in newscasts was overshadowed by coverage of the activities of the authorities.<sup>57</sup> All monitored media devoted the largest portion of their news coverage to the authorities, with the incumbent receiving almost all of his media coverage in his capacity as president, through extensive coverage of ceremonial events, such as signing executive orders on allocating funds for social programs or allocating honorary awards, or participation in ribbon-cutting events. Critical opinions on the authorities' performance were absent from newscasts.

More specifically, during the official campaign period, public and private broadcasters devoted between 48 and 81 per cent of their political and election-related news coverage to the activities of the authorities, including the president, who received between 26 and 40 per cent.<sup>58</sup> The ruling YAP received between 4 and 19 per cent. This coverage was overwhelmingly positive in tone. By contrast, all other candidates and political parties received a combined total of between 4 and 20 per cent. In addition, substantial negative coverage of civil society activists and party leaders who were calling for a boycott of election was observed in all monitored newscasts. The coverage of candidates in newscasts was often paid-for, although the broadcasters did not consistently identify paid advertisements as such.<sup>59</sup> Only YAP had aired advertisement spots. Candidates Faraj Guliyev, Gudrat Hasanguliyev and Zahid Oruj purchased 10 minutes each on Khazar TV, which were used for interviews with a Khazar TV journalist.

*The media could be required through legal and self-regulatory mechanisms to report on the incumbent and the authorities in a balanced, informative, and factual manner. Consideration could also be given to prohibit the broadcasting of paid campaign materials within news and current affairs programmes.*

The print and online media provided a slightly more diverse range of views than television. Three state-owned newspapers, *Azerbaijan*, *Bakinskiy Rabochiy* and *Xalq Qazeti*, met their legal obligation to allocate free space for candidates. Outside this free space, however, they showed overt support for the president. A similar trend was observed in *Kaspi* newspaper and on the *trend.az* website, which devoted some 57 and 53 per cent of the coverage to the incumbent, respectively. *Yeni Musavat* provided some mildly critical coverage of the government, mostly targeting the minister of foreign affairs, the Whole Popular Front Party, the Democratic Party and YAP. All monitored newspapers also displayed a clear bias by regularly disparaging and accusing of treason those opposition parties and civil society activists who opposed participation in the election.

<sup>57</sup> During the campaign period, the ODIHR EOM monitored the following media outlets: TV stations – ITV, AzTV, ATV, Lider TV, Space and Khazar TV; newspapers – *Azerbaijan*, *Bakinskiy Rabochiy*, *Kaspi* (Azerbaijani edition), *Xalq Qazeti*, *Yeni Musavat*. The ODIHR EOM also followed the election-related coverage in the Azerbaijani-language versions of online outlets [www.trend.az](http://www.trend.az) and [www.turan.az](http://www.turan.az).

<sup>58</sup> The first vice-president received between 3 and 19 per cent, the government, between 13 and 17 per cent, and the presidential administration and local government between 1 and 5 per cent, respectively.

<sup>59</sup> The majority of national private broadcasters confirmed to the ODIHR EOM that they were broadcasting political advertisement in the newscasts without clearly and consistently identifying it as such, while Space TV labelled paid-for news items with an ® sign.

By contrast, *turan.az*, while refraining from covering campaign activities, was the only monitored media outlet to offer some, albeit limited, critical coverage of the incumbent, and to cover the statements and activities of political parties and civil society activists who were calling for a boycott of the election in a neutral manner.

## **XI. CITIZEN AND INTERNATIONAL OBSERVERS**

The Election Code provides for citizen and international election observation. Domestic observers can register to observe individually, or as representatives of candidates, political parties or non-governmental organizations (NGOs). By law, the CEC accredits all international observers as well as domestic observers who may observe in any polling station. In addition, individual ConECs accredit domestic observers who wish to observe in polling stations under their jurisdiction.<sup>60</sup>

According to the CEC, a total of 58,175 domestic observers were accredited, of whom 1,968 by the CEC and the rest by ConECs. In total, 4,041 observers were accredited by NGOs and almost 14,000 as individual citizens. The CEC also accredited a total of 894 international observers. On average, this resulted in more than 10 observers per polling station. The CEC did not publish a detailed overview of which Azerbaijani and international organizations accredited observers and how many, which reduced the transparency of the observer accreditation process.

*To increase transparency, the CEC could consider publishing a detailed overview of the numbers of observers and their sending organizations, including political parties.*

While candidates' authorized representatives can by law observe all CEC and ConEC sessions, including before election day, observers need to obtain special authorization from the CEC to do so.<sup>61</sup>

A number of ODIHR EOM interlocutors maintained that restrictive legal provisions related to foreign funding limit the possibility of civil-society organizations to train and deploy observers. Some NGOs previously active in election-related activities, including in citizen observation, informed the ODIHR EOM that their operational capacities had been heavily restricted by obstacles introduced by the government and the election administration. The Election Monitoring and Democracy Studies Center (EMDS) has significant experience in conducting independent and professional observation both in Azerbaijan and abroad but remains unregistered since 2008 and thus without legal status. Therefore, its volunteers had to accredit themselves individually. The EMDS informed the ODIHR EOM that some of its volunteers experienced difficulties acquiring accreditations.<sup>62</sup>

*Citizen observer groups should be able to register without undue restrictions and in full freedom. The process for registering these non-governmental organizations should facilitate the ability of citizens to form such groups and should not be used to obstruct observation efforts.*

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<sup>60</sup> The deadline for accreditation by the CEC is ten days before election day, and by the ConECs – five days.

<sup>61</sup> Article 40.13 of the Election Code stipulates that the CEC decides by drawing lots which observers shall have the right to be present at election commission sessions, up to a maximum of ten observers for each commission. According to the CEC, only one YAP observer applied and was accredited to observe the work of the CEC, and no domestic observers applied to the CEC to observe in ConECs.

<sup>62</sup> The ODIHR EOM was informed of cases where ConECs unduly restricted EMDS volunteers to observing only in one specific polling station, rather than in any polling station of the respective ConEC as provided by law. The ODIHR EOM was also informed of cases where volunteers withdrew their accreditation applications due to pressure from their employers.

## XII. COMPLAINTS AND APPEALS

According to the Election Code, complaints can be lodged by voters, candidates, political parties and blocs of parties, candidate agents, and observers. A complaint can be filed against a decision or an action (or lack of action) which violate electoral rights. Complaints should be filed to the election commission superior to the one whose decisions, actions or inactions are challenged. CEC decisions can be challenged to one of the Courts of Appeal, according to the permanent or temporary residence of the appellant.<sup>63</sup> Court of Appeal decisions can be challenged to the Supreme Court.

The timeframe for submitting a complaint or appeal is three days from the day a violation occurred, or a decision was adopted or published, or the day the plaintiff was informed of the decision. Complaints and appeals submitted less than 30 days before election day must be decided within two days. Complaints submitted on or after election day must be decided immediately. Complaints submitted to election commissions must be processed by expert groups established within the CEC and ConECs.<sup>64</sup> These expert groups should investigate the substance of complaints and present an opinion to the respective election commission, which can order an additional investigation if needed.

No formal complaints were filed at any level of the election administration or the courts, before or after election day. In the absence of official complaints, the CEC and ConEC expert groups never convened during this election. Several ODIHR EOM interlocutors specifically stated that they did not file complaints because they did not trust election commissions and courts to handle them in an impartial and professional manner. Some interlocutors also stated that they feared repercussions. Given the absence of formal complaints, the ODIHR EOM was not in a position to assess the effectiveness of the adjudication system and whether it would in practice provide an adequate and effective remedy against violations of electoral rights.

Election results must be announced by the Constitutional Court within 14 days from election day. The Election Code grants the CEC the possibility to annul an election in case results have been cancelled in more than two fifths of all PECs and if the number of voters registered in these polling stations exceeds 25 per cent of all voters registered in the constituency. Presidential election results can also be annulled by a Court of Appeal decision, based on a challenge of the CEC results tabulation. Additionally, the CEC or the relevant court may declare invalid the result of a presidential election in PECs and ConECs where it is impossible to determine the voters' intention due to violations of provisions for compiling voter lists, establishment of election commissions, voting and counting procedures, or tabulation of election results. However, the relevant procedures and timelines for invalidating results in such cases are not included in the legislation.

As Azerbaijan is a member of the Council of Europe since 2001, cases can be submitted to the ECtHR. According to PACE, out of 120 judgments related to Azerbaijan that are partially or fully pending implementation, 28 are directly related to elections.<sup>65</sup> Infringement proceedings according to Article 46.4 of the European Convention for Human Rights were launched by the Committee of Ministers of the Council of Europe for failure by the authorities to execute the ECtHR decision in the case of *Ilgar Mammadov v. Azerbaijan*.<sup>66</sup>

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<sup>63</sup> There are six Courts of Appeal in the country: in Baku, Ganja, Sumgayit, Shirvan, Sheki, and in the Autonomous Republic of Nakhchivan.

<sup>64</sup> Expert groups are composed of nine experts at the CEC and three experts at each ConEC. The CEC expert group was composed entirely of CEC members. ODIHR EOM observers reported that 22 ConECs had an external member in their expert group.

<sup>65</sup> See the PACE Resolution on "[The functioning of democratic institutions in Azerbaijan](#)" (11 October 2017), paragraph 7.

<sup>66</sup> More information on the proceedings is available [here](#).

### XIII. ELECTION DAY

While election day was conducted in a calm environment without any incidents officially recorded, it was characterized by a widespread disregard for mandatory procedures, numerous instances of serious irregularities and lack of transparency. The CEC announced that turnout was 74.5 per cent. It posted detailed preliminary election results from most polling stations at around 02:00 hrs. on 12 April, which ensured the transparency of the election results.

#### A. OPENING AND VOTING

IEOM observers negatively assessed 22 of the 140 observed openings of polling stations, with a number of prescribed procedures not being followed. PECs often did not perform such mandatory procedures as counting and recording the number of received ballots (37 and 49 observations, respectively), counting and cancelling DVCs (25 observations), showing ballot boxes to be empty and sealing them securely (12 observations), and recording the serial numbers of the ballot box seals (34 observations). All these are important safeguards against electoral malfeasance. No polling station observed opened late; however, in 13 observations, polling station opened before 8:00 hrs. In 9 polling stations where opening was observed, not everybody present had a clear view of the process.

Voting was assessed negatively in 12 per cent of the more than 1,300 polling stations observed, which is a very high number and is of serious concern. While the process was overall orderly and smooth in most polling stations observed, IEOM observers reported that PECs often failed to follow key procedures, lacked transparency and hindered observers' work.

IEOM observers reported numerous indications of serious violations. Evidence of ballot box stuffing was noted in 4 per cent of observations, visible as clumps or neatly stacked ballots. Multiple voting was observed in 16 polling stations. Observers noted series of seemingly identical signatures on the same page of the voter list in 8 per cent of observations, which is a very significant number. In at least 15 polling stations observed, IEOM observers reported that the number of voters who had voted according to the number of signatures on the voter list was between one third and one half of the turnout figure reported by the PEC at the time of their observation.<sup>67</sup> In a number of polling stations, IEOM observers were not allowed to scrutinize the voter lists. The detailed analysis of turnout and result figures conducted by the ODIHR EOM reveals significant anomalies which strongly indicate that figures were constructed and raise questions if the turnout was genuinely reported and if vote counting process was properly conducted.<sup>68</sup>

*To secure an electoral environment free of electoral malfeasance, a thorough and independent investigation of election-day material could be conducted. This could include a review of web camera footage where available, signed voter lists and valid and invalid ballots.*

Procedures related to inking, a key safeguard against multiple voting, were frequently disregarded, as voters were not always checked for traces of invisible ink (17 per cent of polling stations observed) or were not inked before receiving a ballot (11 per cent). Observers noted that in 42 polling stations, the wrong hand was checked, and in 52 observations checks were deliberately omitted. In some cases, observers noted that inking was applied already at the entrance, which would in theory prevent voters from voting in case they came to the wrong polling station and were redirected (cases of voters being redirected were observed in 101 polling stations).

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<sup>67</sup> The turnout figures reported online during the day by the CEC corroborate this finding.

<sup>68</sup> For example, the turnout percentages in ConECs 1, 2, 4, 5 and 6 are almost exactly the same for all PECs within the same ConEC, which statistically is extremely unlikely.

*The CEC should ensure that voting procedures, including inking procedures and securing the ballot boxes, are strictly, correctly and uniformly implemented by election commissions.*

IEOM observers reported some problems regarding the secrecy of the vote, including not all voters marking their ballots in secret or not folding them before going to the ballot box to deposit them (5 and 12 per cent, respectively).

More than three quarters of the polling stations observed were not readily accessible for voters with physical disabilities. Of the polling stations where the CEC reported that new ramps had been installed, IEOM observers assessed that one quarter was still not accessible. In 42 per cent, the layout inside the polling station was not suitable for voters with disabilities.

Party and candidate observers were present in 88 per cent of polling stations observed, and citizen and self-nominated observers in 72 per cent. They were at times interfering in the work of the PECs, and party observers often did not know who they represented. IEOM and other observers were at times restricted in their observation (4 and 8 per cent, respectively).

## **B. THE VOTE COUNT**

IEOM observers assessed more than half of the 133 vote counts they observed negatively, largely due to an obvious disregard for prescribed procedures or deliberate falsifications. Importantly, almost one half of PECs observed did not count the signatures on the voter lists, which made it impossible to reconcile the number of ballots found in the box with the number of people who signed the list. IEOM observers reported 19 cases of indications of ballot box stuffing, as well as 17 instances of evidence of deliberate falsification of voter list entries, results, or protocols.

A number of legally prescribed procedural steps in the counting process were often omitted. Almost one quarter of PECs observed did not cancel unused ballots, and about half of them did not enter figures in the protocol before opening the ballot boxes – both important safeguards against manipulations during the count itself. In more than two thirds of the counts observed, the ballots were not stamped on the back, as prescribed by law.

In some cases, shortcuts were taken during the process, such as establishing the number of ballots cast for the incumbent by subtracting the number of votes cast for other candidates from the total number of ballots found in the box. This further undermined proper reconciliation of key figures. In some polling stations, observers noticed that invalid ballots marked for more than one candidate were not invalidated but put in the pile of one of the candidates.<sup>69</sup>

Results protocols were frequently not completed in the prescribed manner, and in one half of polling stations observed were not posted for public familiarization. There were numerous cases when IEOM or other observers were restricted in their observation and, in a few instances, intimidated. In some polling stations, the vote count was conducted silently, without any announcements made. In a few instances, IEOM observers noted that the completion of the results protocol was conducted in a room adjacent to the polling premises.

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<sup>69</sup> The number of invalid votes was low. The CEC reported that the share of invalid ballots was 0.32 per cent. According to the official results released by the CEC, there were no invalid votes in 3,411 polling stations (approximately 64 per cent of the total number of the polling stations). In another 29 per cent of polling station, the number of invalid ballots was between 0 and 1 per cent. In 18 of the 125 ConECs, not a single invalid vote was reported; in another 23 ConECs, between 90 and 100 per cent of polling stations had no invalid votes. By contrast, in 12 ConECs, every single polling station reported at least one invalid ballot.

*Measures should be taken to ensure unhindered access of citizen and international observers to the entire electoral process, including clear view of all procedures within polling station and tabulation premises during voting, counting, and tabulation.*

### C. TABULATION OF RESULTS

IEOM observers assessed tabulation positively in 101 of the 112 ConECs observed. They noted, however, that premises were not always adequate (21 reports), which resulted in overcrowding that negatively impacted the process in some ConECs (12 reports), or in those present not having a clear view of the process (15 reports). Some ConECs reported temporary problems with the data entry system, which led to some delays.

Political party and candidate observers were present in only 31 ConECs observed, and citizen or self-nominated observers were present in 19 ConECs. Prescribed procedures were frequently not followed during the handover of materials and the tabulation of results. The figures in PEC results protocols did not always reconcile in 28 ConECs, and there were 12 reports of PECs filling out protocols at the ConEC premises, as well as 9 cases of PECs correcting protocols without the prerequisite formal ConEC decision.

## XIV. POST-ELECTION DEVELOPMENTS

Following election day, neither ConECs nor the CEC received any complaints with regard to the conduct of the voting, counting or tabulation processes. By 12 April, all seven unsuccessful candidates had publicly congratulated the incumbent on his election victory.

On 14 April, the National Council for Democratic Forces organized a further peaceful protest rally in Baku, stating that they refused to accept the election results as, in their view, the election had been falsified and had not been held within an overall democratic environment. Officials from the PFP informed the ODIHR EOM that a number of party members had either been questioned or arrested in the period prior to the rally.

Some electoral stakeholders published information claiming that the turnout figures had been manipulated in order to make them look higher than they were in reality. Positively, the detailed election results per polling station were made available on the CEC website.<sup>70</sup> However, by 15 April, the page that detailed the turnout in each polling station, at certain times during election day, was removed from the CEC website.

*To ensure transparency of official election information, the CEC should ensure that all detailed election information posted on its website remains available for public scrutiny.*

On 15 April, the CEC held a session to finalize the election results. The CEC informed the ODIHR EOM that it invalidated the election results in four polling stations, due to violations observed on election day, to which it was alerted through social media, or due to problems related to the results protocols.<sup>71</sup> The relevant CEC decision, however, did not contain a detailed explanation regarding the reasons for invalidating the results in these four polling stations.<sup>72</sup>

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<sup>70</sup> Detailed election results, by polling station, are available [here](#).

<sup>71</sup> ConEC 57/PEC 2, ConEC 69/PEC 26, ConEC 73/PEC 10 and ConEC 74/PEC 12. The first two PECs listed were also dismissed by the CEC.

<sup>72</sup> See the [CEC decision](#) on the final election results, which makes reference to the four polling station where the election results were cancelled.

On 17 April, during its plenary session, in line with the constitutional deadline, the Constitutional Court approved the final results of the presidential election as declared by the CEC.

On 18 April, President Aliyev was inaugurated in a special plenary session of parliament. During his acceptance speech, the president emphasized that Azerbaijan had “deepened political reforms and have ensured all freedoms.” He referred to those political parties that had boycotted the election as “anti-national”, stating that “these elections once again showed that they have no place in the political scene of Azerbaijan.”<sup>73</sup>

## **XV. RECOMMENDATIONS**

These recommendations as contained throughout the text, are offered with a view to further enhance the conduct of elections in Azerbaijan and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed. ODIHR stands ready to assist the authorities of Azerbaijan to further improve the electoral process and to address the recommendations contained in this and previous reports.<sup>74</sup>

### **A. PRIORITY RECOMMENDATIONS**

1. The electoral legal framework should be revised sufficiently in advance of the next elections, through a genuine participatory and consultative process, to bring it in line with international standards and obligations, guarantee constitutionally protected rights and freedoms, eliminate gaps and ambiguities, and address previous ODIHR and Venice Commission recommendations.
2. The Election Code should be amended to revise the composition of election commissions at all levels, with the aim of enhancing the impartiality of election commissions and public confidence in their work.
3. Comprehensive instructions regulating all procedural and operational aspects of the process of voter list verification and updating should be developed. The authorities could also consider matching voter data with the residence and ID card data held by the government.
4. In line with international standards, the educational and residential requirements for candidacy should be lifted.
5. Contradictions between the Election Code and the Law on Freedom of Assembly on whether notification or application is required for holding a public gathering should be eliminated. Candidates should only be required to notify the executive authorities of their intent to hold a gathering, rather than having to apply for authorization.
6. Authorities should ensure that election campaigning is conducted in an atmosphere free from intimidation and fear of retribution. The authorities and political parties should refrain from coercing public-sector employees, campaign activists and others to attend campaign events.

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<sup>73</sup> The full text of the president’s speech is available on the president’s [website](#).

<sup>74</sup> In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

7. The power to restrict access to websites should lie with the judiciary. The process in front of the courts should be public, and decisions and the full list of blocked websites should be publicly available.
8. Defamation and libel should be decriminalized and dealt with through proportionate civil sanctions, with a priority given to restoring the harmed reputation, rather than imposing penalties. No one, including the president, should be granted extra protection against defamation.
9. To secure an electoral environment free of electoral malfeasance, a thorough and independent investigation of election-day material could be conducted. This could include a review of web camera footage where available, signed voter lists and valid and invalid ballots.

## **B. OTHER RECOMMENDATIONS**

### **Legal Framework**

10. The procedures and timelines in case of a second round, procedures and grounds for recounts of ballots, and procedures and timelines for invalidation of election results should be detailed in relevant normative legal acts.

### **Election Administration**

11. To increase transparency and accountability, election commissions should conduct all substantive work under their responsibility during formal sessions. The law should be amended to require that the minutes of such sessions and all decisions of ConECs are published online.
12. Election commissions should ensure that cameras installed in polling stations are placed in a way that minimizes any perception that the secrecy of the vote is jeopardized.
13. Measures and mechanisms to increase the number of women as chairpersons and members of election commissions should be considered.
14. To ensure transparency of official election information, the CEC should ensure that all detailed election information posted on its website remains available for public scrutiny.

### **Voter Registration**

15. Restrictions on the voting rights of persons with mental disabilities should be removed.
16. To improve the transparency of the voter registration process, detailed preliminary and final information on the voter list verification and updating process should be published.
17. To ensure inclusiveness while safeguarding the integrity of the voter register, the authorities could consider alternative methods that do not depend on election-day registration.

### **Candidate Registration**

18. The law should foresee a timeframe for remedying deficiencies related to supporting signatures if such are found by the CEC. The CEC should ensure that prospective candidates are informed in a timely manner about the signature verification process and its timeframe.

19. A clear and detailed set of criteria for checking support signatures and for recording the results of such checks should be developed, so that the process is exact, accountable, and not subject to interpretation. Decisions to accept and reject candidates should be well-grounded and reasoned.
20. The Election Code should be amended to allow voters to sign in support of multiple candidates.
21. The CEC should consider conducting the process of verification of support signatures under its full responsibility and independently from any government institutions.

### **Campaign Finance**

22. Consideration could be given to reintroducing provisions for public campaign funding, in order to level the playing field.
23. The legislation could be amended to require mandatory audit of campaign finance reports and publication of the audit result in a timely manner. Appropriate and proportional sanctions for non-compliance with financial reporting provisions should also be incorporated in the legal framework.

### **Media**

24. To provide voters a wide range of views, editorial election-related programs should not be limited, and the state broadcaster should be allowed to cover election campaign in its news.
25. The media could be required through legal and self-regulatory mechanisms to report on the incumbent and the authorities in a balanced, informative, and factual manner. Consideration could also be given to prohibit the broadcasting of paid campaign materials within news and current affairs programmes.

### **Citizen and International Observers**

26. Citizen observer groups should be able to register without undue restrictions and in full freedom. The process for registering these non-governmental organizations should facilitate the ability of citizens to form such groups and should not be used to obstruct observation efforts.
27. To increase transparency, the CEC could consider publishing a detailed overview of the numbers of observers and their sending organizations, including political parties.

### **Voting, Counting and Tabulation**

28. The CEC should ensure that voting procedures, including inking procedures and securing the ballot boxes, are strictly, correctly and uniformly implemented by election commissions.
29. Measures should be taken to ensure unhindered access of citizen and international observers to the entire electoral process, including clear view of all procedures within polling station and tabulation premises during voting, counting, and tabulation.

**ANNEX 1 – FINAL ELECTION RESULTS AND TURNOUT<sup>75</sup>**

	<b>Number</b>
Total number of polling stations	5,641
Number of polling stations in which election results were invalidated	4
General number of voters	5,332,817
Number of voters included in regular voter lists	5,293,561
Number of voters included in supplementary voter lists	18,452
Number of voters who were issued deregistration voter cards	20,804
Number of ballot provided to ConECs by the CEC	5,347,803
Number of voters who were issued ballots	3,962,123
Number of cancelled unused ballots	1,383,792
1) By PECs	1,312,344
2) By ConECs	71,448
Number of spoiled ballots	1,888
Number of ballot papers cast in ballot boxes	3,958,852
Number of invalid votes	12,413
<i>Percentage of invalid ballots (based on number of ballots cast)</i>	<i>0.32%</i>
Number of valid votes	3,946,439
<i>Turnout (percentage based on general number of voters)</i>	<i>74.30%</i>

<b>Candidate</b>	<b>Number of Votes Received</b>	<b>Percentage</b>
Ilham Aliyev	3,394,898	86.02%
Araz Alizade	54,533	1.38%
Hafiz Hajiyev	59,924	1.52%
Gudrat Hasanguliyev	119,311	3.02%
Faraj Guliyev	45,967	1.17%
Sardar (Jalaloglu) Mammadov	119,621	3.03%
Razi Nurullayev	29,229	0.74%
Zahid Oruj	122,956	3.12%

**Turnout Information (as provided by the CEC during election day)**

<b>Time</b>	<b>Number of voters who received ballots</b>	<b>Percentage (based on general number of voters)</b>
10:00 hrs.	994,196	18.64%
12:00 hrs.	2,093,343	39.25%
15:00 hrs.	3,227,817	60.53%
17:00 hrs.	3,716,135	69.68%

<sup>75</sup> Source: [CEC results protocol](#).

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).