



Office for Democratic Institutions and Human Rights

REPUBLIC OF AZERBAIJAN

PRESIDENTIAL ELECTION

15 October 2008

OSCE/ODIHR Election Observation Mission Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the Government of the Republic of Azerbaijan to observe the 15 October 2008 presidential election, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) in Azerbaijan on 1 September 2008. The OSCE/ODIHR EOM assessed the compliance of the election process with OSCE commitments and other standards for democratic elections, as well as with domestic legislation. For election-day observation, the OSCE/ODIHR EOM joined efforts with delegations of the Parliamentary Assembly of the Council of Europe and the European Parliament.

While the presidential election marked considerable progress towards meeting OSCE commitments and other international standards, in particular with regard to some technical aspects of election administration, the election process failed to meet some OSCE commitments. The election took place in a peaceful environment, but was characterized by a lack of robust competition, a lack of vibrant political discourse, and a restrictive media environment, and thus did not reflect some of the principles necessary for a meaningful and pluralistic democratic election. Regrettably, some opposition parties decided not to participate in the election, citing longstanding obstacles to equal treatment and equal opportunities to convey their views, thus further limiting the scope for a credible choice for the electorate.

Although the authorities made some effort to create more equitable conditions for all candidates, the dominant coverage of the incumbent in the electronic media, as well as instances of a confluence of the ruling New Azerbaijan Party (YAP) with official structures, did not serve to create a level playing field. The incumbent decided not to campaign personally, stating his wish to give other candidates more opportunities. The other candidates, who commanded little public support, mostly lacked national campaign structures to effectively present alternative views to the voters.

The Election Code could be generally conducive to the conduct of democratic elections; however only if implemented in good faith, and taking into account that some significant shortcomings are still to be addressed. The Code was last amended in June 2008. Although these amendments took into account some recommendations made previously by the OSCE/ODIHR and the Council of Europe's Venice Commission, other recommendations were addressed only partly, or not at all, despite extensive discussions between the authorities and these institutions. A new Law on Freedom of Assembly was adopted in May 2008. This law appears to be in line with international standards but was interpreted and implemented in a restrictive manner by the Baku City executive authorities.

The election was administered by the Central Election Commission (CEC), 125 Constituency Election Commissions (ConECs) and over 5,300 Precinct Election Commissions (PECs). The formula for the composition of election commissions gave the ruling party a *de facto* majority on all commissions, and all chairperson positions.

¹ This report is available in Azeri language, but the English version remains the only official one.

Overall, preparations for the election were carried out smoothly and within the legal deadlines. The CEC was active in the elaboration of rules and regulations, undertook a comprehensive voter education program, and made considerable efforts to train election workers. The CEC held frequent sessions to which media and observers were invited and published its decisions and instructions on its website without delay.

Web cameras were installed in a number of polling stations, in a stated effort to enhance transparency and deter fraud. It was unusual that the installation of these cameras preceded the relevant CEC instruction on their installation and use. The creation of polling stations in military units remained common practice, rather than exceptionally as provided by law, and military voting was not fully subject to the oversight of the election administration.

Voter lists were available for public inspection within the legal deadlines. The CEC also published them on its website and established a telephone hotline in an effort to enable voters to check their records. There were no reports of significant problems with the voter lists, although the registration of around 224,000 voters after their approval by PECs would indicate that further efforts are required to improve the accuracy of the voter lists.

The CEC registered seven presidential candidates. The latest Election Code amendments reduced the number of required supporting signatures from 45,000 to 40,000 but also removed the possibility for prospective candidates to submit a financial deposit in lieu of signatures. Two prospective candidates were denied registration due to the number of support signatures considered invalid.

The campaign was generally low-key, generated little public interest and was characterized by a distinct lack of political debate. While candidates were able to convey their messages to the voters at campaign events without major impediments, in some regions few or no campaign activities were noted, other than those of the ruling YAP. The President toured the country extensively in his official capacity, inaugurating numerous new infrastructural facilities. These visits were widely covered in the media, blurring the distinction between the official activities of the incumbent and his campaign.

Instances of interference in the election process by State and local authorities were fewer than in previous elections. Nevertheless, in some areas official bodies appeared to work closely with the ruling party. In several instances, schools were closed so that students and teachers could attend YAP rallies, and some people were obliged to attend YAP rallies. The OSCE/ODIHR EOM confirmed the existence of hierarchical networks of people, often from the same workplace or institution, overseen by local authorities and/or election commissions and in some cases directly linked to YAP, which were supposedly responsible for increasing voter turnout. It is of concern that some voters were subject to pressure to attend rallies or to vote, and may not have been able to make a free choice in this respect.

Despite a broad range of media operating in Azerbaijan, the overall media environment has deteriorated in recent years, in particular due to problems with media independence and the lack of pluralism in the broadcasting sector. While the Election Code provides for free time and space on Public TV and other State-funded media, recent amendments removed the legal obligation of State-funded AzTV to provide equal campaign conditions and prohibited it from conducting any form of campaign.

According to OSCE/ODIHR media monitoring, the news on most monitored TV stations lacked balance both prior to and during the official campaign period, with the incumbent and the authorities receiving the bulk of relevant coverage. Public TV made an effort to limit its news coverage of the President's activities after the official start of the campaign, but still allocated him three times as much coverage as all other candidates combined. Television media tended to focus on technical procedures rather than on campaign or political issues.

Few complaints and appeals were submitted to election commissions and courts. While recent amendments to the Election Code brought significant changes to the complaints and appeals mechanism, including the establishment of expert groups at the CEC and ConECs, the limited number of complaints made it impossible to fully assess the effectiveness of the mechanism. The composition of the expert groups, and the fact that at CEC level a media group dealt with most complaints, appears to have diminished their utility and effectiveness. The CEC and courts did not provide comprehensive legal argumentation for many of their decisions.

A large number of domestic non-party observers and party observers were accredited by the CEC and ConECs. While the accreditation of election observers was largely inclusive, one of the largest and most experienced observer NGOs, the Election Monitoring Center, was deregistered at the request of the authorities. Although observers from this group were able to register as individuals, a number of them faced pressure to abandon their observation efforts.

Election day was calm and peaceful, and according to CEC data, there was over 75 per cent turnout. Overall, the voting process was assessed positively, although with some regional variations. However, there were important procedural shortcomings, in particular with regards to safeguards against multiple voting. In a significant number of polling stations, voters voted in groups or were not always marking their ballots in secret. In some instances, there were indications of serious violations, including ballot box stuffing, and apparently identical signatures on voter lists, an indicator of electoral malfeasance.

The vote count was evaluated less positively, with many significant procedural shortcomings observed, including failure to follow basic reconciliation procedures. There were isolated cases of tampering with voter lists, results and protocols, including some cases of overt manipulation. Many PECs had problems completing the results protocols, and often failed to post them for public scrutiny. Observers were generally given copies of result protocols.

The tabulation process at ConECs was also assessed critically, especially with regards to the transparency and timeliness. Several OSCE/ODIHR and domestic observers experienced restrictions in observation. In a positive step, the CEC started posting preliminary election results by polling station on its website on election night and updated them thereafter. Together with the widespread distribution of result protocols at polling station level, the timely publication of detailed preliminary results is a significant transparency measure.

This report offers a number of recommendations for consideration by the authorities of the Republic of Azerbaijan. The OSCE/ODIHR remains ready to support the efforts of the authorities and civil society of Azerbaijan to conduct elections in line with OSCE commitments.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Government of the Republic of Azerbaijan to observe the 15 October 2008 presidential election, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) in Azerbaijan on 1 September 2008. The OSCE/ODIHR EOM was headed by Ambassador Boris Frlec (Slovenia) and consisted of 12 core team members and 28 long-term observers (LTOs) from 23 OSCE participating States. The OSCE/ODIHR EOM was based in Baku, with LTOs also deployed in ten regional cities for the length of the mission. The OSCE/ODIHR EOM was further enhanced by the arrival shortly prior to election day of 349 short-term observers (STOs) seconded to OSCE/ODIHR by OSCE participating States.

For election-day observation, the OSCE/ODIHR EOM joined efforts with delegations of the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament to form an International Election Observation Mission (IEOM). Mr. Andres Herkel headed the PACE delegation, and Ms. Marie Anne Isler Béguin led the European Parliament delegation.

On election day, the IEOM deployed some 440 observers from 43 OSCE participating States, who observed the opening of 134 polling stations, voting in around 1,500 of the 5,326 polling stations in Azerbaijan, and counting in 177 polling stations. The IEOM also observed the handover of election material and the tabulation of results in 124 of the 125 ConECs. The OSCE/ODIHR EOM remained in Azerbaijan through 25 October to follow the post-election day process.

The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and other standards for democratic elections, and domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions which was released at a press conference on 16 October 2008 and is available on the OSCE/ODIHR website (www.osce.org/odihr).

The OSCE/ODIHR EOM is grateful to the Ministry of Foreign Affairs of the Republic of Azerbaijan, the Central Election Commission, the Presidential Administration, other authorities, political parties, media organizations and civil society of Azerbaijan for their co-operation. The EOM also wishes to express its appreciation to the OSCE Office in Baku and to the diplomatic missions of OSCE participating States and international organizations resident in Azerbaijan for their cooperation throughout the duration of the mission.

III. POLITICAL CONTEXT

In accordance with constitutional provisions, the Central Election Commission (CEC) on 30 July 2008 called a presidential election for 15 October 2008. This election was the third presidential election held under the Constitution adopted in 1995. In 2003, incumbent President Ilham Aliyev, candidate of the ruling New Azerbaijan Party (YAP), was elected to his first term, with 77 per cent of the votes cast.

More than 40 parties are officially registered in Azerbaijan. The ruling YAP is by far the most developed and has well-organized structures and a sizeable membership (around 450,000 members according to party officials). It clearly dominates the political life of the country and currently holds 64 out of 125 seats in the Parliament.

Following the 2005 parliamentary elections, several opposition parties alleged widespread falsifications and organized protests after election day. Since the 2005 elections, dialogue between the Government and this part of the opposition has been almost non-existent, despite several attempts and mediation efforts. The latest amendments to the Election Code, in particular the shortening of the official campaign period, and the fact that the composition of election commissions remained unchanged, were strongly criticized by these opposition parties. Citing in addition the continuing global deterioration of basic freedoms and the absence of fair conditions for a meaningful election process, this part of the opposition announced in August a boycott of the presidential election.

Three of these parties, the Musavat Party, the Popular Front Party and the Liberal Party, joined together with the Public Forum for the Sake for Azerbaijan and the Citizen and Development Party in an informal alliance, the “Joint Front of Democratic Forces”. This group called on voters not to participate in the poll. Several other parties announced that they would not participate in the upcoming election but did not use the term “boycott”.

There are several other parties which describe themselves as representing the “constructive opposition”. Five of these parties fielded candidates in this election (see Section VII. Candidate Registration); these five parties together have three members of parliament.²

The election took place in the context of the ongoing conflict with Armenia and the occupation of a sizeable part of the territory of Azerbaijan. This situation has created a large number of internally displaced persons (IDPs), presenting an additional challenge for the election administration.

IV. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

The Constitution of the Republic of Azerbaijan defines the State as a democratic and secular republic based on the rule of law and on the principle of the division of powers. The President, who is the head of executive power, is elected by popular vote for a five-year term and may not serve more than two consecutive terms. The President is elected by the absolute majority of votes cast; if no candidate receives more than half of the votes cast, a second round is held between the two candidates who obtained the highest number of votes.

Two significant legislative changes were adopted shortly before the calling of the presidential election: amendments to the Election Code, which governs the conduct of all elections and referenda in the country, and a new Law on Freedom of Assembly.

Although some significant shortcomings are still to be addressed, the Election Code could be generally conducive to the conduct of democratic elections, however, only if implemented in good faith. First adopted in 2003, the Code has since been amended several times; the last set of amendments was adopted in June 2008. The 2008 amendments were assessed jointly by the OSCE/ODIHR and the Council of Europe’s European Commission for Democracy through Law (Venice Commission).³ Some of the latest amendments addressed previous recommendations made by the OSCE/ODIHR and the Venice Commission, including the

² The Umid Party, the Azerbaijani Unified Popular Front Party, and the Great Establishment Party.

³ See the Venice Commission and the OSCE/ODIHR’s “Joint Recommendations on the Electoral Law and the Electoral Administration in the Republic of Azerbaijan” (CDL-AD(2004) 016rev), 1 June 2004, as well as the “Joint Opinion on the Draft Law on Amendments and Changes to the Electoral Code of Azerbaijan” (CDL-AD(2008) 011), 16 June 2008, www.osce.org/odihr-elections/13447.html

clear prohibition of unlawful interference by officials of State bodies and local executive authorities in the election process, increased transparency in the preparation of voter lists, and the inking of voters' fingers as a safeguard against multiple voting.

However, some of the previous recommendations made by the OSCE/ODIHR and the Venice Commission remain unaddressed or incompletely addressed, despite extensive discussions between the authorities and the OSCE/ODIHR and Venice Commission. Among the previous recommendations that remain to be addressed is the revision of the formula for the composition of election commissions in such a manner that they enjoy the confidence of all election stakeholders. The current formula effectively provides pro-Government forces with a decisive majority in each election commission. Moreover, the Election Code stipulates that the chairperson of each commission represents the parliamentary majority, i.e., the ruling party.⁴

The issue of supporting signatures required for the registration of presidential candidates was also not fully addressed in the amendments. The number of signatures required was reduced from 45,000 to 40,000; however, a voter may still not sign in support of more than one prospective candidate, and the amendments eliminated the possibility for a candidate to pay a financial deposit in lieu of collecting signatures. In this election, two prospective candidates⁵ were not registered because of an insufficient number of valid signatures.

One set of amendments that attempted to address previous concerns regarding the complaints and appeals system provided for the creation of "expert groups" within the CEC and ConECs to assist and advise the commissions in dealing with complaints and appeals. The expert groups were intended to improve the overall performance of election commissions in their adjudicating role by adding fact-finding capacity to their work. The expert group at the CEC was composed of nine members, and those at ConECs of three members.

The rules and criteria for selecting experts are not provided for in the Code and are thus at the discretion of the CEC. The Code only stipulates that commission members with a legal background may be members of these groups, but leaves it up to the CEC to establish the rules for the establishment of expert groups. The rules adopted by the CEC⁶ state that commission members without legal background and commission secretariat staff who have professional experience and the ability to conduct factual and legal analyses shall be included in these groups. The adoption of comprehensive procedural rules for the filing and processing of complaints and appeals, and the decision to post the opinions of the expert groups on the CEC website, have the potential to improve the transparency of the process.

Expert groups established for this election mainly consisted of election commission members and lawyers from the commissions' secretariats, in keeping with the relevant CEC instruction. Essentially, this was the same group of people who were dealing with complaints in previous elections. The CEC claimed that there was no need to involve external lawyers since commissioners and staff lawyers already had the necessary expertise. Nevertheless, the fact that most of these persons combined advisory and decision making roles in the complaints and appeals process diminished to a degree the effectiveness of the amendment.

It is problematic that under the amendments to the Code, it is possible to extend the three-day deadline for experts groups to investigate if necessary. This in turn would extend the time for

⁴ Election Code, Article 19.3.

⁵ Mr. Ali Agayevli and Mr. Mais Gulaliyev.

⁶ Approved by Decision No 11/53-2, dated 12 August 2008.

election commissions to make decisions. While this provision is aimed at giving additional time to experts when dealing with complicated cases, it does not provide for a maximum limit for extension⁷, which could undermine the principle of due process in a time-sensitive period such as an election.

In addition, there were significant amendments to the Election Code which did not correspond to previous recommendations, including the reduction of the overall election period – and thereby the official campaign period – from 60 to 28 days, changes to provisions regarding the campaign in the media, regulation of exit polls, and removal of envelopes from the voting process.⁸

The Election Code provides for the establishment of a “media working group”, comprised mostly of journalists, to “ensure the observance of the rules on pre-election campaigning”.⁹ However, the Code does not specify how this group should be established, neither does it explicitly entitle the media working group to investigate complaints and adopt opinions on them. According to the instructions adopted by the CEC¹⁰, the media working group has various rights, functions and duties, most of them referring to the control of adherence to the “rules on pre-election campaigning in the mass media”. From the provisions of the Code and the relevant instructions, it is unclear if the media working group should deal with all complaints related to pre-election campaigning, or only with those related to campaigning in the media.

The presidential election was held shortly after the adoption, in May 2008, of a new Law on Freedom of Assembly. If implemented properly, this law appears to be in line with international standards. Even though the overall context of this election did not provide for significant tests of this new law, it was interpreted and implemented in a restrictive manner on at least two occasions by the Baku City executive authorities. While the law states that the relevant executive bodies shall provide special venues for conducting rallies and shall issue a list of “proposed places” from which the organizers of such rallies “can choose”¹¹, the Baku City authorities interpreted it as an exclusive list and denied requests of the opposition group “Joint Front of Democratic Forces” to hold rallies in the centre of the city in places which were not included in the list drawn up by the authorities.¹²

V. THE ELECTION ADMINISTRATION

The presidential election was administered by a three-tiered election administration consisting of the CEC, 125 ConECs and 5,326 Precinct Election Commissions (PECs). In addition, 33 polling stations for out-of-country voting were established in Azerbaijan’s diplomatic missions and consulates in 27 countries.

Election commissions in their current composition were appointed in 2006 for a five-year term. Commissions are formed under a politically contentious formula, with nominees representing the parliamentary majority, minority parties and parliamentarians elected as

⁷ The Election Code of the Republic of Azerbaijan, Article 112–11.10.

⁸ Previously, voters were required to place their ballot in an envelope before casting it, as a safeguard against potential ballot box stuffing.

⁹ Election Code, Article 74.5.

¹⁰ Approved by Decision No 7/27–7 dated 18 July 2008.

¹¹ The Law of the Republic of Azerbaijan on Freedom of Assembly, Article 9(VI).

¹² The intended rallies were planned for 28 September and 18 October.

independent candidates each accounting for one third of a commission's membership. The representatives of the independent members of parliament and of some of the minority parties consistently voted with the majority representatives, which secured a comfortable two-thirds majority for the ruling party in all commissions. The legal requirement for the chairperson – who has significant authority – to be elected from among the majority representatives reinforced the domination of the commissions by the ruling YAP.

Due to the refusal of some opposition parties to take part in the nomination of CEC members, the makeup of all commissions was incomplete at the beginning of the electoral preparations.¹³ Based on an agreement among the CEC members representing the minority parties, the appointment of members to the vacant positions on lower-level commissions was concluded in early October. While the late appointments may have diminished possibilities for the newly appointed members to participate actively in the commissions, it does not appear to have affected the commissions' capacity to prepare for the election.

Registered candidates or the parties who nominated them were entitled to appoint consultative (non-voting) members to each commission. Consultative members have the right to participate in meetings and express opinions, and they were in a position to provide the nominating parties and candidates with more direct access to election-related information. Five consultative CEC members were appointed for this election.¹⁴ However, most of them displayed a limited interest for the work of CEC and did not attend CEC meetings. According to information provided by the CEC and ConECs, the ruling YAP nominated consultative members for almost all commissions, while other parties or candidates nominated very few.

The CEC was very active in the elaboration of rules and regulations, undertook a comprehensive voter education program, and made considerable efforts to train election workers. A training program for ConEC and PEC members was conducted in August and the second half of September, under the direction of the CEC and using video films prepared by the International Foundation for Electoral Systems (IFES), a Washington-based international NGO. A detailed Election Day Guide elaborated by IFES was used for the trainings and on election day. The CEC held frequent sessions to which media, the OSCE/ODIHR EOM and other organizations were invited. However, the agenda was often distributed just before the sessions and little discussion took place among the members. The CEC maintained a regularly updated and informative website, and published on the website all its decisions and instructions without delay.

Overall, preparations for the election were carried out smoothly and within the legal deadlines, including the printing and distribution of ballot papers and other election material. ConECs were well prepared and organized and their members appeared knowledgeable. In general, ConECs held few formal sessions and took very few formal decisions.

The OSCE/ODIHR EOM enjoyed good cooperation with the CEC and ConECs. The CEC and lower-level commissions generally provided the OSCE/ODIHR EOM with information and clarifications as requested.

¹³ The CEC composition is still incomplete, as one seat for a member nominated by the parliamentary minority parties, and one seat for a member nominated by the independent members of parliament to be agreed with the minority parties, are vacant.

¹⁴ Nominated by YAP, Modern Musavat Party, Whole Azerbaijan Popular Front Party, Great Creation Party and the self-nominated candidate Mr. Alibeyli.

The CEC did not adopt specifically for this election an instruction regulating the work of ConECs on the receipt, checking and approval of the PEC results protocols and the computerized tabulation of precinct-level results. The CEC told the OSCE/ODIHR EOM that an instruction from the 2003 presidential election on this issue was still in force. However, EOM long term observers reported that many ConECs were unaware of the existence of this instruction shortly before the election day.¹⁵ It appears that during the training of ConEC members, no emphasis was placed on some details of this instruction, especially with regards to the certification of the computerized version of the results protocols, the criteria for deciding on possible recounts, and on the approval of protocols. The fact that the CEC did not issue a specific instruction for this election for such a crucial aspect of the process – or at least emphasize to the ConECs the validity of the existing instruction – may have contributed to the relatively high number of problems observed during the tabulation of results.

Starting in late September, web cameras were installed in polling stations in different regions, initially without an official CEC decision or instruction. Only on 8 October did the CEC issue regulations clarifying the purpose of the cameras and the rules for their use on election day. According to the CEC, the purpose of these cameras, which provided for the possibility to follow voting and counting procedures in these polling stations on the Internet, was to enhance the transparency of the process and deter fraud. In this context, it was unusual that the installation of the cameras preceded the relevant CEC instruction.

The June 2008 amendments to the Election Code did not adequately address long-standing issues concerning the organization of military voting,¹⁶ and this aspect of the election remained problematic. The creation of polling stations in military units remained common practice, although the Code states that military personnel should normally vote in regular polling stations, specifying exceptions for troops located in border areas, conflict areas and “special regime” units. The CEC left the decision on “special regime” units to the Ministry of Defense. For their part, the ConECs (with very few exceptions) did not make efforts to organize the voting by military personnel in regular polling stations, as provided by law, even when the military barracks were located in urban areas. Most ConECs claimed difficulties in arranging the voting for large number of soldiers in regular polling stations as the reason for not doing so. Representatives of the Ministry of Defense met by the OSCE/ODIHR EOM acknowledged that little change took place on this issue compared to previous elections, and stated that serious progress could only be expected after the settlement of the Nagorno-Karabakh conflict.

The PECs in the majority of the polling stations for military voting consisted of two military and four civilian members, with the YAP and the minority parties being represented by two civilian members each. Only in three of the 102 polling stations which were identified by the OSCE/ODIHR EOM as dedicated exclusively to military voters and established five days before election day, did the voting take place outside the respective military unit. There were only two instances of military personnel voting in regular polling stations reported by ConECs

¹⁵ Many ConECs, e.g. #8, #44, #56, #65, #79, # 80, #84, #86, as well as the Director of the CEC Infocenter organizing the computerized tabulation, were unaware of the existence of such an instruction when interviewed on this issue by OSCE/ODIHR EOM observers, and referred to different articles of the Election Code, to other CEC instructions or to practices from previous elections.

¹⁶ OSCE/ODIHR and Venice Commission, “Joint Opinion on the Draft Law on Amendments and Changes to the Electoral Code of Azerbaijan” (CDL-AD(2008) 011), 16 June 2008, www.osce.org/odihr-elections/13447.html

to the OSCE/ODIHR EOM.¹⁷ As in previous elections, the voting pattern in polling stations in military units differed from that of ordinary polling stations.¹⁸

The June 2008 amendments to the Election Code also changed the method of voting to exclude the use of envelopes. Envelopes had previously been instituted as a safeguard against multiple voting, but the authorities advocated their elimination, stating that the envelopes complicated the counting procedure and the filling in of the protocols and made the conduct of recounts impractical. Unfortunately, the elimination of the use of envelopes did not lead to significant improvement in the conduct of the counting process.

VI. VOTER REGISTRATION

Voter lists were available for public inspection within the legal deadlines. In an effort to enhance the accuracy of the voter lists, the CEC published them on its website and enabled voters to check their records online. A telephone hotline for voter register information was also established. According to the CEC, after the approval of the voter lists by PECs on 20 September, the total number of registered voters was 4,731,879.¹⁹ No complaints related to inaccuracies in the voter lists were reported to the OSCE/ODIHR EOM.

In accordance with the latest amendments to the Election Code, voter registration continued after the approval of voter lists by PECs and was also possible on election day.²⁰ A CEC instruction provided that voters who found on election day that their names were not in the voter list could apply to the PEC with a request for inclusion in the voter list, by filling in a special form and submitting documents proving residence within the boundaries of the precinct.²¹ PECs were obliged to consider such requests and decide on the inclusion immediately. Voters registered on election day were included in a supplementary voter list. The simplified procedure for inclusion in the voter lists after their approval facilitated considerably the late registration of voters, and the number of registered voters in the basic voter lists grew to 4,853,268 in the last 25 days preceding election day.²² Another 102,482 voters were registered on election day and included in supplementary voter lists.²³ Although the stated intention was to facilitate voting by all eligible voters, the new provisions for late inclusion in the voter lists diminished the transparency of the process, especially with regards to election-day registration of voters.²⁴ The registration of around 224,000 voters after the approval of the voter lists, out of which over 100,000 voters on election day, would indicate that further efforts are required to improve the accuracy of voter lists.

¹⁷ According to the information provided by the CEC, the total number of military polling stations was 110. Their distribution by constituencies was not provided to the OSCE/ODIHR EOM.

¹⁸ Some 78,000 voters voted in 99 polling stations identified by the OSCE/ODIHR EOM as being located within military units. The average turnout was 96.85 per cent, compared to an overall turnout of 75.64 per cent. In these polling stations, President Aliyev received 97.84 per cent of the valid votes, as compared to 88.73 per cent countrywide. There were nine polling stations in military units where all valid votes were cast for the incumbent, compared to 41 polling stations with such a result among the more than 5,000 regular polling stations.

¹⁹ Published by the CEC Infocenter on 30 September 2008.

²⁰ In previous elections, additions to the voter lists after their approval 25 days before election day were only possible on the basis of a court decision.

²¹ Permanent or temporary residence for at least six out of the last 12 months before the call for the election.

²² CEC protocol on the results (see Annex to this report).

²³ Ibid.

²⁴ They are also inconsistent with the Venice Commission's "Code of Good Practice in Electoral Matters", CDL-AD(2002)23rev, Guideline I.1.2.iv., [www.venice.coe.int/docs/2002/CDL-AD\(2002\)023rev-e.asp](http://www.venice.coe.int/docs/2002/CDL-AD(2002)023rev-e.asp)

Citizens who were away from the place where they were registered as a voter could apply for a de-registration voting card (DVC), which enabled them to vote in a different polling station. DVCs were issued to voters by ConECs for a period of 20 days and by PECs in the period between 20 September and 12 October. The total number of DVCs issued to voters did not exceed 1.35 per cent of the number of registered voters.²⁵ The distribution of DVCs to ConECs and PECs was subject to strict accounting rules. However, the ID serial and batch numbers of voters who were issued DVCs were not recorded on the DVCs by the commissions issuing the DVCs, or by the PECs in the polling stations where voters voted with DVCs. This was in contrast to legal provisions for regular voters, whose ID details are recorded in the voter list when they vote.

VII. CANDIDATE REGISTRATION

The CEC registered seven presidential candidates: Mr. Ilham Aliyev, the incumbent President and Chairman of the ruling YAP; Mr. Iqbal Agazadeh, MP and Chairman of the Ümid Party; Mr. Hafiz Hajiyev, Chairman of the Modern Musavat Party; Mr. Gudrat Hasanguliyev, MP and Chairman of the Azerbaijani Unified Popular Front Party; Mr. Fazil Mustafayev Gazamfaroglu, MP and Chairman of the Great Establishment Party; Mr. Fuad Aliyev, Chairman of the Liberal-Democratic Party; and Mr. Gulamhuseyn Alibayli (self-nominated).

Ten of the 21 prospective candidates whose nominations were approved by the CEC submitted the required registration documents and support signature sheets within the legal deadline. Prospective candidates had to collect at least 40,000 signatures of registered voters from at least 60 constituencies. The latest amendments to the Election Code decreased the number of signatures from 45,000, but also eliminated the possibility for prospective candidates to submit a financial deposit in lieu of signatures. Each voter is allowed to provide his or her signature for only one candidate.²⁶

Signatures were collected in specially designed signature sheets, where the names, year of birth, ID serial and batch number and date of issue were recorded, followed by the signature of the voter supporting the candidate. The registration of two prospective candidates was rejected due to a high number of records in the signature sheets which were considered invalid by the CEC working group of experts.²⁷ The majority of invalidations were due to groups of records considered to have been signed by one and the same person.²⁸

However, the system of reporting on such groups of identical signatures was problematic, as only the set of all signatures found in such groups and the number of groups of signatures were specified for each signature sheet; if more than one group was identified on the same sheet, there was no record of which individual signatures were considered to belong to a

²⁵ A total of 65,706 DVCs were issued, according to the CEC protocol on the results. Only 37,517 of these were used by voters on election day.

²⁶ Two duly registered candidates eventually obtained fewer votes than the number of collected signatures: Mr. Fuad Aliyev (28,423 votes) and Mr. Hafiz Hajiyev (23,771 votes).

²⁷ The working group was chaired by a CEC member and included graphologists from the Center for Judicial Expertise of the Ministry of Justice, as well as experts from the ID services of the Ministry of Interior, State Audit Agency, Ministry of Taxes, State Property Department, etc.

²⁸ Each group of records considered to be signed by one and the same person was counted as one valid support signature. The number of signatures which were invalidated as having been produced by the same person was 9,016 for Mr. Gulaliyev, and 4,298 for Mr. Agaevli. Another prospective candidate was rejected for presenting empty signature sheets.

certain group of signatures signed by one and the same person. This in practice made it impossible to challenge the opinion of the expert group in the Court of Appeals, which is legally obliged to decide on complaints in three days. A large number of records were invalidated due to mistakes and omissions in the ID data.²⁹ While consistent, the approach adopted by the ID experts was in some cases very formalistic, leading to the invalidation of signatures in records where only the national identifier of the serial number (which is “AZE” for all Azeri citizens, followed by a unique nine-digit number) or the leading zeroes in the batch number were missing.

The lack of a competitive election environment limited, to some extent, the possibility to draw conclusions about the candidate registration process.

VIII. THE ELECTION CAMPAIGN

The official campaign period was reduced by the June 2008 amendments to the Election Code from 60 days to 28 days. The official election campaign period began on 17 September and ended at 08:00 hrs. on 14 October.

Overall, the pre-election period was characterized by the absence of a competitive campaign, the limited involvement of parties and candidates, and very low public interest in the campaign. The OSCE/ODIHR EOM noted a distinct lack of political debate in this campaign, and found that underlying conditions generally did not provide an environment which was conducive for a truly competitive democratic election. In addition, the overwhelming visibility of the incumbent and the ruling party, the limited activities of the other candidates, and the decision not to participate by some opposition parties, contributed to the lackluster character of this campaign and the very low degree of competitiveness of this election.

The campaign was generally low-key, although it slightly intensified towards election day. As a result of the decision of several opposition parties to boycott or not to participate in the election, the incumbent president faced a field of candidates who commanded little apparent public support. The incumbent decided to refrain from personal participation in conventional campaign activities, stating that he wished to give other candidates more opportunities. As a result, he had little interactive dialogue with voters and no direct policy debate with other candidates.

On 6 August, the President ordered that official portraits and billboards featuring him be removed throughout Azerbaijan and stressed the need to guarantee equal campaign conditions for all candidates. Billboards depicting late President Heydar Aliyev, sometimes together with the incumbent President, remained posted in numerous locations.

After the start of the official campaign period, the ruling YAP conducted a very visible and active campaign on behalf of the incumbent president. The majority of rallies and campaign events observed by the OSCE/ODIHR EOM were held in his support and frequently consisted of concerts and performances by local celebrities. Candidates other than the incumbent had few offices or evident campaign capacity in the regions. These candidates' main forms of campaigning consisted of scattered small-scale events and door-to-door canvassing rather than large-scale rallies. In several regions the campaign was hardly discernible, apart from campaign events of the ruling YAP.

²⁹ 1,119 for Mr. Gulaliyev, 7,431 for Mr. Agaevli.

Visually, the campaign materials of the incumbent President predominated. The incumbent's campaign posters were displayed on almost all officially provided boards for the posting of campaign posters, and the majority of posters displayed on windows of private shops pictured the incumbent. For other candidates, visible signs of campaigning were mainly confined to posters displayed on the officially designated boards, with posters of all seven candidates being on display more or less widely towards the end of the campaign period. Except for the incumbent, candidates informed the OSCE/ODIHR EOM that their parties did not always have the human and financial resources to systematically display and maintain posters on the official campaign billboards. Some of these candidates also alleged that some owners of private shops were reluctant to display posters of candidates other than those of the incumbent, for fear over their businesses' future.

Overall, candidates were able to organize campaign events to convey their messages to the voters without major impediments. Their requests to organize campaign events were in most cases accommodated, although some candidates reported isolated cases of citizens being discouraged from attending campaign events or instances where the campaign venues were allocated too late to organize meetings with voters. As noted above (see Legal Framework, section IV), the opposition group "Joint Front of Democratic Forces" submitted requests to hold rallies in Baku, proposing multiple alternatives for venues. These requests were denied by the executive authorities in Baku, which would only permit rallies in specified locations in venues outside the centre of the city, which was not in line with the provisions of the June 2008 Law on Freedom of Assembly.

During the campaign period, the incumbent President toured the country extensively, inaugurating new factories, roads, schools, museums, parks and an airport, and visiting military installations. These visits were widely reported in the media, making it difficult to distinguish between the official activities of the President and his campaign. While recognising potential advantages of incumbency, in this election the difference in visibility and resources was such that other candidates could not compete on an equal footing with the President. The blurring of the distinction between the regular activities of the incumbent and his campaign created unequal campaigning opportunities inconsistent with paragraph 7.6 of the 1990 OSCE Copenhagen Document.³⁰

The ruling party also had privileges compared to other parties. In two areas, OSCE/ODIHR EOM LTOs reported that YAP offices were located in government buildings. While instances of interference in the election process by executive and local authorities appeared to be fewer than in previous elections, some LTOs raised concerns about collusion between local administration officials and local YAP leaders. In at least two instances, they confirmed irregular assistance by executive authorities in the organization of YAP campaign events.

In addition, at several YAP rallies, OSCE/ODIHR EOM LTOs noted a significant presence of pupils and high school students in school uniforms. The observers were told that schools had been closed so that students could attend the rallies, accompanied by their teachers. LTOs also received indications that at times, people had been obliged to attend YAP rallies or were prevented from leaving rallies at their convenience. In five separate instances, participants at YAP rallies informed LTOs that they had been told to attend the rallies by their superiors at their place of employment (e.g., hospitals, schools, and public services). LTOs also reported

³⁰ "The participating States will.... provide.... political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities"

one case in which citizens were obliged to attend a rally of Mr. Gulamhuseyn Alibayli. Although apparently less frequent than in previous elections, occurrences of support of official bodies on behalf of one candidate or political party are at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document, which calls for a “clear separation between the State and political parties”.

OSCE/ODIHR EOM observers confirmed the existence of hierarchical networks of persons (*onbashi*, *yuzbashi* and *minbashi*, Azerbaijani for “ten heads”, “100 heads” and “1,000 heads”, respectively) responsible for groups of voters, often from the same workplace or institution, with the alleged purpose of urging voters to go to vote and to increase voter turnout. These were reportedly organized by local authorities and/or election commissions, and were in some cases linked to the YAP.

On election day, OSCE/ODIHR EOM observers noted groups of people (often students) formed in front of polling stations, under the supervision of one responsible person. Such visible instances of organized voting would appear to further substantiate the existence of the *onbashi/yuzbashi/minbashi* system and indicate efforts to exert pressure on some voters. OSCE/ODIHR EOM long-term observers and short-term observers also observed voters asking for their voting invitation card to be stamped and/or signed by election officials. The explanation given was that voters would allegedly have to present these cards to their supervisor at their workplace or to the local housing administration (ZHEK) to prove that they had cast their ballots.

In this context, it is of concern that some voters, in particular civil servants and public-service employees, were subject to pressure to attend campaign events and/or to vote and may not have been able to make a free choice in this respect. This is inconsistent with paragraph 7.7 of 1990 OSCE Copenhagen Document.³¹

IX. THE MEDIA

A. BACKGROUND

Approximately 47 television and radio companies and some 290 print media currently operate in Azerbaijan.³² Television is the most influential source of news and information, with State-funded AzTV covering almost the entire country. Public broadcaster ITV (Public TV) and several private TV channels, including Lider TV, Space, ATV, ANS and Khazar TV, also have a nationwide outreach.³³

There are a few opposition-minded and independent newspapers which offer alternative views and criticize the Government. However, their difficult economic situation limits their circulation and geographic outreach. Three months before the election, the President signed a

³¹ “The participating States will.... ensure that law and public policy work to permit political campaigning to be conducted 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.”

³² According to the National TV and Radio Council (NTRC) and the Press Council.

³³ According to the NTRC, AzTV covers 98.5 per cent of Azerbaijan’s population, and Public TV covers approximately 85 per cent.

decree granting 38 print media, including opposition-minded and independent newspapers, some financial assistance from the State (5,000 AZN per outlet, about 4,350 Euros).

Despite a broad range of media operating in Azerbaijan, a number of interlocutors expressed concerns about the deterioration of the media situation in recent years, in particular due to problems with media independence and the lack of pluralism in the country's broadcasting sector.³⁴ The OSCE Representative on Freedom of the Media has expressed his concern about "the grave situation of the independent media in Azerbaijan."³⁵ A significant number of journalists who criticized the authorities became subjects of criminal prosecution and civil lawsuits, in some cases resulting in prison sentences and large fines. The President pardoned five journalists in December 2007, but at least three journalists remain in jail.³⁶

B. LEGAL FRAMEWORK FOR THE MEDIA

The Election Code contains detailed regulations for the broadcast and print media during the pre-election campaign, providing for, *inter alia*, allocation of free time and space on Public TV and other State-funded media for candidates, rules for paid political advertising, and regulations that Public TV and other State-funded media should create equal conditions for registered candidates. To supplement the provisions in the Election Code, the CEC adopted a decision in July which further regulated the campaign in the media. The amendments to the Election Code adopted in June 2008 removed the legal obligation of State-funded AzTV to provide equal campaign conditions and prohibited it from conducting any form of campaign.

The free airtime for candidates was allocated in the form of one-hour long roundtable discussions which were aired six times per week, three times on Public TV and three times on Public Radio, in a program called "People Choose". The CEC held a lottery to determine the order in which candidates spoke at these roundtable discussions.

C. OSCE/ODIHR EOM MEDIA MONITORING

The OSCE/ODIHR EOM's media monitoring was conducted over two periods, 5–16 September (prior to the start of the official campaign) and 17 September–13 October (covering the entire official campaign period) and focused on seven TV stations³⁷ and four daily newspapers.³⁸ Media monitoring included quantitative and qualitative analysis of the coverage, assessing both the amount of time and space allocated to each candidate and the tone of the coverage. The coverage of other relevant subjects such as the Government and the CEC was also analyzed.

Between 5 and 16 September, all monitored TV channels devoted a significant portion of their coverage to State authorities and their activities. Almost all of Mr. Ilham Aliyev's media exposure was in his capacity as President, which gave him an advantage prior to the commencement of the official campaign period, when his competitors received hardly any news coverage on the monitored TV channels.

³⁴ See, *inter alia*, the OSCE Representative on Freedom of the Media's Regular Report to the OSCE Permanent Council, 15 November 2007 (www.osce.org/documents/rfm/2007/11/28110_en.pdf) and the Council of Europe Resolution 1545 "Honoring of obligations and commitments by Azerbaijan" (<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta07/ERES1545.htm>).

³⁵ OSCE Representative on Freedom of the Media, *op. cit.*

³⁶ OSCE Representative on Freedom of the Media, www.osce.org/fom/item_1_30104.html.

³⁷ AzTV, ITV, ATV, ANS TV, Lider TV, Space and Khazar TV.

³⁸ *Azerbaijan, Respublika, Yeni Musavat and Zerkalo.*

The media in general did not provide balanced coverage of the campaign, thus limiting the possibility of the electorate to make an informed choice. Regular roundtable discussions on Public TV and radio provided an opportunity for candidates to present their message to voters, although the format of these roundtables offered limited opportunities for genuine political debate. Moreover, the President chose not to participate in any of the discussions in person, sending proxies to represent him instead, thus diminishing their value for the electorate. Mr. Hafiz Hadjiyev used acrimonious rhetoric against the opposition and some Government officials which was at times inflammatory and insulting. In addition to the debates, candidates could convey their message to the electorate through paid political advertising and in the print media, although only three chose to do so.

There was only limited coverage of the campaign in the news programs during the official campaign period. Similarly as before the start of the official campaign, all main TV stations, including Public TV, continued to devote a significant portion of their news coverage to the authorities and their activities. Mr. Ilham Aliyev continued to receive most of his media coverage in his capacity as President. There was a notable tendency to reflect positively on the work and activities of the authorities, through coverage of ceremonial events (see Section VIII. The Campaign, above) or of activities such as distribution of flats, TV sets, refrigerators, computers, cars or other gifts, which benefited the incumbent's campaign. Critical opinions on the authorities' performance were generally absent.³⁹

In the four weeks preceding the election, Public TV devoted 51 per cent of its political and election news coverage to the activities of the President (16 per cent), the Government (22 per cent), the Presidential Administration (3 per cent) and the YAP (10 per cent). This coverage was overwhelmingly positive or neutral in tone. By contrast, all other candidates and political parties, including those which decided not to participate in the election, received a combined total of only 12 per cent. There was a tendency to focus intensively on the procedural aspects of the electoral process rather than on the campaign or political issues, with the CEC receiving 37 per cent of the news coverage. Public TV aired a regular special program entitled "People Choose", which was fully devoted to the election. Apart from featuring the debates among candidates, the program also focused on technical aspects and preparations of the election. While Public TV made an effort to limit its news coverage of the President's activities after the official start of the campaign, he still received three times as much news coverage as all other candidates together (76 per cent and 24 per cent, respectively).

State-funded AzTV demonstrated clear partiality in favour of the authorities and the ruling party by allocating them 94 per cent of its political and election news coverage (with the President receiving as much as 72 per cent of the total coverage), which was exclusively positive or neutral in tone. There was only marginal coverage of other candidates and almost no coverage of the "Joint Front of Democratic Forces". The CEC received some 6 per cent. Privately owned Space, Lider TV, ATV and Khazar TV adopted a similar approach.

Another private television, ANS, also devoted the bulk of its news coverage to the authorities and the ruling party, but similar to Public TV, it also allocated some news coverage to other candidates. From 25 September, ANS news programs featured regular interviews with all candidates on different topics (although President Aliyev was represented by an authorized representative).

³⁹ For example, only Public TV and ANS provided news coverage in connection with the decision of a number of opposition parties not to participate in the election.

The print media provided a more diverse range of views than television. The State-funded newspapers *Azerbaijan* and *Respublika* adhered to their legal obligation to allocate free space for candidates. Outside this free space, however, they showed overt support for the President. By contrast, privately owned opposition-minded *Yeni Musavat* provided some critical coverage of the State authorities and supported Mr. Agazadeh. Another private newspaper, *Zerkalo*, devoted the bulk of its political coverage to Mr. Ilham Aliyev, but also provided some coverage of other candidates.

Most TV channels (apart from ANS), including Public TV, covered the IEOM's Statement of Preliminary Findings and Conclusions selectively and in a distorted manner. The media focused only on positive aspects of the assessment, while ignoring critical findings and shortcomings detailed in the conclusions of the Statement.

X. COMPLAINTS AND APPEALS

A. OVERVIEW

A very low number of complaints were submitted to election commissions and courts during the election process. Prior to election day, a total of seven complaints were submitted to the CEC. The OSCE/ODIHR EOM was informed of only six complaints filed to ConECs, all of which were rejected; no subsequent appeals to the CEC or courts were lodged in these cases. On election day, official complaints had been filed in only 11 of the polling stations visited by IEOM observers. No complaints were received by the CEC on and after election day, nor were any complaints filed at the ConEC level. While the lack of complaints was to some extent an indication of progress, in view of the large number of complaints that have characterized previous elections, this may also serve to underscore the limited competition which characterized this election.

While the latest amendments to the Election Code brought significant changes to the overall complaints and appeals mechanism, the limited number of complaints made it impossible to fully assess the effectiveness of the mechanism. Nonetheless, some concerns regarding the consideration of complaints and appeals could be identified, including regarding the composition of expert groups, the possibility to extend legal deadlines for the adjudication of complaints and appeals, and the work of the media working group. It was difficult to assess the impact and effectiveness of the newly established expert groups at the CEC and at ConECs themselves, as only one case was investigated by the expert group at the CEC level.

Of the seven complaints submitted to the CEC before election day, one complaint – relating to the non-registration of Mr. Arif Aliyev as a candidate – was investigated by the expert group, while the other six complaints were related to the election campaign and were handled by the CEC media working group. A complaint submitted by Mr. Agazadeh, who claimed to have been insulted by candidate Hafiz Hajiyev, was rejected by the CEC for lack of competence. However, the CEC did not forward the case to the court as required by law.

Five complaints were heard and rejected by the Baku Court of Appeal; four of these were subsequently appealed in the Supreme Court. An appeal to the Supreme Court was submitted by Mr. Mais Gulaliyev who challenged the decisions of the CEC and the Court of Appeal not to register him as a candidate due to an insufficient number of valid support signatures. After a hearing at the Supreme Court at which no CEC representatives were present, the appeal was

rejected. Candidate Gudrat Hasanguliyev, who was not allocated campaign funds due to his debts from the last presidential election, appealed this CEC decision in court, but the appeal was denied. After an informal agreement with the CEC to return the money owed, Mr. Hasanguliyev's subsequent appeal to the Supreme Court was satisfied. Following this case, Mr. Hajiyev, who had also been denied campaign funds due to his debts from the 2003 presidential election, lodged a similar appeal to the Baku Court of Appeal, which was also satisfied. While the courts in both cases referred to the Constitution, which provides for equal rights of citizens, and the provision in the Election Code requiring equal conditions for candidates, they also took into account the fact that these candidates had returned the money owed.

The June 2008 amendments to the Election Code gave the CEC the authority to accredit exit poll organizations. This amendment was assessed by the OSCE/ODIHR and the Venice Commission as unnecessary to the election process and potentially restrictive of the right to freedom of speech and the right to gather and disseminate information.⁴⁰ After being denied permission by the CEC to conduct exit polls for lack of experience and missing documentation, the "Sumqayit Youth Organization for Legal Development" challenged this decision in the Baku Court of Appeal and subsequently in the Supreme Court. In both instances the appeals were rejected. Although the law does not provide criteria for defining "experience" in conducting exit polls, neither the CEC nor the courts provided clear factual-legal reasoning for their decisions.

In adjudicating complaints and appeals, the CEC and the courts generally failed to provide comprehensive legal argumentation for many of their decisions. In most cases, the main arguments put forward by the rejected party were not addressed in the relevant decisions.

B. MEDIA-RELATED COMPLAINTS AND APPEALS

The CEC established a special working group on the media, composed of CEC members and journalists from various media outlets, to assist the CEC in overseeing compliance with the campaign-related provisions of the Election Code (see also Section IV, Legal Framework). The division of responsibilities between the CEC media working group and the CEC expert group was not clear, since the former dealt with most complaints even when these were not strictly related to the media. The media working group held five sessions and considered six complaints, one by the YAP and five by the Umid Party. The YAP alleged early campaigning by candidate Agazadeh through distribution of a promotional CD. Umid maintained that the distribution had started already in 2007 and that the CD should thus be considered as information about the party, which is permitted under the Law on Political Parties.⁴¹ The working group suggested to the CEC to warn Mr. Agazadeh.⁴² The CEC decision ordered Mr. Agazadeh to "strictly abide by the requirements of the legislation in his campaign".

All Umid complaints were dismissed as groundless. In one case, Umid complained that the participation of two high State officials at a YAP rally violated a CEC decision barring State and municipal officials from campaigning. The group found no evidence that these officials

⁴⁰ OSCE/ODIHR and Venice Commission, "Joint Opinion on the Draft Law on Amendments and Changes to the Electoral Code of Azerbaijan" (CDL-AD(2008) 011), 16 June 2008.

⁴¹ Article 12 of the Law on Political Parties stipulates that "political parties shall disseminate freely the information about their aims and activities."

⁴² A CEC member stated that a warning issued by the group does not have any legal power.

had been campaigning, as defined in the law.⁴³ The head of the group maintained that high state officials should have the same rights as ordinary voters and should therefore be allowed to participate in campaign events, unless they make a direct call to vote for a candidate.

Following discussions and votes by all members present, the working group adopted six opinions, which served as a basis for the decisions adopted by the CEC. However, four of these CEC decisions were adopted after the legal deadlines.

XI. PARTICIPATION OF WOMEN

There are no legal barriers to the participation of women in elections, nor legal provisions to promote their participation. While there are some prominent women in politics, their participation in the political life of Azerbaijan is generally limited. Overall, women are underrepresented in high-level posts, including top political positions. Only one woman, the Chair of the State Committee for Family, Women and Children, was a member of the outgoing Government. In the current Parliament, 14 out of 125 MPs are women.

No women contested this election and women's rights or issues were rarely addressed by political leaders and candidates. Although the Constitution and the Election Code guarantee equal rights for men and women, the level of women's participation in upper levels of the election administration was low. Four out of the 16 appointed members of the CEC are women, as are 3 out of the 125 ConEC chairpersons. According to reports submitted by IEOM short-term observers, women chaired only 21 percent of PECs visited by IEOM observers on election day, and accounted for 34 percent of these PECs' membership.

XII. PARTICIPATION OF NATIONAL MINORITIES

According to the 1999 census, ethnic minorities account for roughly 10 per cent of the population of Azerbaijan. Members of national minorities enjoy equal civil and electoral rights. Some representatives of national minorities are members of the current Parliament (one Russian, one Talysh and one representative of the Jewish community in Guba).

Minority-related issues did not appear to be a significant factor in this election and were rarely raised by candidates. One candidate mentioned in his campaign programme his intention to give the Russian language the status of a second State language, without sparking any debate on this issue.

Some IEOM observers reported that on election day, voters and election commission members belonging to national minorities, while able to speak the Azeri language, at times had problems filling in ballots and results protocols, due to their native language being written in a different alphabet.

⁴³ Article 1.1.13 of the Election Code stipulates that "pre-election campaign is action of citizens and political parties calling or intending to call upon voters to participate in the election, to vote (or not to vote) for one or another candidate."

XIII. DOMESTIC OBSERVERS

The legal framework provides for domestic and international observation, in line with OSCE commitments. Two domestic NGOs conducting non-party election observation, the Election Monitoring Center (EMC) and the Association for Civil Society Development in Azerbaijan (ACSDA), conducted long-term and short-term observation, while two NGO coalitions, “For Free, Transparent and Fair Elections” and “NGO Coalition Elections 2008”, deployed large numbers of election-day observers. EMC also conducted a parallel vote tabulation exercise in some 750 polling stations. A number of human rights NGOs and youth organizations also registered large number of observers in many constituencies.⁴⁴

The accreditation of observers was inclusive, and more than 21,000 domestic non-party observers⁴⁵ were accredited by the CEC and ConECs. In addition, more than 21,000 party observers were accredited for this election, including from political parties which did not field a candidate in the election.

However, EMC, which is one of the largest and most experienced domestic observer organizations, was deregistered as an NGO on 14 May 2008 by a Baku District Court at the request of the Ministry of Justice.⁴⁶ The authorities stated that the deregistration, which took place only a few months after its initial registration by the Ministry of Justice, was due to defects in the registration documents. The appeals process is ongoing. Separately, on 12 August the EMC applied to the Ministry of Justice to be re-registered but did not receive a reply prior to election day.⁴⁷ While its observers were able to obtain accreditation as individuals, a number of them withdrew immediately prior to election day, reportedly under pressure not to observe on behalf of the organization.

Domestic election observation is a specific commitment undertaken by OSCE participating States in the 1990 Copenhagen Document. OSCE participating states have subsequently reaffirmed their support for “the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms.”⁴⁸ Hindrance of independent domestic election observation activities by NGOs has a significant impact on the transparency of the election process. While the accreditation of election observers by the election administration was largely inclusive, the deregistration of the Election Monitoring Center and the subsequent pressure put on its members and observers were not consistent with OSCE commitments.

XIV. ELECTION DAY

Election day was generally calm and peaceful. IEOM observer reports indicated a high voter turnout; according to official CEC data, turnout was 75.1 per cent. In a positive move, the CEC started posting precinct-level election results on its website shortly before 02:00 hrs. on 16 October and continued updating them throughout election night and the following days.

⁴⁴ These included, *inter alia*, the following organizations: Youths towards Future, Young Patriots’ Union, “Our Generation” Youths Association for Regional Development, Education Center for Youths, Young Lawyers, Association for the Protection of Women’s Rights named after D. Aliyeva, and Bureau of Human Rights and Law Respect.

⁴⁵ Of these, 15,777 had been accredited by domestic NGOs, and 5,802 as individual observers.

⁴⁶ See the OSCE/ODIHR Needs Assessment Mission Report, 11 July 2008, available at www.osce.org/odihr-elections/32175.html

⁴⁷ In mid-November 2008, EMC was notified that its re-registration request had been denied.

⁴⁸ OSCE Istanbul Summit Document, 1999, para 27, www.osce.org/documents/mcs/1999/11/4050_en.pdf

Together with the widespread distribution of result protocols at polling station level, the timely publication of detailed preliminary results is a significant transparency measure.

A. OPENING AND VOTING PROCEDURES

Opening procedures were assessed positively in 89 per cent of polling stations visited, with more problems observed in rural (21 per cent bad to very bad) than in urban areas (5 per cent bad to very bad). However, a number of procedural shortcomings were noted by IEOM observers; these included failure to count ballots and check that they had been stamped in order to validate them (20 per cent), to announce and enter into the protocol the number of ballots received (28 per cent), to announce and record the serial number of ballots box seals (17 per cent), and to count and cancel unused deregistration voting cards (DVCs) (18 per cent). Ballot boxes, especially mobile ones, were at times not properly sealed. Nine teams of IEOM observers reported that not all stages of the opening procedures were clearly visible to all persons present, and seven teams reported that they were restricted in their observations. Almost all PECs where the opening was observed had received all required election material. With few exceptions, polling stations opened on time; where there were delays, they did not exceed 15 minutes.

IEOM observers assessed the voting process as good or very good in 94 per cent of polling stations visited and described it as overall well organized, smooth and efficient. PECs' and voters' understanding of procedures was assessed positively in the overwhelming majority of polling stations visited. There were no differences between urban and rural areas in the overall assessment; however, there were some regional variations: IEOM observers based in the Baku area and in the Shaki and Shamakhi areas were most positive in their assessment (98, 100 and 99 per cent positive assessments, respectively), while observers deployed in and around Tovuz and Lenkaran areas were most critical (15 and 14 per cent bad or very bad assessments, respectively). The assessment of voting in polling stations in military units and prisons, as well as in polling stations serving IDPs, did not differ from the overall assessment.

Despite their positive overall assessment, IEOM observers noted a number of procedural violations during polling. The most widespread ones concerned circumvention of safeguards against multiple voting: in 14 per cent of polling stations visited, voters were not always checked for traces of invisible ink, and in 6 per cent, inking was not always applied. IEOM observers reported from a limited number of polling stations that no voters were checked for or marked with invisible ink (18 and 6 reports, respectively). In 14 per cent of polling stations visited, not all DVCs were retained by the PEC, removing another important safeguard against multiple voting.

Other violations observed by IEOM observers included ballot boxes which were not sealed properly (7 per cent), series of seemingly identical signatures on the voter list (8 per cent), proxy and multiple voting (2 per cent each), and the same person "assisting" numerous voters (2 per cent). Group (or family) voting was observed in 9 per cent of polling stations visited. In 9 per cent of polling stations visited, not all voters marked their ballots in secrecy. IEOM observers reported clear indications of ballot box stuffing in seven polling stations where voting was observed. They also reported from seven polling stations visited that voters who had already been marked with invisible ink were still allowed to vote.

The numbers of voters who were entered in the supplementary lists or who requested mobile voting was low, at an average of 2.4 and 1.4 per cent in polling stations visited throughout election day. DVCs were used by less than 1 per cent of those who voted in polling stations

visited. IEOM observers reported from eight polling stations that voters were denied the right to vote for inappropriate reasons.

IEOM observers also noted some issues with regards to circumstances in polling stations. In 6 per cent of reports, IEOM observers reported that the polling station premises were overcrowded, noted more frequently in the morning hours. Almost 10 per cent of polling station premises were assessed as inadequate to conduct polling, frequently due to insufficient space to handle the number of registered voters.

In 7 per cent of polling stations, not all phases of the voting process were visible to the PEC or observers. IEOM observers reported only isolated cases of intimidation and of attempts to influence voters who to vote for (in one case by a PEC chairperson). IEOM observers also noted isolated instances of campaign activities taking place outside polling stations (six cases) or campaign material or portraits of the incumbent being on display inside the polling station premises (3 per cent).

Some 18 per cent of polling stations visited by IEOM observers throughout election day had been equipped with video cameras connected to the internet. In 11 per cent of these polling stations, IEOM observers reported that their placement could raise concerns regarding the secrecy of the vote.

Consultative PEC members were identified in 53 per cent of polling stations visited. In the vast majority of cases, these were YAP nominees. Consultative PEC members from Umid were identified in six per cent of polling stations visited; other parties which fielded candidates had nominated considerably fewer consultative PEC members. Domestic non-party observers were present in 80 per cent of polling stations visited. These observers were frequently unable to say which organization they represented. Unauthorized persons were identified in 4 per cent of polling stations visited; in 15 polling stations such persons were observed interfering in or directing the work of the PEC. The IEOM also observed other instances of persons interfering in or directing the process.

IEOM observers reported from 9 per cent of the polling stations they visited that they were impeded from carrying out their activities, and in 5 per cent, they were not granted full co-operation by the PEC.

B. COUNTING PROCEDURES

IEOM observers assessed the vote count considerably less positively than the voting process. While 77 per cent of counts were evaluated as good or very good, 23 per cent of counts observed were evaluated as bad or very bad. Regarding specific aspects of the count, IEOM observers were most critical in their evaluation of the performance of PECs, PECs' understanding of the counting procedures, and the adherence to procedures.

IEOM observers reported three cases where people waiting in line inside the polling station premises when voting closed at 19:00 hrs. were not allowed to vote, contrary to relevant legal provisions.

A significant proportion of PECs observed did not perform basic, important reconciliation procedures which by law should take place before opening the ballot boxes. Twelve per cent of PECs did not cancel unused ballots, 26 per cent did not count the number of voters' signatures in the basic and supplementary voter lists, 17 per cent did not determine the

number of voters who voted using DVCs, and 19 per cent did not determine the number of voters who voted using the mobile ballot box.

Even where PECs performed these basic reconciliation procedures, related procedural steps were frequently omitted. Thus, 40 per cent of PECs observed did not fill in the relevant section of the results protocol before opening the ballot boxes, and 35 per cent did not crosscheck these data for mathematical consistency. In 33 per cent of counts observed, the PEC did not announce the figures aloud before entering them into the protocol, thus significantly limiting the transparency of the process.

The transparency of the process was further undermined in many polling stations due to the fact that observers were not able to clearly see how ballots had been marked (16 per cent). During 12 per cent of counts observed, the validity of ballots was not determined in a reasonable manner, and in 11 per cent, the determination was not done in a consistent manner. In 8 per cent of polling stations observed, persons other than PEC members participated in the vote count, and in 4 per cent, the official results protocol had been signed by PEC members before the results had been established.

IEOM observers reported ten cases of outright manipulation of voter list entries, results or protocols. In one count observed, votes were reassigned to a different candidate, and in another case, valid ballots were discarded and not included in the official vote tally.

Some 22 per cent of PECs had problems filling in the results protocol, which in 5 per cent of counts observed was not completed by pen as required. In 35 per cent of polling stations where the count was observed, the PEC did not post the results protocol for public familiarization as required by law and clearly stated in the CEC's Election Day Guide. However, observers, including those of the IEOM, in most cases received copies of the protocol upon request. Nine teams of IEOM observers reported that after the count was finished and the protocol had been filled in, the PEC would not promptly deliver the election material to the ConEC, for no apparent reason. In 23 per cent of transfers of election material, the PEC chairperson and the election material were not accompanied by two PEC members representing different parties, as required by law.

XV. TABULATION AND ANNOUNCEMENT OF ELECTION RESULTS

The tabulation process at the ConEC level was assessed as bad or very bad in 21 per cent of observation reports. IEOM observers noted problems in particular with regards to the transparency of the process and the promptness and orderliness of proceedings at the ConECs. It would appear that some of the problems observed may have stemmed from the fact that the CEC did not issue a specific instruction for this election on the receipt, checking and approval of the PEC results protocols and their computerized tabulation, or emphasize to the ConECs the validity of the 2003 instruction. On the positive side, checks of result protocols obtained at polling station level by IEOM observers with the result data posted on the CEC website did not show any significant discrepancies.

IEOM observers noted in 10 per cent of their reports that PECs were filling in or completing PEC results protocols only after they had arrived at the ConEC. In a further 6 per cent of their reports, IEOM observers stated that PECs were correcting protocols at the ConEC premises without a formal decision of the ConEC. The figures in PEC protocols frequently did not add up when checked by the ConEC (9 per cent of reports). In most cases, these problems were

addressed by the ConEC making minor changes to correct obvious mistakes (14 cases) or ordering a recount (five cases).

The computer processing of the results protocols was not always done according to the 2003 CEC instructions on the subject. Some 24 per cent of IEOM observers reported that ConECs did not enter the protocol data into a computer and print three printouts as required by those instructions (often printing only one). In 39 per cent of observations, the PEC chairpersons did not sign the printouts, and in 42 per cent, the printouts were not signed and stamped by the ConEC chairperson. In only half of the ConECs were the entries on the printouts read out aloud as required. In one out of three cases, the PEC chairperson was not present while the results from his or her polling station were processed. One in five teams of IEOM observers reported not receiving copies of the printouts. Several teams of IEOM observers reported that the ConEC where they observed simply collected PEC results protocols without processing them immediately. These ConECs stated that they would do so only after they had received all results within their constituency.

In ten reports, IEOM observers noted that observers and/or candidate representatives were not allowed to familiarize themselves with all aspects of the reconciliation and tabulation process. Nine teams reported that they themselves were restricted or obstructed in their observation; they also filed three reports about other observers or candidate representatives being prevented from observing. IEOM observers reported three cases where observers or candidate representatives were expelled from the ConEC premises.

Consultative ConEC members were identified in 54 per cent of observations. As during voting, most had been nominated by the YAP. Likewise, party observers were identified in 51 per cent of reports (again, mostly representing the YAP). Domestic non-party observers were also identified in 51 per cent of reports. The presence of unauthorized persons was noted in 11 per cent of observation reports; however, there were only two cases where such persons interfered in or directed the work of the ConEC.

The results of eight polling stations were invalidated by ConECs. The OSCE/ODIHR EOM was provided with the decisions on the invalidation of the results of six polling stations. Only two of these decisions mentioned the specific reason for invalidating the results.

The CEC published the final election results on 19 October 2008, within the legal deadline. The Constitutional Court confirmed the final results on 22 October, and the inauguration of the President took place on 24 October 2008.

XVI. POST-ELECTION POLITICAL DEVELOPMENTS

Following the election, the OSCE/ODIHR EOM conducted a round of meetings with the six challengers of the incumbent. None of them questioned the outcome of the election, although Mr. Hajiyev claimed he had come in second in the election, rather than last. These candidates stated that some irregularities might have marred the process, but that the scale of these problems was not enough to challenge the overall results. None of the candidates filed complaints regarding the conduct of voting, counting and tabulation, and all of them congratulated the incumbent on his victory on election night or on the following day.

XVII. RECOMMENDATIONS

The following recommendations are offered for consideration by the authorities, political parties and civil society of the Republic of Azerbaijan, in further support of their efforts to conduct elections in line with OSCE commitments and other standards for democratic elections. Some of these recommendations have already been offered in previous OSCE/ODIHR final reports but remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities and civil society of Azerbaijan to further improve the electoral process.

A. OVERVIEW

1. In light of the upcoming municipal and parliamentary elections, scheduled for 2009 and 2010 respectively, the authorities of the Republic of Azerbaijan are encouraged to develop a dialogue on election-related issues with all political forces in the country to address issues of outstanding concern and enhance confidence in the election process.

B. LEGAL FRAMEWORK

2. The Election Code should be reviewed with a view to removing remaining internal inconsistencies and ambiguities, particularly with respect to complaints and appeals. In addition, provisions in the Election Code should be clarified where necessary, in order to facilitate its implementation and the drafting of relevant decisions and instructions by the CEC.
3. Election-related provisions in various laws could be reviewed in order to eliminate discrepancies or ambiguities with the Election Code, such as, for example, the role of District Courts in the adjudication of election-related complaints and appeals as defined in the Civil Procedures Code and the Election Code.
4. As previously recommended, the Election Code should be amended to reconfigure the composition of the Central Election Commission and lower-level commissions, including the appointment of the Chairpersons, in a manner that will ensure that election commissions enjoy public confidence, and in particular the confidence of those running for office.

C. ELECTION ADMINISTRATION

5. While improvements in issuing instructions and regulations for key aspects of the election process have been made, all instructions and regulations should be properly communicated to lower-level election commissions by the CEC, in order to ensure uniform application throughout the country.
6. The CEC could follow up its efforts to train ConECs and PECs by further intensifying such training to emphasize areas in which continuing problems have been identified. For PECs, a particular emphasis should be put on understanding of and adherence to counting procedures and the completion of result protocols.
7. Further steps should be taken to ensure that military personnel as a rule vote in ordinary polling stations. Special military polling stations should only be provided for units in remote areas and for border troops, and such polling stations should be established well in advance of an election, as per the Election Code. The right to

establish polling stations in military units should rest only with the CEC. PECs in such polling stations should be appointed in line with the regular procedures and be composed exclusively of civilians.

8. The agenda and the materials for CEC meetings should be distributed in a timely manner, as provided by Art. 19.8 of the Election Code.

D. VOTER REGISTRATION

9. Although clear improvements have been made to the establishment of voter lists, further efforts should be undertaken to improve their accuracy. After each election, voters who were erroneously omitted from the voter lists and were added after the approval of the voter lists by PECs should automatically be added to the basic voter list.
10. The CEC could consider issuing an instruction which requires ConECs and PECs issuing de-registration voter cards to record the serial and batch numbers of such voters' IDs on the de-registration voter cards, and for PECs accepting de-registration voter cards to record this information in the voter list, consistent with legal provisions for regular voters.

E. CANDIDATE REGISTRATION

11. There could be a reconsideration of the deadlines and system of reviewing supporting signatures and accompanying information which prospective presidential candidates must submit in order to be registered, as these still do not in practice permit a proper and transparent review, nor do they allow for an effective court challenge to CEC candidate registration decisions.
12. Alternatively, the possibility for prospective candidates to submit a financial deposit in lieu of support signatures, which was removed by the latest amendments to the Election Code, should be reintroduced.

F. ELECTION CAMPAIGN

13. Although occurrences of undue interference of local Executive Committees in the election process were much reduced in this election, it is recommended that the authorities of the Republic of Azerbaijan, including the Presidential Administration and the CEC, continue to address remaining shortcomings in this respect.
14. The authorities could consider organizing roundtables in the near future with executive authorities, judiciary, political parties, and other election stakeholders on the recently adopted Law on Freedom of Assembly and its proper implementation.

G. MEDIA

15. An amendment to Article 77.1 of the Election Code which removed the legal obligation of State-funded AzTV to provide equal campaign conditions and banned it from conducting any form of campaign should be repealed.

16. Article 77.1 of the Election Code should be amended to ensure equitable treatment of election contestants in the news programs of State-owned or funded media.
17. The CEC, in cooperation with the National TV and Radio Council, should ensure respect for the media-related provisions of the Election Code during the campaign, including equitable news coverage of election contestants on State-owned or financed media. Systematic media monitoring by the National TV and Radio Council during an election campaign period would assist the CEC in this task.
18. The independence of the Public TV should be further strengthened, including the development of impartial editorial practices, especially in the news programs. Reporting should be balanced and factual, including when covering activities of the authorities.
19. The editorial line of media outlets should be determined without interference or pressure by the authorities. Previous recommendations by the OSCE Representative on Freedom of the Media to release all journalists currently imprisoned and to ensure that law enforcement refrain from orchestrating cases and campaigns against people critical of the Government should be taken into consideration.⁴⁹

H. COMPLAINTS AND APPEALS

20. If the existing system of expert groups at the CEC and ConEC level is to be maintained, these groups should be composed of external lawyers and other experts. Commission members representing the parliamentary minority should specifically be entitled to nominate expert group members.
21. In case of disagreement with an opinion, other experts should have the right to submit a dissenting opinion, which should also be discussed by the CEC.
22. The division of responsibilities between the expert group and the media working group at the CEC should be clarified. It could be considered to vest the expert group with authority to investigate campaign-related complaints and appeals which do not involve the media, and to have the media working group deal solely with complaints and appeals which are related to the functioning of the media during the campaign

I. DOMESTIC OBSERVERS

23. Domestic non-partisan observation groups should be permitted to work in full freedom. The process for registering non-governmental organizations should facilitate the ability of citizens to form such groups, and should not be used to obstruct observation efforts.

J. VOTING, COUNTING AND TABULATION AND ANNOUNCEMENT OF RESULTS

24. Taking note of the positive change to the Election Code which introduced inking procedures as a safeguard against possible multiple voting, the CEC should ensure that

⁴⁹ OSCE Representative on Freedom of the Media's Regular Report to the OSCE Permanent Council, 27 November 2008, www.osce.org/documents/rfm/2008/11/35149_en.pdf

the procedures are strictly adhered to by election commissions, including checking of voters' fingers for traces of ink and application of ink upon issuance of ballots.

25. It could be ensured that wherever possible, the polling station premises selected by the relevant ConECs are suitable for the purpose, especially with regards to size, layout and accessibility.
26. If web cameras continue to be used in polling stations, their use should be regulated by the Election Code, including the status of videos as evidence in the complaints and appeals process, and the CEC could consider issuing relevant regulations regarding their installation and use well in advance of an election. The CEC could also be responsible for drawing up the list of polling stations where such cameras will be installed, or at the very least should approve such lists if they are drawn up by ConECs.
27. Further efforts to address the issue of family voting should be taken, as this practice undermines the secrecy and integrity of the vote. To this end, a number of actions could be undertaken, including voter education campaigns and further training of election commissions.

ANNEX: ELECTION RESULTS

Entry in CEC Results Protocol	Number
General number of voters	4,927,561
Number of voters included in basic voter lists	4,853,268
Number of voters included in supplementary voter lists	102,482
Number of voters who voted with de-registration voting cards	37,517
Number of voters who were issued de-registration voting cards	65,706
Number of ballots provided to ConECs by the CEC	4,903,600
Number of voters who were issued ballots	3,701,690
Number of spoiled ballot papers	3,791
Number of ballot papers cast	3,700,634
Number of invalid ballots	57,760
<i>Percentage of invalid ballots (based on number of ballots cast)</i>	<i>1.56%</i>
Number of valid votes	3,642,874
<i>Turnout (based on general number of voters)</i>	<i>75.12%</i>

Candidate	Number of Votes Received	Percentage
Ilham Aliyev	3,232,259	88.73%
Igbal Agazadeh	104,279	2.86%
Fazil Mustafayev	89,985	2.47%
Gudrat Hasanguliyev	83,037	2.28%
Gulamhussein Alibayli	81,120	2.23%
Fuad Aliyev	28,423	0.78%
Hafiz Hajiyev	23,771	0.65%

Source: CEC Protocol on Results of the 15 October 2008 Presidential Election⁵⁰

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the 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.

The OSCE/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 130 staff.

The OSCE/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 standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/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. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/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 persons, 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**, the OSCE/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. The OSCE/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.

The OSCE/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).