



Office for Democratic Institutions and Human Rights

REPUBLIC OF AZERBAIJAN

PARLIAMENTARY ELECTIONS

1 November 2015

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

12-14 August 2015



Warsaw
31 August 2015

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**REPUBLIC OF AZERBAIJAN
PARLIAMENTARY ELECTIONS
1 November 2015**

OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the authorities of the Republic of Azerbaijan to observe the 1 November 2015 parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to Azerbaijan from 12 to 14 August. The NAM included Dr. Richard Lappin, OSCE/ODIHR Senior Election Adviser, and Mr. Radivoje Grujić, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the elections. Based on this assessment, the NAM recommends whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, media, civil society, and the international community. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs for its assistance in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the mission and to share their views.

II. EXECUTIVE SUMMARY

In the upcoming elections, voters will elect deputies to the unicameral parliament for a five-year term. Deputies are elected under a majoritarian system from 125 single-member constituencies. On 28 August, elections were formally announced for 1 November, in line with constitutional requirements.

Parliamentary elections are primarily regulated by the Constitution and Election Code. The authorities informed the OSCE/ODIHR NAM that they considered previous OSCE/ODIHR recommendations and that some technical amendments have been made to election-related legislation. However, legal issues that have been the subject of longstanding OSCE/ODIHR recommendations remain unaddressed, including the formula for composing election commissions, procedures for candidate registration, and mechanisms for handling complaints and appeals.

Elections are administered by a three-tiered structure comprising the Central Election Commission (CEC), Constituency Election Commissions, and Precinct Election Commissions. For all commissions, one third of members should each represent the parliamentary majority, minority, and independent deputies. By law, chairpersons of all commissions are nominees of the parliamentary majority. Several OSCE/ODIHR NAM interlocutors from political parties and civil society stated that this formula, in practice, gives pro-government forces control of all commissions, undermining trust in the impartiality of the election administration.

All citizens over 18 years of age have the right to vote, except those recognized as incapable by a court decision. Voter registration is passive and voter lists are extracted from a nationwide voter register that is maintained by the CEC. Checks against duplicate records have been undertaken by the CEC and citizens can verify their registration in-person, online and via a dedicated hotline. There are currently some 5.1 million registered voters.

Candidates can be self-nominated or nominated by a registered political party, a coalition of parties, or a group of voters. Candidates are required to support their candidature with signatures from 450 registered voters. Several OSCE/ODIHR NAM interlocutors raised concerns about the candidate registration process, particularly the verification of signatures. The CEC underscored that candidate registration will be inclusive and that potential candidates will have the opportunity to correct errors in their applications.

There are no legal requirements to promote women candidates, although most parties informed the OSCE/ODIHR of voluntary policies. Women are under-represented in public office, holding some 16 per cent of seats in the outgoing parliament, and 1 of the 42 ministerial posts.

The official campaign period lasts 22 days, ending 24 hours before election day. A number of OSCE/ODIHR NAM interlocutors stated that the country faces significant challenges with respect to the exercise of fundamental freedoms in the pre-election period, pointing to systematic harassment and criminal prosecution of those who express critical views of the government. Several parties informed the OSCE/ODIHR NAM of difficulties in securing meeting venues and office space. Concerns were raised about possible misuse of state resources and an increase in intimidation of voters and potential candidates in the run-up to the elections.

While a range of media outlets operate in the country, several OSCE/ODIHR NAM interlocutors stated that access to pluralistic views and impartial information is limited. The media environment is negatively impacted by ongoing detentions, defamation lawsuits, and other forms of pressure on journalists. The law provides for some free airtime on the public broadcaster and free space in state-funded newspapers.

Complaints and appeals can be filed by a broad range of electoral stakeholders via election commissions and the courts. Complaints and appeals should be decided within 2 days if filed within 30 days of election day, and immediately if submitted on election day. A number of civil society and opposition parties met with by the OSCE/ODIHR NAM expressed a lack of confidence in the independence of electoral dispute resolution bodies.

In line with OSCE commitments, the law provides for citizen and international election observers. Although several civil society organizations stated their intention to observe the elections, many noted that a lack of financial resources would likely restrict their activities, particularly as a result of recent legal changes that limit the possibility for civil society to receive foreign funding. The Election Monitoring and Democracy Studies Centre has significant experience in conducting independent and professional citizen observation but remains unregistered with its chairperson convicted of alleged illegal entrepreneurship and imprisoned.

The CEC, state authorities, and the majority of other OSCE/ODIHR NAM interlocutors underscored the importance of an OSCE/ODIHR election observation activity for the parliamentary elections. Representatives of official bodies emphasized that the electoral process would be transparent and that observation by the OSCE/ODIHR and any recommendations for potential improvement of the process would be welcome. Other interlocutors noted the difficult

environment for elections and requested that the OSCE/ODIHR cover all stages of the process, with an emphasis on the work of the election administration, candidate registration, respect of freedoms of assembly and expression during the campaign, electoral dispute resolution, and the conduct of election day procedures, in order to impartially document the process.

Based on the findings of this report, the OSCE/ODIHR NAM recommends the deployment of an election observation mission for these elections. In addition to a core team of experts, the OSCE/ODIHR NAM recommends the secondment of 30 long-term observers and 350 short-term observers from OSCE participating States.

III. FINDINGS

A. POLITICAL BACKGROUND

Azerbaijan has a presidential system in which the executive branch exercises broad authority relative to the *Milli Majilis* (parliament). The president appoints and chairs the government (Cabinet of Ministers) and appoints all executive authorities at the central and regional level. The president also proposes the judges of the Constitutional Court, Supreme Court and other courts, as well as the General Prosecutor, for parliamentary approval.

The unicameral parliament is composed of 125 deputies, who serve a five-year term. On 28 August, the elections were formally announced by the president, in line with constitutional requirements.

In the 2010 parliamentary elections, the New Azerbaijan Party (YAP, in its Azeri acronym), chaired by President Ilham Aliyev, won a majority and currently holds 66 seats. The second largest parliamentary group is composed of 42 independent deputies, who usually vote in support of the ruling party.¹ Ten political parties hold the remaining 13 parliamentary seats and 4 seats are currently vacant.² Prominent non-parliamentary opposition parties and groupings include the Musavat Party, the Azerbaijan Popular Front Party, and the REAL Movement. Several opposition parties and civil society organizations co-operate under the framework of the National Council of Democratic Forces. Women are underrepresented in public office, holding some 16 per cent of seats in the outgoing parliament and 1 of the 42 ministerial posts.³

The authorities noted that the parliamentary elections will take place in the context of ongoing conflict with Armenia. They stated that the situation complicates the administration of elections, in particular the organization of voting for large numbers of internally displaced persons (IDPs).

The OSCE/ODIHR has previously observed nine elections in Azerbaijan. The most recent OSCE/ODIHR Election Observation Mission deployed for the 9 October 2013 presidential election concluded that the election “was undermined by limitations on the freedoms of expression, assembly and association that did not guarantee a level playing field for candidates.

¹ See stenograms of the parliament: <http://www.meclis.gov.az/?/az/stenoqram/>.

² Other parliamentary parties include: Civil Solidarity Party, 3 deputies; Civil Unity Party, 1 deputy; Great Creation Party, 1 deputy; Hope (Umid) Party, 1 deputy; Justice Party, 1 deputy; Motherland Party, 2 deputies; National Revival Party, 1 deputy; Party of Democratic Reforms, 1 deputy; Social Welfare Party, 1 deputy, and United Azerbaijan Popular Front Party, 1 deputy.

³ See also, UN Committee on the Discrimination against Women (CEDAW) “[Concluding Observations on Azerbaijan](#)” (12 March 2015), CEDAW/C/AZE/CO/5, para. 26.

Continued allegations of candidate and voter intimidation and a restrictive media environment marred the campaign. Significant shortcomings were observed throughout all stages of election day processes and underscored the serious nature of the shortcomings that need to be addressed in order for Azerbaijan to fully meet its OSCE commitments for genuine and democratic elections”.⁴

The 2013 final report included several recommendations for the authorities on how electoral processes may be improved and brought more closely in line with OSCE commitments.⁵ The authorities did not respond to offers by the OSCE/ODIHR to discuss the report’s findings and recommendations.

On 4 July 2015, the OSCE Project Co-ordinator in Baku’s operations in Azerbaijan were discontinued. This followed the termination by Azerbaijan of the Memorandum of Understanding on the Project Co-ordinator in Baku between Azerbaijan and the OSCE.

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the Constitution and Election Code. Other relevant laws include the Law on Freedom of Assembly, the Law on Radio and Television Broadcasting, the Law on Political Parties, the Law on Non-Governmental Organizations, relevant provisions of the Criminal Code, the Code of Administrative Procedures and the Code of Administrative Offences, as well as regulations of the Central Election Commission (CEC). Azerbaijan is a party to major international and regional instruments related to the holding of democratic elections.⁶

The authorities informed the OSCE/ODIHR NAM that they considered previous OSCE/ODIHR recommendations and that some technical amendments have been made to election-related legislation. However, legal issues that have been the subject of longstanding OSCE/ODIHR recommendations remain unaddressed, including the formula for composition of the election commissions, candidate registration procedures, and mechanisms for handling complaints and appeals. At the same time, several OSCE/ODIHR NAM interlocutors raised concerns that there has been no easing of restrictive provisions on exercising freedoms of assembly, association and expression. Reservations were also expressed about amendments in 2013 and 2014 to legislation regulating non-governmental organizations (NGOs), including more stringent registration procedures, reporting requirements, and penalties, as well as a lack of implementing legislation to allow foreign donors to fund NGOs.⁷ The Council of Europe’s Venice Commission found that the amendments “further restrict the operations of NGOs in Azerbaijan”.⁸

⁴ All previous OSCE/ODIHR reports are available at: www.osce.org/odihr/elections/azerbaijan.

⁵ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendation”.

⁶ Including the 1966 International Covenant on Civil and Political Rights, 1979 Convention for Elimination of All Forms of Discrimination against Women, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 2003 Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities, the 1950 European Convention on Human Rights, and the 2002 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States. Azerbaijan is also a member of the Council of Europe’s Venice Commission and Group of States against Corruption (GRECO).

⁷ Specifically, the Law on Non-governmental Organizations, as well as provisions in the Law on Grants and the Code of Administrative Offences.

⁸ Venice Commission of the Council of Europe “[Opinion on the Law on Non-governmental Organizations](#)” (2014), CDL-AD(2014)043, paragraph 93.

Parliamentary deputies are elected by a simple majority from 125 single-mandate constituencies. The Election Code stipulates that the number of voters registered in each constituency should not deviate by more than five per cent – and in exceptional circumstances by no more than ten per cent – from the average number of voters per constituency. According to the CEC website, deviations of more than 5 per cent currently occur in 43 constituencies and by more than 10 per cent in a further 41 constituencies.⁹ The OSCE/ODIHR previously recommended that the boundaries of constituencies should be revised in order to ensure the equality of the vote.

C. ELECTION ADMINISTRATION

Parliamentary elections are administered by a three-tiered structure consisting of the CEC, 125 Constituency Election Commissions (ConECs) and some 5,386 Precinct Election Commissions (PECs), with 18, 9 and 6 members respectively.¹⁰ Several ConECs are specifically tasked with facilitating voting for IDPs from territories that are not under the effective control of the authorities, with polling stations under their jurisdiction located throughout the country. Unlike presidential elections, registered voters who are abroad on election day are not entitled to vote.

All election commissions are permanent bodies appointed for five-year terms. There are no provisions to promote balanced gender representation in election commissions, and 4 out of the 18 CEC members are women. CEC members are elected by parliament, ConECs are appointed by the CEC, and PECs by the relevant ConECs. For all commissions, one third of members should each represent the parliamentary majority, minority, and independent deputies. By law, chairpersons of all commissions are nominees of the parliamentary majority while secretaries represent the parliamentary minority and independent deputies. Several OSCE/ODIHR NAM interlocutors from political parties and civil society reiterated longstanding concerns that this formula, in practice, gives pro-government forces control of all commissions, undermining trust in the impartiality of the election administration. Particular concerns were raised in respect of the administration of candidate registration, complaints and appeals, and election day procedures. The OSCE/ODIHR has previously recommended that the composition of election commissions should be revised with the aim of enhancing impartiality and public confidence in their work.

The CEC is responsible for the overall conduct of elections, including the compilation of a nationwide voter register and the review of complaints against ConEC decisions. The ConECs are responsible for candidate registration and are the first instance for most electoral complaints. The CEC informed the OSCE/ODIHR NAM that preparations for the elections are ongoing, including the approval of instructions and logistical preparations, as well as the initiation of training and voter education projects. Specific efforts have been undertaken to facilitate voting for persons with disabilities, including accessible polling stations and the provision of ballot papers in braille format. The CEC stated that its activities will be undertaken in a transparent manner, including access to its sessions and availability of information on its website.

⁹ CEC website, 20 August 2015: <https://infocenter.gov.az/page/voters/>.

¹⁰ Parties and blocs of parties that register candidates in more than 60 constituencies may appoint a member with consultative voting rights to each commission. A candidate registered in a constituency may appoint a member with consultative voting rights to the relevant ConEC and PECs within that constituency.

D. VOTER REGISTRATION

All citizens who are 18 years of age have the right to vote, except those recognized as incapable by a court decision.¹¹ Voter registration is passive and voter lists are extracted from a permanent nationwide voter register that is maintained by the CEC with updates provided by PECs, ConECs, and relevant authorities. The updating of voter lists was finalized in May 2015 and the CEC has undertaken checks against duplicate records and inaccuracies. The voter lists are available for public review and citizens can also check their registration through the CEC website and a dedicated hotline. Eligible voters not included in the voter list, who can prove their residence within the precinct, can be added to the lists before or on election day. The updated voter list includes 5,093,289 voters, of which 51.7 per cent are women.

The State Statistical Committee (SSC) informed the OSCE/ODIHR NAM that the country's voting age population is around 6.8 million, some 1.7 million higher than the voter lists. The SSC explained that their data includes Azerbaijani citizens residing abroad and foreign citizens residing in Azerbaijan. Given that several OSCE/ODIHR NAM interlocutors stated their concern with this discrepancy in the data and the lack of public information to explain the gap, this situation warrants further assessment.

E. CANDIDATE REGISTRATION

The right to stand for parliament is granted to eligible voters who are at least 25 years of age, without dual citizenship or obligations before other states, and without a prior conviction for a serious crime. The Election Code lists categories of officials who must resign from their position prior to registering as a candidate, including professional military personnel, judges, government officials, and religious officials. A candidate may stand in only one constituency but does not have to be registered to vote in that constituency. Candidates can be self-nominated or nominated by a registered political party, a coalition of parties, or a group of voters. According to the Ministry of Justice, more than 50 political parties are currently registered.

Candidate registration begins when elections are called, with the final list of candidates confirmed at least 20 days prior to election day. Each potential candidate must submit 450 signatures of registered voters to their respective ConEC. Opposition parties and several other OSCE/ODIHR NAM interlocutors expressed concerns about potential pressure on voters to refrain from signing in support of their candidates. Concerns were also voiced about the fairness of the candidate registration process, either due to a selective interpretation of the law, the lack of opportunity to correct minor errors, or the rejection of legitimate signatures on the grounds of being falsified.

The OSCE/ODIHR has previously recommended that the transparency of candidate registration procedures and signature verification rules should be improved. In June 2015, in *Tahirov v. Azerbaijan*, the European Court of Human Rights (ECtHR) ruled that procedures for verifying supporting signatures did not provide sufficient procedural safeguards against arbitrariness.¹² The CEC stated that it would seek to reflect the ECtHR ruling in its training of ConECs. The

¹¹ The UN Committee on the Rights of Persons with Disabilities (CRPD) has recommended Azerbaijan to “remove restrictions and immediately restore the right to vote for persons deprived of legal capacity”. See, CRPD “[Concluding Observations on Azerbaijan](#)” (12 May 2014), CRPD/C/AZE/CO/1, paragraph 45.

¹² *Tahirov v. Azerbaijan*, App no 31953/11 (ECtHR, 11 June 2015)

CEC also underscored that the candidate registration process would be inclusive and that potential candidates would have the opportunity to correct errors in their applications.

While there are no legal requirements to promote women candidates, all political parties met with by the OSCE/ODIHR NAM stated that they will undertake efforts to promote women in the upcoming elections. The UN Committee on the Elimination of Discrimination against Women (CEDAW) has expressed concern that temporary special measures have been under-utilized in efforts to address the under-representation of women in public and political life.¹³

F. CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

The official campaign period lasts 22 days, ending 24 hours before election day. A number of OSCE/ODIHR NAM interlocutors stated that the country faces significant challenges with respect to the exercise of fundamental freedoms in the pre-election period, pointing to systematic harassment and criminal prosecution of those who express critical views of the government.¹⁴ A number of foreign and local NGOs working on human rights have reported that their assets have been frozen in the past year. Concerns were raised about possible misuse of state resources and an increase in intimidation of voters and potential candidates in the run-up to the elections.

Representatives of opposition parties informed the OSCE/ODIHR NAM that they often face difficulties in obtaining authorization for public meetings and, when approved, that they are often confined to venues that are not easily accessible. It was also stated that meetings held in private premises are often dispersed by law enforcement agencies, while several opposition parties informed the NAM that they face difficulties in securing office space due to pressure placed on leaseholders by the authorities. Ali Kerimli, the leader of the Azerbaijan Popular Front Party, remains unable to travel abroad having not been issued a passport since 2005.

All political parties and movements met with by the OSCE/ODIHR NAM, nonetheless, stated their intention to participate in the upcoming elections, although some noted that this was conditional on an inclusive candidate registration process. Parties informed the OSCE/ODIHR NAM of their intention to conduct a countrywide campaign, primarily through meetings and door-to-door canvassing. YAP stated that it will focus its campaign on energy policy, regional security and anti-corruption initiatives, while opposition parties noted that they will target voters dissatisfied with the current political context. Several interlocutors stated that they expect the tone of the campaign to be heated.

Parties and candidates can fund their campaigns from their own resources and donations from individuals and legal entities. Candidates are obliged to open a dedicated bank account for all campaign finance transactions. Parties and blocs of parties that register more than 60 candidates may establish a unified campaign account for all candidates. An expenditure limit of AZN 500,000 is set for each candidate, with contribution limits set at AZN 3,000 for individuals,

¹³ CEDAW “[Concluding Observations on Azerbaijan](#)” (12 March 2015), CEDAW/C/AZE/CO/5, para. 18.

¹⁴ These concerns have been echoed by several international organizations. See: Parliamentary Assembly of the Council of Europe (PACE) “[Resolution 2062](#): The functioning of democratic institutions in Azerbaijan” (2015) para.10; OSCE Parliamentary Assembly “[Press Release on threats to civil society in Azerbaijan](#)”, 26 February 2015; European Commission “Implementation of the European Neighbourhood Policy in Azerbaijan. Progress in 2014 and recommendations for action” (2015); UN High Commissioner for Human Rights “[Press Briefing Note on Azerbaijan](#)”, 16 June 2015.

AZN 50,000 for legal entities.¹⁵ Foreign, state, charitable, and anonymous donations are prohibited. Candidates should report on their campaign finances three times: an initial report at the time of registration; an interim report between 10 and 20 days prior to election day; and a final report no later than 10 days after the publication of the final results. The Council of Europe's GRECO has reported that a number of its recommendations to enhance campaign finance have not been fully addressed, including in respect of the time period for reporting, harmonization with party financing laws, and more pro-active monitoring of reports.¹⁶

G. MEDIA

While a range of media outlets operate in the country, several OSCE/ODIHR NAM interlocutors stated that the public has limited access to pluralistic views and impartial information. The public broadcaster noted its efforts to provide balanced coverage; however, several opposition parties stated that their views are rarely presented, particularly outside of the campaign period. Online media, including internet-based television and social networks, are increasingly used as sources of political information, particularly in urban areas. Foreign broadcasters are not permitted to access national frequencies.

Although freedom of expression, media freedom and the right of access to information are guaranteed in the Constitution, defamation remains a criminal offence, with a penalty of up to two years in prison, while Article 106 of the Constitution and Article 323 of the Criminal Code prohibit insulting the honour and dignity of the president. In 2013, defamation provisions were extended to online media. Following amendments to the Law on Mass Media, any outlet found by a court decision to have disseminated incorrect information twice within a year may be closed down. A number of media outlets have closed in recent years including the Baku office of Radio Free Europe/Radio Liberty, while the independent newspaper *Azadliq* faces large fines from several pending defamation lawsuits. The OSCE/ODIHR has previously recommended that criminal defamation provisions be repealed in favour of civil sanctions.

The media environment is negatively impacted by ongoing detentions, criminal prosecutions, physical attacks, and other forms of pressure on journalists. The OSCE Representative for Freedom of Media has drawn attention to a number of journalists, bloggers and social media activists in prison and stated that the "systematic and wide-scale persecution of independent voices in Azerbaijan is a clear violation of the fundamental and basic human right of free expression".¹⁷ The ECtHR has made several rulings on unlawful restrictions on journalists' freedom of assembly and their ill-treatment whilst in detention.¹⁸ CEDAW has expressed particular concerns regarding restrictions on and detentions of women journalists.¹⁹

The Law on Television and Radio Broadcasting stipulates that all broadcasters should be impartial, comprehensive and accurate in their programmes. The Election Code regulates the conduct of media during elections, obliging the public broadcaster and state-funded newspapers to create equal conditions for candidates. It further provides that political parties and blocs participating in at least 60 constituencies are eligible for free airtime on the public broadcaster and free space in state-funded newspapers. Several OSCE/ODIHR NAM interlocutors noted that

¹⁵ Approximately EUR 1 = AZN 1.16.

¹⁶ See GRECO "[Second Compliance Report on Azerbaijan](#)", 2 April 2015.

¹⁷ See, for example, statements of the OSCE Representative on Freedom of the Media, at: www.osce.org/fom/151301, www.osce.org/fom/176611, and www.osce.org/fom/130076.

¹⁸ See, for example, *Emin Huseynov v. Azerbaijan*, App no 59135/09 (ECtHR, 7 May 2015).

¹⁹ CEDAW "[Concluding Observations on Azerbaijan](#)" (12 March 2015), CEDAW/C/AZE/CO/5, para. 16.

this provision would likely exclude a large number of opposition parties and independent candidates. The CEC informed the OSCE/ODIHR NAM that in past elections, it has adopted decisions to divide the free airtime equally among all contestants, irrespective of the number of constituencies registered in. The public broadcaster informed the OSCE/ODIHR NAM that free airtime will be provided on the basis of participation in debates rather than through separate candidate presentations. While it is possible to purchase political advertising, most parties stated that they will not make use of this option due to high costs.

The National Television and Radio Council regulates broadcast media and the CEC oversees compliance of media coverage of the elections through the establishment of a media working group.

H. COMPLAINTS AND APPEALS

Complaints and appeals can be filed by voters, candidates, political parties and blocs and their representatives, as well as by observers and election commissions. Decisions of election commissions can be appealed to the higher election commission, followed by the Courts of Appeal, with the Supreme Court as the last instance. Complaints related to the work of the CEC can be lodged directly to the respective Court of Appeal, based on the residency of the plaintiff. Complaints and appeals submitted within 30 days before election day should be decided within 2 days, while those submitted on election day must be decided upon immediately.

The Election Code provides for the creation of expert groups within the CEC and ConECs to handle complaints and report to the respective commission on individual cases. The CEC determines the rules for composing expert groups. Several OSCE/ODIHR NAM interlocutors expressed concern that, in practice, these groups usually do not include independent experts but rather reflect the partisan interests of commission members. The OSCE/ODIHR has previously recommended that the composition of expert groups and procedures for their work be reviewed so as to ensure impartiality and effective remedy. The CEC informed the OSCE/ODIHR NAM that the work of the expert groups will be open to all interested parties including citizen observers. The CEC also noted that it will undertake extensive training of ConECs on the handling of complaints.

A number of civil society and opposition parties met with by the OSCE/ODIHR NAM expressed a lack of confidence in the independence of the judiciary and concerns about breaches of due process.²⁰

I. ELECTION OBSERVATION

In accordance with OSCE commitments, the law provides for citizen and international election observers, as well as for authorized representatives of candidate representatives. Although several civil society organizations expressed an intention to observe the upcoming elections, many stated that a lack of financial resources would likely restrict their activities, particularly as a result of changes to NGO legislation that limit the possibility to receive foreign funding. The State Council for NGOs has provided funding to the Citizen Education Public Union to monitor the upcoming elections.²¹

²⁰ See also, PACE “[Resolution 2062](#): The functioning of democratic institutions in Azerbaijan” (2015) para. 6.

²¹ State Council for NGOs: www.cssn.gov.az/en/xeberler/20150428052317936.html.

The Election Monitoring and Democracy Studies Centre (EMDSC) has significant experience in conducting independent and professional citizen observation but remains unregistered by the authorities. An appeal of this case is currently pending before the ECtHR. Following the 2013 presidential election, EMDSC chairperson Anar Mammadli, was arrested on grounds of alleged illegal entrepreneurship and subsequently sentenced to five-and-a-half years in prison. Several international organizations have called for Mr. Mammadli's release and the registration of EMDSC.²²

IV. CONCLUSIONS AND RECOMMENDATIONS

The CEC, state authorities, and the majority of other OSCE/ODIHR NAM interlocutors underscored the importance of an OSCE/ODIHR election observation activity for the upcoming elections. Representatives of official bodies emphasized that the electoral process would be transparent and that observation by the OSCE/ODIHR and any recommendations for potential improvement of the process would be welcome. Other interlocutors noted the difficult environment for elections and requested that the OSCE/ODIHR deploy observers to cover all stages of the electoral process, with a particular emphasis on the work of the election administration, candidate registration, respect of freedoms of assembly and expression during the campaign, electoral dispute resolution, and the conduct of election day procedures, including the vote count and tabulation, in order to impartially document the process.

Based on the findings of this report, the OSCE/ODIHR NAM recommends the deployment of an election observation mission for the 1 November parliamentary elections. In addition to a core team of experts, the OSCE/ODIHR will request the secondment by OSCE participating States of 30 long-term observers to follow the election process countrywide, as well as 350 short-term observers to follow election day procedures, including voting, counting, and tabulation of results.

²² PACE "[Resolution 2062](#): The functioning of democratic institutions in Azerbaijan" (2015); [Joint Statement of 25 States](#) at the 29th Session of the UN Human Rights Council, 24 June 2015; UN High Commissioner for Human Rights "[UN experts urge Azerbaijan to drop charges against human rights defenders](#)", 9 May 2014.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Fakhraddin Gurbanov, Ambassador-at-Large

Agil Gunashov, Second Secretary, Department of Human Rights

Leyla Hasanova, Second Secretary, Department of Human Rights

Azar Musayev, Third Secretary, Permanent Mission of the Republic of Azerbaijan to the OSCE

Ministry of Justice

Afgan Alakbarov, Deputy Head, Central Department of Organizational Control

Tagi Eynullayev, Deputy Head, International Co-operation Department

Elchin Nasibov, Head of Administrative and Military Acts, Central Department of Legislation

Sabina Salmanova, Head of the Department for Work with NGOs

Parliamentary Committee for Legal Policy and State Building

Ali Huseynov, Chairperson

Rovshan Rzayev, Deputy Chairperson

Chingiz Ganizade, Member

Azay Guliyev, Member

Gudrat Hasanguliyev, Member

Fuad Muradov, Member

Central Election Commission

Mazahir Panahov, Chairperson

Natig Mammadov, Deputy Chairperson

Rovzat Gazimov, Head of Secretariat

Ramin Nuraliyev, Head of Training Sector

Rashid Yusifbayli, Head of International Relations Department

Baku Court of Appeal

Iman Naghiyev, Chairperson

Prosecutor General's Office

Namig Askarov, Deputy Prosecutor General

Ramiz Gafarov, Senior Prosecutor, Department of Supervision of Investigations

Anar Mammadov, Prosecutor, Department of International Relations

State Statistical Committee

Yusif Yusifov, Deputy Chairperson

Roza Allahverdiyev, Adviser, Population and Gender Section

Khalig Nasibov, Adviser, Population and Gender Section

Anar Orujov, Assistant to the Chairperson

Farhad Aliyev, Deputy Head of International Relations Department

National Television and Radio Council

Nushiravan Maharamli, Chairperson

Gafar Jabiyev, Deputy Chairperson

Togrul Mammadov, Chief of Staff

Public Broadcaster

Jamil Guliyev, General Director

Shaig Mammadov, Deputy General Director, Head of Department for Information and Socio-Political Programmes

Azad Ibrahimov, International Department

Anar Yusifoglu, Deputy Head of Department for Information and Socio-Political Programmes

Political Parties and Movements

Ali Kerimli, Chairperson, Azerbaijan Popular Front Party

Arif Hajili, Chairperson, Musavat Party

Gulagha Aslanli, Deputy Chairperson, Musavat Party

Jamil Hasanli, National Council of Democratic Forces

Aydin Mirzazadeh, Member of Political Council, New Azerbaijan Party

Natig Jafarli, REAL Movement

Iqbal Aqa-zadeh, Chairperson, Umid Party

Media

Rahim Hajiyeu, *Azadliq* Newspaper

Bahrüz Guliyev, *Ses* Newspaper

Mehman Aliyev, Turan News Agency

Rashad Majid, 525th Newspaper

Civil Society

Sevil Yusifova, Azerbaijan Association of Women Journalists

Rauf Zeyni, Azerbaijan National NGO Forum

Vugar Bayramov, Centre for Economic and Social Development

Samir Kazimli, Election Monitoring and Democracy Studies Centre

Akif Gurbanov, Institute for Democratic Initiatives

Razi Nurullayev, International Analytical Centre “Region”

Alasgar Mammadli, Media Lawyer

Lyudmila Khalilova, Public Union for the Development of Women Municipalities

Shahla Ismayil, Association for Women’s Development

Alimammad Nuriyev, Research Fund “Constitution”

International Community

Malena Mard, Ambassador, Delegation of the European Union

Toralf Pilz, Head of Section, Delegation of the European Union

Heidrun Tempel, Ambassador, Embassy of Germany

Eugen Schoenfeld, Deputy Head of Mission, Embassy of Germany

Milorad Crevar, First Counsellor, Embassy of Serbia

Victor Zimin, Attaché, Embassy of the Russian Federation

Yaniv Barzilai, Political Affairs Officer, Embassy of the United States of America