



Office for Democratic Institutions and Human Rights

# REPUBLIC OF AZERBAIJAN

## EARLY PRESIDENTIAL ELECTION 7 February 2024

### ODIHR Election Observation Mission Final Report



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**REPUBLIC OF AZERBAIJAN**  
**EARLY PRESIDENTIAL ELECTION**  
**7 February 2024**

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

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Republic of Azerbaijan, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) for the 7 February 2024 early presidential election. The ODIHR EOM assessed compliance of the election process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation. For election day, the ODIHR EOM was joined by a delegation from the OSCE Parliamentary Assembly (OSCE PA) to form an International Election Observation Mission (IEOM).

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 8 February 2024 concluded that “the 7 February early presidential election took place in a restrictive environment, and while preparations were efficiently managed, it was marked by the stifling of critical voices and the absence of political alternatives. This was the first election to be held throughout the internationally recognized territory of the Republic of Azerbaijan. This topic dominated the low-key campaign and echoed the public sentiment. The incumbent was not meaningfully challenged, and this combined with the shrinking space for independent media, civil society, and political parties, and strengthened powers of incumbency resulted in a contest devoid of genuine pluralism. Longstanding severe limitations on fundamental freedoms of association, expression and peaceful assembly both in law and in practice run contrary to standards for genuine democratic elections. The election administration conducted an extensive get-out-the-vote campaign, but the nominal campaign coverage by the media and near absence of analytical reporting limited voters’ opportunity to make an informed choice. While election commissions were well-resourced, important safeguards were often disregarded and substantial procedural errors and omissions were observed during the opening, voting, counting and tabulation”.

The Constitution provides for fundamental human rights and freedoms, yet contains broad grounds for their limitation. The Election Code is detailed and regulates all aspects of the electoral process. However, recent technical amendments to the Code left ODIHR recommendations unaddressed and election-related judgements of the European Court of Human Rights have not been implemented. Numerous undue restrictions in legislation and practice continue to exist and are exacerbated by the recently adopted laws on Political Parties and on Media which further restrict freedom of association and freedom of expression, and provide for arbitrary application of the law. Overall, the legal framework further departs from international standards and OSCE commitments pertaining to the holding of democratic elections.

All levels of the election administration managed the electoral preparations efficiently in line with the established deadlines and were professional. The Central Election Commission (CEC) held regular sessions open to observers and the media and published decisions promptly, providing some degree of transparency, however this transparency was largely absent from lower-level commissions. While the election administration enjoyed some stakeholders’ confidence, in practice it did not have a balanced or politically diverse composition and some other stakeholders questioned its ability to act impartially and independently. The nationwide training program was positively assessed by the ODIHR EOM as interactive and comprehensive. The CEC undertook an extensive get-out-the-vote campaign throughout

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

the country. The election administration has made significant efforts to secure the right to vote of internally displaced persons.

Some 6.5 million voters were registered. This included an increase of approximately 1.1 million since the 2020 parliamentary elections, which partially addresses the persisting significant difference between data from the CEC on the number of registered voters and data from the State Statistical Committee on the number of citizens of voting age. The lack of publicly available information to comprehensively explain the difference and the increase in the number of registered voters created mistrust in the accuracy and inclusiveness of the voter register, even though voter lists were available for public scrutiny. Restrictions on the right to vote for those with intellectual and psychosocial disabilities remain, contrary to international standards. On election day, contrary to international good practice, voters were added to the voter lists at polling stations without prior judicial or administrative oversight. This practice increased the potential for multiple voting and raised questions about the integrity of the voter register.

Seven candidates contested the election, including the incumbent. The education and residency requirements for presidential candidates are contrary to international standards. Ten nominated candidates did not manage to complete the collection of 40,000 signatures as required by law, some claiming a lack of sufficient time and difficulties in accessing the CEC. Both the signature collection and verification process lacked transparency and several ODIHR EOM interlocutors questioned its authenticity and perceived it as a procedural formality. The recently introduced stringent requirements for party registration and dissolution have introduced further restrictions on freedom of association and negatively impacted political pluralism.

The low-key campaign generated limited public engagement and lacked a genuine competitive nature, including online. None of the contestants convincingly challenged the incumbent's policies in their campaign messages, therefore not providing alternatives for voters. The campaign was conducted primarily through TV presentations by the candidates or their proxies, and the use of the 10,000 CEC-designated poster boards which systematically featured one poster per contender. The incumbent did not use official social media accounts for campaigning, however, the promotion of the President's activities on the government's websites persisted. Messages related to the restoration of Azerbaijan's sovereignty and support for the President's foreign policy dominated the campaign discourse. Overall, the current legal framework and its implementation significantly impede the ability of civil society and opposition representatives to exercise their right to freedom of peaceful assembly and to hold public gatherings, both during and outside the campaign period.

The legislation provides for equal treatment of women and men, including in political parties, however, there are no specific measures to promote women's participation and women remain underrepresented in all aspects of public and political life. No woman nominee or candidate has taken part in a presidential election since 2013 and none of the 26 registered political parties are led by women. None of the platforms of contestants directly addressed gender equality. At the same time, women were well represented among the lower-level election commissions, though insufficiently engaged at the leadership level. Notably, the proportion of elected municipal councillors who are women has risen from 4 per cent to 39 per cent over a 15-year period.

The legislation sets limits on the sources and amounts of campaign donations and expenditures. The CEC, the body responsible for the oversight of campaign finance, published aggregated information on candidates' reported campaign incomes and expenditures. While the publication of reports provided some degree of transparency, the lack of disaggregated data and the non-disclosure of the source of funds limited the information available to voters. The reported combined campaign expenditure of the six contestants was approximately two times lower than the amount spent by the incumbent. Reports are audited upon the discretion of the CEC and there is no legal obligation to publish the outcome of the audit. Taken together, the law and the practice did not ensure full transparency and effective and impartial oversight of campaign finance.

Freedom of expression, media freedom and the right of access to information are provided for in the Constitution although with limitations which are not sufficiently defined. The overly restrictive new Law on Media, which also introduces a state-managed system of licensing, coupled with a round of detentions and arrests of critical journalists shortly before the start of the campaign, have fostered a significantly constrained environment for the media and contributed to wide-spread self-censorship among journalists. This limited the scope for independent journalism, critical discourse, and the spectrum of political information available to the public. Other than free presentations on the public broadcaster, joint round tables in prime time and a few paid political advertisements, the media monitored by the ODIHR EOM provided nominal coverage of the contestants throughout the campaign period. This significantly limited the opportunity for voters to learn about the contestants and their programs, and along with the almost complete absence of critical coverage of the President exacerbated the lack of competitiveness in the campaign.

The law grants broad legal standing and provides for expedited timeframes for the resolution of electoral disputes. However, the lack of a politically balanced composition of election commissions, longstanding concerns over the independence of the judiciary and restrictions on legal professionals undermine the right to an effective remedy, at odds with OSCE commitments. The CEC established an Expert Group to consider election complaints. The CEC considered only one complaint in its session, but the ODIHR EOM observed that some other election-related issues were not qualified as complaints and were left without consideration. The courts heard nine appeals upholding all CEC decisions. The ODIHR EOM was able to observe some hearings and in those hearings, parties had the opportunity to present their case but sufficient information on the hearings was not available for the public. Most of the decisions were only published after election day.

The Election Law provides for both citizen and international observers. However, most independent civil society organizations face legislative and administrative barriers to registration, which along with restrictions on their funding from foreign sources impacted their capacity to prepare and deploy an observation activity. As a result, members of unregistered organizations had to accredit themselves individually, of whom many, according to ODIHR EOM interlocutors, faced bureaucratic difficulties. Of some 88,000 domestic observers accredited, 51 per cent were representatives of contestants, 42 per cent were accredited as individuals and only 6 per cent were nominated by non-governmental organizations.

Election day was calm and overall orderly, with a turnout of over 75 per cent. Throughout the day, the IEOM observed significant procedural shortcomings. The number of negative assessments from IEOM observers were largely due to issues of secrecy of the vote, the omission of safeguards against multiple voting, indications of ballot box stuffing and seemingly identical signatures on the voter lists. Meaningful observation was not always provided for, as both international and citizen observers in a number of instances were not able to observe important procedures without restrictions, undermining transparency. The IEOM assessed counting negatively in more than half of the 113 counts observed often due to the omission of important cross checks intended to safeguard against manipulation, and indications of ballot box stuffing, which raised serious concerns about whether ballots were counted and reported honestly in line with Paragraph 7.4 of the 1990 OSCE Copenhagen Document. Throughout election day, the CEC shared updates about the polling and it started posting preliminary results from polling stations in the early morning hours on 8 February.

This report offers recommendations to support efforts to bring elections in the Republic of Azerbaijan closer to OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to the pluralistic competitive political environment, review of the legal framework, in particular regarding the exercise of freedoms of association, peaceful assembly and expression, the independence and impartiality of election commissions, registration of observers,

transparency and integrity of the counting and tabulation process and measures to increase women's participation in public and political life.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities, and based on the recommendation of the Needs Assessment Mission conducted from 18 to 20 December 2023 and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 29 December 2023. The ODIHR EOM, headed by Eoghan Murphy consisted of an 11-member core team based in Baku and 26 long-term observers deployed on 5 January throughout the country. The ODIHR EOM remained in the Republic of Azerbaijan until 17 February to follow post-election day developments.

For election day, the ODIHR EOM was joined by a delegation from the OSCE Parliamentary Assembly (OSCE PA) to form an International Election Observation Mission (IEOM).<sup>2</sup> Artur Gerasymov was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission, and Daniela De Ridder headed the OSCE PA delegation.

The IEOM deployed 335 observers from 42 participating States on election day, including 26 long-term and 207 short-term observers deployed by ODIHR, as well as a 79-member delegation from the OSCE PA; 44.5 per cent of observers were women. The IEOM observed opening procedures in 132 polling stations, voting in 1,181 polling stations and counting in 113. Tabulation was observed in 81 Constituency Election Commissions (ConECs).

The ODIHR EOM assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections and with national legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Baku on 8 February.<sup>3</sup>

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

## III. BACKGROUND AND POLITICAL CONTEXT

On 7 December 2023, President Ilham Aliyev declared an early presidential election to be held on 7 February 2024, 14 months before the due expiration of his seven-year term of office.<sup>4</sup> The declaration was made on the same day that the offices of the President of Azerbaijan and of the Prime Minister of Armenia publicly reaffirmed their intention to normalize relations between the two countries and negotiate a peace treaty.<sup>5</sup> This followed Azerbaijan's military action on 19 and 20 September and the displacement of more than 115,000 Karabakh Armenians.<sup>6</sup> This election was the first to be held across the entire territory of Azerbaijan. While no official reason was given when the early election was called, the President argued in a televised interview five days before the official start of the campaign that the

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<sup>2</sup> The Parliamentary Assembly of the Council of Europe did not observe this election.

<sup>3</sup> See all previous [ODIHR election-related reports on Azerbaijan](#).

<sup>4</sup> The presidential [decree](#) is here.

<sup>5</sup> While there was mutual recognition of the territorial integrity of Armenia and Azerbaijan, a peace agreement including border delimitation, is still being negotiated at the time of writing of this report.

<sup>6</sup> See the data on the UNHCR Operations [Data](#) Portal.

election was required as the restoration of territorial sovereignty marked the end of an era.<sup>7</sup> Echoing these sentiments, each of the candidates endorsed the necessity of holding an election early.<sup>8</sup>

The Republic of Azerbaijan has a presidential system in which the executive branch exercises wide constitutional powers relative to the parliament (*Milli Majlis*). The president appoints the Cabinet of Ministers, and many other executive high officials at regional and national level. The president also appoints the judges to the Constitutional and Supreme Courts and nominates judges to the courts of appeal, and the Prosecutor General, who are formally appointed by parliament.

The ruling New Azerbaijan Party (YAP), chaired by President Aliyev, has 69 of the 116 currently occupied seats in the parliament and although 9 other parties are represented by 11 Members of Parliament (MPs), along with 36 self-nominated MPs, in practice, in almost all cases there are no dissenting votes by MPs.<sup>9</sup>

Some opposition political parties decided not to take part in the election claiming, among other issues, a lack of adequate conditions for a genuine democratic process.<sup>10</sup> In addition, in what was described by many interlocutors as a recent clampdown, numerous arrests and detentions of critical journalists, civil society representatives, and members of non-parliamentary opposition parties took place in the months preceding the election, reinforcing local and international concerns over a pattern of arbitrary arrests, and politically motivated judicial processes.<sup>11</sup> This challenges Paragraph 7.7 of the 1990 OSCE

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<sup>7</sup> Transcript of the President's interview is on the President's [website](#).

<sup>8</sup> A [statement](#) on 16 October 2023 by 23 political parties, including the President's party and four others with candidates in this election addressed the President saying "the political parties operating in Azerbaijan once again express their political solidarity for the sake of the happy future of our country, and declare their support to Your Excellency in your successful domestic and foreign policy for the prosperity of our people and the eternal sovereignty of our state." Some of the candidates and other parties subsequently claimed that they had only agreed with the presidential administration to congratulate the President on the regaining of territory.

<sup>9</sup> In all parliamentary votes in the last session of parliament for which records are available, from April 2023, there were no votes cast against government proposals. A single vote was cast against the final reading of the Law on Political Parties in December 2022. One MP claimed that she [stayed away from political issues](#), leaving politics to the President. The ruling party lists its [membership](#) as 720,830, which amounts to more than 11 per cent of the electorate. Other parties do not disclose their membership numbers publicly, but each is thought to have a membership of approximately one to two per cent of YAP's size.

<sup>10</sup> The Azerbaijan Popular Front Party and *Musavat* both cited detentions of activists. Tofiq Yagublu, a leading member of the opposition party *Musavat* was [arrested](#) on 14 December 2023. On 15 December, *Musavat* [announced](#) it would not take part in the elections. The Azerbaijan Popular Front Party (AXCP) [announced](#) a boycott of the election on 17 December. The Republican Alternative Party (REAL) urged its members to vote for the candidate of their choice rather than boycott. See the [Facebook post](#) from the party's secretary.

<sup>11</sup> For instance, On 16 January, the OSCE RFOM [expressed](#) her deep concerns over the arrests of journalists (see also *Media* section). In addition to its leader, Gubad Ibadoghlu, who has been in pre-trial detention since July 2023, at least six other members of the Azerbaijan Democracy and Welfare Party (ADR) and at least six members of the AXCP were detained in the months preceding the election and during the campaign. Ali Karimli, the leader of the AXCP reported to the ODIHR EOM that he has been denied internet access, mobile phone data and a passport for years. Araz Aliyev, one of the founding members of the unregistered civil society organization Third Republic was placed in 25 day administrative detention for alleged "petty hooliganism" on 23 December 2023. The Speaker of the Third Republic, Akif Gurbanov, who is also the Chair of the Institute for Democratic Initiatives, was arrested on 6 March 2024 along with other activists and journalists. Further arrests of activists were made in the following days. In August 2023, the leader of the [Confederation of Workers' Desk Trade Unions](#), Afiaddin Mammadov, was [arrested for the third time in 10 months](#) and placed in pre-trial detention for alleged "petty-hooliganism", and other union members Aykhan Israfilov and Elvin Mustafayev were placed [in pre-trial detention](#) for alleged "drugs trafficking". See also, *inter alia*, the 2019 [Natig Jafarov v Azerbaijan](#), the 2020 [Ibrahimov and Mammadov v. Azerbaijan](#), the 2021 [Azizov and Novruzlu v. Azerbaijan](#) in which the ECtHR explicitly stated that "judgments in a series of similar cases involving the respondent State reflected a pattern of arbitrary arrest and detention of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of the criminal law in breach of Article 18".

Copenhagen Document and compromises the rule of law inherent in OSCE commitments and international standards.<sup>12</sup>

*A competitive political environment which results in viable political alternatives is critical to a democratic process. The authorities should demonstrate full respect for fundamental freedoms and ensure that potential candidates, and electoral contestants are provided with conditions that enable them to promote political platforms and debate public affairs freely and are not subjected to pressure or intimidation. Instances and allegations of pressure or intimidation should be promptly investigated by the relevant authorities and the perpetrators held accountable for their acts.*

While the Law on Provisions for Gender (Men and Women) Equality provides for equal treatment of women and men, including in political parties, there are no specific measures to promote women's participation and women remain underrepresented in all aspects of public life.<sup>13</sup> No female nominee or candidate has taken part in a presidential election since 2013 and none of the 26 registered political parties are led by women, while appointed First Vice-President is a woman.<sup>14</sup> There are currently 20 women MPs (17 per cent) including the Speaker,<sup>15</sup> the proportion of elected municipal councillors who are women increased from 4 to 39 per cent between 2004 to 2019.<sup>16</sup>

*Women's full and equal participation in public and political life, including at the senior and decision-making levels, should be facilitated by means of comprehensive legal, institutional, and educational initiatives.*

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The presidential election is primarily regulated by the Constitution (last amended in 2016) and the Election Code.<sup>17</sup> The Constitution provides for fundamental rights and freedoms but at the same time contains broad grounds for their limitation.<sup>18</sup> Freedom of association has not been sufficiently protected by the legislation, and is now further restricted by the new Law on Political Parties; the new rules for media as per the Law on Media excessively restrict freedom of expression; the exercise of freedom of peaceful assembly is open to discretion by the executive authorities, and the right to an effective legal

<sup>12</sup> In Paragraph 7.7, the participating States committed to “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”. See the preamble of the 1966 [International Covenant on Civil and Political Rights](#) (ICCPR), according to which “[...] freedom from fear can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights [...]”.

<sup>13</sup> The Presidential Decree of 2006 implementing the Law on Gender Equality passed in 2006, and last amended in 2010, specifies that the State Committee on Family, Women and Children's Affairs has enforcement responsibilities. The Committee [reported](#) in 2020 that it lacked the mechanisms to do so, and proposed an amendment to the legislation, which has not as yet been adopted by the parliament.

<sup>14</sup> The First Vice President, Mehriban Aliyeva, appointed in 2017, is the spouse of the President. There is one woman in the 35-person Cabinet of Ministers, but none at ministerial rank. There are currently no women among the 87 presidentially appointed heads of Executive Committees in the regions and cities.

<sup>15</sup> Two out of 15 parliamentary committees are chaired by women.

<sup>16</sup> See Paragraph 27 of the sixth [report](#) of the Convention for the Elimination of All Forms of Discrimination against Women.

<sup>17</sup> Other legislation related to fundamental freedoms and the electoral process includes the Law on Media, the Law on Freedom of Assembly, the Law on Non-Governmental Organizations, the Law on Political Parties, relevant provisions of the Criminal Code, the Code of Administrative Offences, and the Administrative Procedure Code.

<sup>18</sup> In particular, in [the 2016 Opinion On the Draft Modifications to the Constitution](#), the Venice Commission commented, *inter alia*, on the broad grounds for the limitation of freedom of assembly that disrupts “public order” and “public morals” (Article 49), broad prohibitions on freedom of association (Article 58) which according to the Venice Commission is: “giving the legislator a *carte blanche* to define any activity as “criminal” and, hence, to prohibit any association which pursues it or even “carries an intention” to do so”.



remedy is not ensured.<sup>19</sup> These restrictions and other limitations on civil and political rights in legislation and practice are not in line with international standards and OSCE commitments pertaining to the holding of democratic elections (see *Election Campaign and Media*).<sup>20</sup>

The Election Code is detailed and regulates all aspects of the electoral process. Although it was amended twice since the last elections (May 2020 and July 2023) to introduce some technical changes, they did not address previous ODIHR and Venice Commission recommendations or implement judgments of the European Court of Human Rights (ECtHR).<sup>21</sup> Priority recommendations that remain unaddressed include those related to restrictions on fundamental freedoms, the composition of election commissions, limitations on voter and candidate eligibility, prohibition for voters to sign in support of more than one candidate, and the need to remove the possibility to add voters to the voter lists on election day.<sup>22</sup>

The Law on Media introduced, *inter alia*, a register of media entities and requirements for their establishment, conditions for journalists to be registered, and prohibited foreign funding. The Law on Political Parties contains changes including those pertaining to party membership, rules on funding of political parties and on party dissolution. The stated aim of both laws was to provide a conducive environment for media and political parties, but *de-facto* both laws impose a number of substantial undue restrictions, as well as provide the authorities with wide powers, both of which interfere with freedom of association and expression and provide for arbitrary decision-making.<sup>23</sup>

*In order to ensure compliance with international human rights obligations, the revision and subsequent implementation of the legal framework should always be done in such a way as to provide for the effective exercise of fundamental freedoms in practice, and safeguard against arbitrariness. The amendments should be made well in advance of the next elections through a consultative process that ensures inclusive and effective public participation.*

The Constitution does not ensure the full separation of powers between the executive, legislative and judicial branches, by explicitly entitling the president to settle any issue not regulated by the parliament or the judiciary. The president enjoys full discretion to call an early presidential election and it has been used to further strengthen incumbency. This is incompatible with democratic standards.<sup>24</sup>

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<sup>19</sup> The laws entered into force in February 2023 and January 2022 respectively. Furthermore, in Paragraph 4 of [the OSCE Copenhagen Document](#), the participating States confirmed that “they will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration on Principles and other CSCE commitment”. In Paragraph 5.7, the participating States reaffirmed that “human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law”.

<sup>20</sup> Paragraph 12 of [the General Comment 25](#) to the International Covenant on Civil and Political Rights (ICCPR) states that “freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected”. See also the 2023 ODIHR and Venice Commissions [Joint Opinion on the Law on Political Parties](#) of Azerbaijan and the 2022 [Joint Opinion on Media Law](#).

<sup>21</sup> See also the [overview](#) of the implementation of ECtHR judgments.

<sup>22</sup> See [all previous ODIHR reports](#) on elections in Azerbaijan.

<sup>23</sup> For example, the powers of the Ministry of Justice with regard to the registration and internal activities of Non-Governmental Organisations (NGOs) and political parties are far-reaching and intrusive (see Paragraph 58 of the 2023 [Joint Opinion](#) on the Law on Political Parties); Paragraph 23 of the 2022 [Joint Opinion on Media Law](#) assesses “most restrictions on media content as too ambiguous leaving too much room for arbitrary interpretation”. As both laws were signed into force before pending joint legal opinions from the Venice Commission and ODIHR were issued, the recommendations were not considered and still stand.

<sup>24</sup> Paragraph 55 of the 2016 [Opinion](#) on the Draft Modifications to the Constitution, the Venice Commission stated that granting a president the exclusive and discretionary power to call an extraordinary election is “incompatible with democratic standards” as it “may turn elections into plebiscites on the leadership of the country and provide legitimacy to authoritarian tendencies”. Paragraph 9 of [the General Comment No.25 to the ICCPR](#) states that “genuine periodic elections are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them”.

The president is directly elected for a seven-year term by popular vote by an absolute majority of votes cast, with no turnout requirement. In case no candidate receives more than half of the votes, a second round is held between the two candidates with the highest number of votes.

## V. ELECTION ADMINISTRATION

The election was administered by the Central Election Commission (CEC), 125 Constituency Election Commissions (ConECs), and 6,319 Precinct Election Commissions (PECs) each appointed for a five-year term.<sup>25</sup> CEC members, as well as chairpersons and secretaries of ConECs, work on a full-time basis. The CEC, ConECs and PECs consist of 18, 9 and 6 members, respectively.<sup>26</sup> Women are underrepresented in the CEC with only 4 out of 18 members. At lower levels, 41 per cent of commissioners with full voting rights were women and commissions were chaired by women in one-third of lower-level commissions. However, these numbers dropped to 20 per cent at the ConEC level and, even further if full-time managing positions are considered. ConEC secretaries represented 5 per cent of the commissioners and less than 0.5 per cent of the 125 ConECs were chaired by women.<sup>27</sup>

*Measures to ensure equal participation of women, including in decision-making roles, should be taken through the introduction of legal requirements and efforts to identify and nominate women at all levels of election administration.*

The CEC is responsible for the overall conduct of all elections and referenda and has a wide-ranging mandate.<sup>28</sup> The parliament elects CEC members, ConEC members are appointed by the CEC, and PEC members are appointed by their respective ConECs. By law, the composition of commissions at all levels reflects the political make-up of the parliament: the parliamentary majority, the parliamentary minority, and parliamentarians elected as independent candidates each nominate one-third of the commissioners.<sup>29</sup> Nevertheless, as there is a lack of genuine political differentiation between the three groups in the parliament, in practice the composition of the election administration is not balanced or politically diverse.<sup>30</sup> While the election administration enjoyed the confidence of some of the stakeholders, other IEOM interlocutors questioned the commissions' ability to conduct their duties independently and impartially, in particular on election day.<sup>31</sup>

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<sup>25</sup> This included 26 new PECs which were established in the regained territories for this election, and 218 special polling stations established in rest homes, hospitals, other medical centers, military units, oil platforms and ships at sea.

<sup>26</sup> The current composition of election commissions was established in 2021. To enhance the independence of the election commissions, the law forbids the dismissal of commissioners by the same body that has appointed them, in line with international good practice. At the same time, the effectiveness of the provision is reduced by the lack of limitation of the number of mandates a commissioner can serve.

<sup>27</sup> As per the information available on the CEC website on 12 February. The [OSCE Ministerial Council in its Decision No. 7/09](#) calls on the participating States to "Consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life and especially in decision-making".

<sup>28</sup> This includes the registration of candidates, maintenance of the voter register, and review of complaints against ConEC decisions. The CEC is also in charge of the oversight of campaign finance and media.

<sup>29</sup> Additionally, substitute commissioners are appointed to replace ordinary members in case the latter are absent. By law, commissioners must be neutral and impartial and be independent from state bodies, municipal institutions, political parties, and other legal and physical entities.

<sup>30</sup> This is also evidenced by the case law of the ECtHR. See among others, [Gahramanli and Others v. Azerbaijan \(ECtHR, 8 October 2015\) Paragraph 78](#), [Tahirov v. Azerbaijan \(ECtHR, 11 June 2015\), Paragraph 60](#) and [Annagi Hajibeyli v. Azerbaijan \(ECtHR, 22 October 2015\), Paragraph 53](#).

<sup>31</sup> Paragraph 20 of the [UN CCPR General Comment No.25](#) requires that "an independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant". The States parties to the [2002 CIS Convention](#), in Article 19.2 committed themselves "to ensure establishment of independent, impartial electoral bodies to organize the conduct of democratic free and fair, authentic and periodical elections".

*To strengthen impartiality and effective independence of election administration and to ensure broad public confidence in their work, the appointment process for election commission members at all levels should be revised to prevent dominance by any single political party. Commissions should work as collegial bodies taking decisions in a manner that supports the perception of impartiality and political neutrality.*

Each candidate has the right to appoint temporary consultative members to all levels of the election administration. However, most candidates did not nominate such members at the ConEC level. The vast majority of commissioners both at the ConEC and PEC levels represented the interests of YAP (see *Election Day*).

Technical preparations were conducted with a high level of efficiency and within the established deadlines despite a compressed timeframe. The CEC held regular sessions attended by representatives of the media and some observers, which contributed to some degree to transparency. Decisions were adopted unanimously, with limited debate and published promptly on the CEC website. Following the calling of the election, the CEC issued 88 decisions, organized and co-organized several seminars and training sessions on a variety of topics<sup>32</sup> and produced comprehensive manuals including on the responsibilities of observers, PEC members, law enforcement representatives, and on dispute resolution.

ConECs were well-resourced, experienced, completed the required tasks within the deadlines, and prior to election day undertook their work efficiently. Nevertheless, in the vast majority of ConECs, sessions were generally held on an *ad hoc* basis and at short notice. This, together with the fact that decisions were not consistently published on the ConECs notice boards within the timeframe required by law, lessened transparency.<sup>33</sup>

*To increase transparency and accountability, election commissions should conduct all substantive work in an open manner, and sessions of lower-level commissions should be announced well in advance to facilitate stakeholders' attendance. Agendas and minutes of sessions should be published in a timely manner.*

The CEC implemented a nationwide cascade training programme for the lower-level election commissions on election day procedures, including on the completion of results protocols. The trainings observed by the ODIHR EOM long-term observers were assessed as having been conducted professionally, and were interactive and comprehensive.

The CEC launched an extensive voter information programme, which included an intensive get-out-the-vote campaign. It was conducted through the CEC's website, YouTube and social networks, public billboards, broadcast media and TV programmes with the presence of CEC members.<sup>34</sup> Additionally, PEC members conducted door-to-door visits to provide voters with printed invitation cards for election day. Although voter information videos were subtitled for the benefit of persons with hearing impairments, further efforts could be made ensuring the participation of persons with disabilities in the electoral process, publishing information in other accessible formats and ensuring independent access

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<sup>32</sup> This included, among others, seminars targeting women and first-time voters, and coverage by the media on election day.

<sup>33</sup> Paragraph 19 of the [2011 CCPR General Comment No. 34](#) to the ICCPR states that: "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information".

<sup>34</sup> The CEC also created an Independent Media Center "Election 2024", which shared information on the activities of the CEC and the election process.

to polling stations on election day (see *Election Day*). The CEC set up cameras in 1,000 polling stations with the stated aim of enhancing transparency.<sup>35</sup>

## VI. VOTER REGISTRATION

Citizens over 18 years of age have the right to vote, with the exception of those declared incapacitated by a court decision, including as a consequence of intellectual or psychological disability. Deprivation of the right to vote on the basis of mental disability is inconsistent with international obligations.<sup>36</sup> Stateless persons who have resided in the country for the last five years enjoy the right to vote.<sup>37</sup>

*The legal framework should be harmonized with international standards by removing any restrictions on electoral rights based on intellectual or psychosocial disability.*

Voter registration is passive and based on permanent residency. Voter lists are drawn from the integrated nationwide voter register maintained by the CEC. In line with the legislation, voters were registered in the polling station of the precinct where they had resided for at least 6 out of the 12 months prior to the announcement of the election. PECs are required to provide an update of the lists to the CEC annually through ConECs based on data received from municipalities and the executive district authorities (*Icra Hakimiyyəti*). The lists are again updated at least 25 days before election day (13 January for this election).

Based on information from the CEC, 6,478,546 voters were registered in the permanent voter register before election day, including 396,939 internally displaced persons (IDPs). The election administration made significant efforts to secure the right to vote for IDPs by facilitating their access to 536 polling stations distributed among 10 ConECs across the country.

A longstanding significant difference between the data from the CEC on the number of registered voters, and the data from the State Statistical Committee on the number of citizens of voting age, persists.<sup>38</sup> Since the last parliamentary elections in 2020 the difference was reduced from two to one million ahead of this election, which resulted in a large increase in the number of registered voters.<sup>39</sup> The lack of publicly available information to comprehensively explain these recent changes and the remaining differences created mistrust in the accuracy and inclusiveness of the voter register.

*To guarantee active suffrage rights of all voters and to increase public trust in the voter register, election management bodies should take steps to improve the accuracy and the inclusiveness of the voter register in a transparent manner.*

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<sup>35</sup> On 1 February the CEC adopted a decision on the installation of cameras. According to the CEC, polling stations were selected on the basis of technical criteria in order to avoid interruptions during the recordings. The CEC informed the ODIHR EOM that video cameras would be installed so as to not film the inside of the booths in order to preserve the secrecy of the vote. The CEC also informed that the recordings could be used as evidence in investigations of election day complaints.

<sup>36</sup> See Articles 12 and 29 of the [2006 UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#). Paragraph 24 of the [1990 OSCE Copenhagen Document](#) provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law” and paragraph 7.3 states that the participating States will “guarantee universal and equal suffrage to adult citizens.” See also paragraph 14 of the [CCPR General Comment No. 25](#) which states that grounds for deprivation of voting rights should be “objective and reasonable”.

<sup>37</sup> The State Statistical Committee informed the ODIHR EOM that it does not collect and does not have data on stateless persons.

<sup>38</sup> The State Statistical Committee informed the ODIHR EOM that as of 1 January 2023, according to their data, 7,458,873 citizens were over the age of 18. It conducts a population census every 10 years through live interviews. The data is updated annually based on the number of births and deaths.

<sup>39</sup> The CEC and other interlocutors informed the ODIHR EOM that the increase of one million registered voters was due to an influx of citizens following the COVID-19 pandemic and the war in Ukraine.

Voters had sufficient opportunity to review the voter lists. Preliminary extracts of voter lists were available for public scrutiny at polling stations and ConECs, on the CEC website and through its hotline and smart boards located in state service buildings. The CEC published the complete set of final voter lists online, disaggregated by precinct.

Mobile voting provisions and assisted voting by a person of choice are in place for voters with disabilities or health-related issues. Mobile voting applications can also be submitted remotely and informally.<sup>40</sup> Although this facilitates the possibility for an independent request for voters in need, it diminishes safeguards and the transparency of mobile voting. Out-of-country voting is provided for during presidential elections.<sup>41</sup> The CEC printed 6,524,203 ballot papers for this election.<sup>42</sup>

Voters could request a de-registration voting card (DVC) up to three days before the election. A DVC allows voters to vote in any polling station in the country, which enhances the participation of demographic groups with high mobility, such as students and workers. According to the CEC, a total of 200,000 DVCs were printed in anticipation of voters' request and 59,160 were issued to voters by the legal deadline.<sup>43</sup> According to the CEC, on election day, only 25,995 voters voted with a DVC.

On election day, through a decision of the PEC, eligible voters could be added to the supplementary voter list upon proof of residence within the precinct. For this election, 35,676 voters were added to the supplementary voter list on election day, without adequate administrative safeguards or judicial oversight, which is not in line with international good practice.<sup>44</sup>

*In order to strengthen the integrity of the voter registration and of the polling process, additions to the voter list on election day should be subject to judicial procedure, with effective safeguards against multiple voting.*

## VII. PARTY AND CANDIDATE REGISTRATION

The right to stand for president is granted to voters who have permanently resided in Azerbaijan for at least 10 years, have a university degree, are not dual citizens, do not have any liabilities before other states, or a previous conviction for a serious crime.<sup>45</sup> The requirements to hold a university degree and be resident for 10 years as well as on single citizenship are unreasonable and at odds with international standards, good practice and the ECtHR case-law.<sup>46</sup>

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<sup>40</sup> The Election Code also allows a voter to submit a written request in the presence of commissioners at the time of voting.

<sup>41</sup> For this election, 49 PECs were established in 37 countries.

<sup>42</sup> By law, the number of printed ballots can exceed the number of voters registered in the relevant election constituencies by at most 3 per cent.

<sup>43</sup> This equates to 3.2 per cent of the total number of voters. Voters could obtain a DVC from the relevant ConEC between 45 and 25 days prior to election day and from the relevant PEC between 24 and 3 days prior to election day.

<sup>44</sup> Paragraph 1.2 (iv) of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) recommends: "There should be an administrative procedure subject to judicial control or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day".

<sup>45</sup> Those holding positions of military personnel, judges, state officials and religious clerics are also ineligible to stand.

<sup>46</sup> Paragraph 15 of the ICCPR General Comment No. 25 confirms that the "persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation". In [Tănase v. Moldova](#) (ECtHR, 2010), the ECtHR recognized the restrictions on dual citizens' suffrage rights as a disproportionate measure and, thus, contrary to Article 3 of Protocol 1 of the European Convention on Human Rights. The ODIHR and Venice Commission in one of its [Joint Opinions](#) stated that due consideration shall be given to "minimising and eventually abolishing limitations on holding public offices for citizens with dual nationalities".



*Restrictions on candidacy based on residency, dual citizenship and education should be reviewed in line with applicable standards.*

Candidates can be nominated by registered political parties and their coalitions or stand independently. At odds with the ODIHR and Venice Commission recommendations, the 2023 Law on Political Parties tightened the regulation of registration, verification and activities of political parties, and provided already registered parties with 180 days to comply with the new requirements.<sup>47</sup> While the draft law on Political Parties was discussed and amended in the parliament, it was adopted in an expedited procedure and without inclusive consultation. According to the Ministry of Justice, after the law entered into force, 33 parties ceased to exist, leaving 26 parties registered. Since the conclusion of the compliance process, the public have not had access to an updated list of political parties.<sup>48</sup>

According to the Ministry of Justice, the adoption of the new law followed the authorities' desire for a strong political party infrastructure. However, the stringent requirements for party registration coupled with vague rules for dissolution, and extensive state monitoring of internal party functioning, have negatively impacted pluralism and restricted freedom of association.<sup>49</sup> Opposition parties pointed out that the powers of the Ministry of Justice to control their internal procedures and periodically verify their membership, and issue sanctions, conditions their functioning and intimidates their members.<sup>50</sup> Some groups have not been able to register, or have chosen not to seek registration as political parties, including those led by currently detained activists, including in at least one case a potential presidential candidate.<sup>51</sup>

*The legislative requirements and administrative procedures for the registration of political parties should be comprehensively revised in order to respect and encourage pluralism and freedom of association. Registration of political parties should be carried out strictly on the basis of objective and transparent criteria and be subject to judicial remedy.*

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<sup>47</sup> Among other requirements, the number of members required for the state registration of a political party increased five-fold from 1,000 to 5,000. In Paragraph 47, the 2023 [Joint Opinion](#) of ODIHR and the Venice Commission on the 2023 Law on Political Parties reiterated that “the new threshold seems to be formidably high and puts a burden on citizens trying to exercise their rights under Article 11 of the European Convention on Human Rights (ECHR) which is potentially restrictive and as such would be disproportionate and not necessary in a democratic society”.

<sup>48</sup> The Ministry of Justice provided a list to the ODIHR EOM upon request.

<sup>49</sup> The 2023 [Joint Opinion](#) of ODIHR and Venice Commission on the Law on Political Parties states that the new law has introduced a number of new highly problematic provisions which risk having further chilling effects on pluralism in the country. In Paragraph 3 of the 1990 OSCE Copenhagen Document, the OSCE participating States recognized “the importance of pluralism with regard to political organizations”. Paragraph 7.6 refers to “the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations”. See also articles 4 and 27 of the 1996 United Nations Human Rights Committee General Comment (General Comment) No. 25 to the 1966 International Covenant on Civil and Political Rights (ICCPR).

<sup>50</sup> The Ministry of Justice confirmed to the ODIHR EOM that the verification of party membership is carried out via telephone calls. Some political parties stated that their members found such calls intimidating. The 2023 [Joint Opinion](#) specifies that “political parties should control their own internal procedures; extensive state monitoring of the internal functioning of a political party, including the requirement for the party to provide the state with lists of its members, would appear to be an overly intrusive measure that is not compatible with the principles of necessity and proportionality; suspension and dissolution of political parties may only be applied in case of the most serious violations of normative legal acts and in last resort”.

<sup>51</sup> The Azerbaijan Democracy and Welfare Party (ADR), informed the ODIHR EOM that it was set up as a non-governmental organization, but was denied registration for six years until a judgement by the ECtHR in November 2021 found that their right to freedom of association had been violated. Since then, the organization has sought to be registered as a political party. The Ministry of Justice has denied multiple attempts at registration under the previous Law on Political Parties on minor technicalities after long delays. The leader of the un-registered party, Gubad Ibadoghlu, was arrested in July 2023 and remains in pre-trial detention. The party confirmed that he would have sought to have been a presidential candidate if he had been free to do so. Other members of the party were also temporarily detained at the time of the presidential nomination process.

The CEC informed the ODIHR EOM that nomination documents could be submitted as of 9 December and the first submission was made on 16 December.<sup>52</sup> The CEC received 17 requests for nomination and approved all of them in the order they were submitted. There were no women among the nominees. The law requires prospective candidates to be supported by a minimum of 40,000 signatures, with at least 50 signatures collected in at least 60 of the 125 constituencies. Contrary to good practice, voters may sign in support of only one candidate, which can be seen as a limitation of freedom of association.<sup>53</sup>

*To further promote pluralism in the electoral process and freedom of association, consideration should be given to removing the restriction to sign in support of only one candidate.*

Signature sheets had to be submitted to the CEC by 8 January. Out of 17 nominees, only the first 7 to be verified returned their signature sheets, each of whom was registered as an official candidate by 10 January. While the seven candidates who were registered did not raise issues about the process, several unsuccessful nominees informed the ODIHR EOM that they faced obstructions while collecting signatures, including by police and at universities.<sup>54</sup> Some also reported difficulties in receiving in a timely manner signature sheets from the CEC and that this further impeded the signature collection process. The CEC refuted this, stating it had been fully available during the entire process. The successful candidates did not publish any social media posts calling for signatures, nor was there any evidence found from internet searches, of the media having reported on the process. Some ODIHR EOM interlocutors expressed doubts over the authenticity of the entire signature collection and verification process and perceived it as a procedural formality.

Although the CEC informed the ODIHR EOM that the nomination and signature verification processes were open for observation to all the stakeholders, citizen observer groups informed the ODIHR EOM that they believed that the lack of permission to observe commission meetings (see *Citizen and International Observers*) also prevented them from accessing the work of the CEC during the nomination and signature verification phases. Overall, the lack of transparency negatively impacted trust in the candidate registration process.

*The legal framework should be amended to provide sufficient time to collect signatures for candidate registration and to ensure a clear, objective and transparent signature verification process.*

The registered candidates included the incumbent President nominated by the ruling YAP party, four party leaders, of which three were MPs, a self-nominated MP, and the former leader of a party dissolved in 2023. Of the seven candidates, five had previously contested presidential elections.<sup>55</sup>

## VIII. ELECTION CAMPAIGN

The official campaign period commenced on 15 January and lasted for 23 days, until 6 February, 24 hours before the start of voting. The topic of reintegration of the Karabakh region under Azerbaijani control and the President's role in this process dominated the low-key campaign, echoing public sentiment.

<sup>52</sup> The CEC had five days to review and decide whether to approve or deny each nomination.

<sup>53</sup> Paragraph 196 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that “a requirement that a citizen be allowed to sign in support of only one party should be avoided, as such a regulation would affect his/her right to freedom of association”.

<sup>54</sup> Moreover, these nominees argued, that the timing of the signature collection phase, which coincided with a week-long national holiday period, further limited their capacity to collect the required number of signatures.

<sup>55</sup> The candidates, in order of registration, were: President Ilham Aliyev (YAP), Zahid Oruj MP (self-nominated), Razi Nurullayev MP (National Front Party – MCP), Fazil Mustafa MP (Great Order Party - BQP), Gudrat Hasanguliyev MP (Whole Azerbaijan Popular Front Party – BAXCP), Fuad Aliyev (self-nominated, former chairman of the Azerbaijan Liberal Democrat Party which was dissolved in 2023), Elshad Musayev (Great Azerbaijan Party – BAP).

While the Constitution guarantees the freedom of assembly, the Law on Freedom of Assembly requires an advance notification be submitted to the local authorities no less than five days prior to an outdoor event. However, the law obliges the applicant and the authorities to reach an agreement on the time and venue, therefore implicitly requiring an approval by, rather than a notification of, the authorities.<sup>56</sup> The legislation further restricts the number of venues available for the conduct of campaign events and the display of posters is limited to the 10,000 CEC-designated official poster-boards outside polling stations and in some other public spaces.<sup>57</sup> Within this framework, all registered candidates were able to campaign freely. Some opposition parties cited previous incremental reductions in the length of the campaign, and the lack of public funding for the campaign as a contributing factor in their decision not to participate.<sup>58</sup> ODIHR has previously recommended the extension of the campaign period and the reintroduction of public campaign funding in order to improve the level playing field.

*To comply fully with international standards, the legislation should be revised and implemented in a manner which ensures a meaningful exercise of the right to peaceful assemblies, including those of a political nature and during elections.*

The candidates mostly campaigned through 10 television presentations, each of which lasted for around an hour, and were provided free of charge under equal conditions. None of the candidates challenged the incumbent directly, though some did present platforms which called for parliamentary reforms, a strengthening of the rule of law, an end to corruption and greater social welfare measures. Overall, the contenders did not present themselves as alternatives to the President, and in several respects, their platforms often echoed the YAP campaign.<sup>59</sup> The topics of the television presentations by the presidential candidates, and in the case of the incumbent, his proxies,<sup>60</sup> were chosen by consensus among the candidates, but were disproportionately weighted towards YAP's campaign themes, and elicited praise of the President's foreign policy, and the restoration of Azerbaijan's sovereignty, rather than focusing on the platforms of other contestants such as legal and constitutional reforms.<sup>61</sup>

ODIHR EOM long-term observers attended 65 campaign events, of which 51 were by YAP, and the remaining 14 were spread between the other 6 candidates, each of whom was observed at least twice. During YAP-held events observed by the ODIHR EOM, speakers following a common template

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<sup>56</sup> Paragraph 4.1 of the 2010 ODIHR and Venice Commission Guidelines on Freedom of Peaceful Assembly advises that "legal provision should require the organizer of an assembly to submit a notice of intent rather than a request for permission".

<sup>57</sup> The ODIHR EOM was informed by the CEC after the election that the number of venues in which it was permitted to hold meetings had been increased from 142 indoor and 139 outdoor venues to 1,860 and 2,841 venues respectively, though advance notification was required. The CEC did not provide information on when this change was made, but it was well after the campaign period started, and seemingly without any public announcement or published CEC decision. From the first day of the campaign, each candidate had posters up on every one of the 10,000 CEC-designated poster-boards. In all instances observed by the ODIHR EOM, President Aliyev's poster was posted in the prominent top left corner of the board indicating preferential treatment for his campaign and a co-ordinated management of the posters.

<sup>58</sup> The campaign period was reduced twice from an initial 60 days to 28 days in 2008, and to 23 days in 2010, despite the ODIHR and the Venice Commission advice. See paragraph 10 and 11 of [the 2008 Joint opinion of the ODIHR and the Venice Commission](#) which describes the negative impact of an abbreviated campaign period on the level playing field.

<sup>59</sup> Zahid Oruj, who was appointed by the President to a state funded position following the 2018 presidential election, in which he was the runner-up, had as his campaign slogan "Yes to the victorious future!". Elshad Musayev's slogan was "Everything for our victorious people!", both of which echoed YAP's "Victorious leader of victorious people".

<sup>60</sup> Radio presentations on alternate days to the television presentations were made, but largely featured proxies for all of the candidates.

<sup>61</sup> Six of the programs related to foreign policy, security and the reconstruction of Karabakh. There were none on constitutional reforms, and the last two programs, closest to the election focused on the uncontroversial issues of youth and sport, and culture and religion respectively. Nevertheless, during the campaign, candidates increasingly used the time to speak on issues unrelated to the allocated topics. Some candidates expressed a desire for the programs to have questions set by a panel of interviewers to make them more informative for viewers.



presented the election as an opportunity to thank the President for the restoration of the country's territorial integrity, and for his stewardship of the country over the previous 21 years. The YAP informed the ODIHR EOM that the party held over 2,400 campaign events.<sup>62</sup> The other six candidates informed the ODIHR EOM that they each held between 10 and 15 small meetings throughout the whole country in the campaign period.

The candidates held few events outdoors, which would have been open to the general public, rather than invited audiences as was the case for indoor events. In a little over one quarter (17) of campaign events observed by the ODIHR EOM, the observers noted evidence of pressure on voters to attend meetings – for instance students, teachers and healthcare workers indicated that they had been instructed to attend.<sup>63</sup> Furthermore, there was a consistently low level of engagement with the audience during events.<sup>64</sup> For the most part, the media did not cover the campaign events (see *Media*). Whilst there was limited visibility of the candidates' campaigns, there was an extensive get-out-the-vote campaign by the CEC which resulted in far larger numbers of posters placed on official buildings and private businesses throughout the country.<sup>65</sup>

*Authorities and political parties should refrain from coercing public-sector employees, students and others to participate in campaigning.*

Candidates did not directly address inequalities between women and men.<sup>66</sup> The ODIHR EOM long term observers noted that women appeared to be underrepresented in the campaign both as party officials and as attendees of campaign rallies. In the 65 campaign events observed by the ODIHR EOM, there was a total of 248 speakers, of whom 60 were women.<sup>67</sup>

*Political parties should be encouraged to facilitate women's equal political advancement, increase visibility of women during electoral campaigns, and mainstream a gender perspective into party programmes. As temporary special measures, the authorities could consider introducing incentives for political parties to take such steps.*

Social networks are not explicitly regulated or mentioned in the Election Code. According to the Law on Media, social networks are not classified as mass media and consequently, the law implicitly

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<sup>62</sup> Discounting a few informal meetings in residential courtyards, the YAP meetings observed by ODIHR EOM long-term observers were estimated to have an average audience size of approximately 180 people.

<sup>63</sup> In addition to 11 observed instances of pressure on voters during YAP events, there were six observed instances (out of a total of 14 observed meetings) of pressure to attend the meetings of the other candidates. There were also [media reports](#) of attendees claiming that they had been instructed to attend, or being unaware of why they were at the meeting. Paragraph 7.7 of the 1990 OSCE Copenhagen Document requires “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”.

<sup>64</sup> In almost two thirds of observations, audience engagement was assessed as low (19) or very low (20). In only one case was it assessed as moderately high.

<sup>65</sup> Many of the posters had the word “President” in significantly larger type than the word “election”, and some had a dove of peace in the national colours, which was interpreted as referencing the President's key campaign theme of ending the long-lasting conflict. Some interlocutors, including a YAP regional representative, assessed the get-out-the-vote posters as *de facto* campaign materials.

<sup>66</sup> According to the General Recommendation No. 23 to the CEDAW, State parties should ensure that “women have the right to participate fully in and be represented in public policy formulation in all sectors and at all levels”. Article 191c of the 1995 Beijing Declaration and Platform for Action provides that political parties “shall consider incorporating gender issues in their political agenda, taking measures to ensure that women can participate in the leadership of political parties on an equal basis with men”.

<sup>67</sup> In 33 of the 65 ODIHR EOM observed campaign events, no women spoke. There were no meetings observed in which no men spoke.

excludes them from its coverage. However, social network users may face criminal liability under the Criminal Code and warnings issued by the Prosecutor's Office.<sup>68</sup>

The ODIHR EOM monitored the social networks of all of the candidates, their parties, and other selected institutions and organizations.<sup>69</sup> The incumbent did not post about the election at any point during the campaign on either his official or personal accounts, though there were updates related to his official duties concerning regional visits and official receptions.<sup>70</sup> No evidence was found of official government accounts undertaking explicit campaigning. However, government websites and social network accounts habitually promote the President and his predecessor, and continued to do so during the campaign. The party accounts of YAP promoted campaign themes and posters in 117 posts on Facebook over the official campaign period, as well as posting about the President's official meetings in 15 posts. Candidate Razi Nurullayev was the most active on social networks, with extensive use of TikTok,<sup>71</sup> and 138 posts on Facebook. Other candidates did not appear to have a discernible social network communication strategy, calling into question their stated intention to gain support in the campaign, including via social networks. Only two parties and one candidate posted campaign related videos on YouTube.<sup>72</sup> Overall, the candidates had limited engagement with the public; some started campaigning late, or not at all on their personal social networks, but used their party accounts instead, while other candidates came from parties that did not have social network profiles at all, or did not use them.<sup>73</sup> There was no evidence found of the candidates having spent money to promote their campaign on Instagram or Facebook.<sup>74</sup>

There were some calls made online for a boycott of the early election, and some criticism by influencers on social networks for the candidates' failure to criticize the incumbent, or provide an alternative to him.<sup>75</sup> A few activists who posted content online, critical of the government were detained and

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<sup>68</sup> According to the Law on the Prosecutor's Office, a prosecutor or their deputy may issue official warnings to citizens or officials to prevent violations of the law. Warning citizens who have not committed a crime, or without any criminal case against them, because of the possibility that they may commit an offence may have a chilling effect on freedom of expression on online media and social networks. The Prosecutor General issued a [warning](#) to seven prominent civil society activists and journalists, inviting them to a meeting seeking to "influence" them, warning of potential liability for their social network posts in July 2022. The Criminal Code of Azerbaijan regulates social networks through provisions which address defamation, slander, and insult protects the President's reputation by attaching harsher sanctions. Article 148-1 of the Criminal Code specifically criminalises slander or insult committed through the use of fake identities on internet platforms, envisaging harsher penalties, compared to penalties envisaged for non-anonymous profiles.

<sup>69</sup> The social network accounts of candidates were monitored over Facebook, Instagram, X, TikTok and YouTube. Facebook was the most used social network by the candidates.

<sup>70</sup> The President's Facebook profile has 850,000 followers.

<sup>71</sup> A few of his TikTok videos received over 2 million views. Many of the comments were negative.

<sup>72</sup> YAP posted 78 videos with an average of 950 views, BAXCP posted 12 videos with an average of 730 views. Razi Nurullayev was the most active with 78 videos with an average of 9,500 views. The President posted twice, with an average of 3,900 views, but these were of regional visits rather than direct campaigning.

<sup>73</sup> Zahid Oruj's main cover photo on his Facebook was of the President addressing parliament. Four of the six non-incumbent candidates had fewer than 5,000 followers on Facebook. BAXCP did not have a Facebook account, and their candidate, despite having 15,000 followers on Facebook did not post anything during the campaign. The BAP did not post during the election campaign on Facebook.

<sup>74</sup> TikTok does not permit political advertising anywhere, and X does not permit it for Azerbaijan, though neither platform were used much by candidates. YouTube/Google's Ads Transparency Center does not report on political advertising in Azerbaijan.

<sup>75</sup> Ali Karimli, leader of the opposition AXCP had 258,000 followers on Facebook compared to 93,000 for YAP. He also had many more comments on his posts averaging around 600 compared to 35 for YAP posts. The majority of the comments on Ali Karimli's posts were negative, and appear to be from inauthentic profiles with no posts, friends or followers. The three opposition parties who did not participate all had more followers (REAL 41,000, *Musavat* 22,000 and AXCP 9,800) than the parties of the four candidates from parties other than the president (MCP 1,900, BQP 486, BAP 151, BAXCP no account).

sentenced during the campaign which had a chilling effect on public discourse.<sup>76</sup>

Overall, the campaign was inauthentic and barely visible, generating limited public engagement. The incumbent did not campaign in person, nor publicly reference the election at all during the campaign or engage with the other candidates.<sup>77</sup> The election lacked genuine competition.

## IX. CAMPAIGN FINANCE

The Election Code allows presidential candidates to finance their campaigns through their own sources, donations from individuals and legal entities, and contributions from nominating political parties. In line with the law, all candidates opened a dedicated bank account for all campaign related transactions before they commenced the process of gathering supporting signatures. Contributions from foreign countries and citizens, international organizations, state bodies and municipalities, charitable organizations, religious associations and anonymous donors are not allowed. The law limits campaign donations to AZN 3,000 from individuals and AZN 50,000 from legal entities.<sup>78</sup> A candidate or a nominating entity may contribute up to AZN 250,000 to the campaign. The campaign expenditure limit was AZN 10 million.

In accordance with the law, the contestants submitted three financial reports: the initial financial disclosure report which was submitted concurrently with their registration documents, followed by an interim and a final report. The interim and the final financial reports were timely published by the CEC. The incumbent received a total of AZN 737,000 including the maximum permitted AZN 250,000 contribution by the nominating party, while all other candidates combined received AZN 300,900 from their own sources and donations. The reported combined campaign expenditure of the six contestants was approximately two times lower than the amount spent by the incumbent.<sup>79</sup> While the publication of reports provided some degree of transparency of campaign finance, the data was aggregated and did not provide a breakdown of the amount of each separate contribution or the source of funds, which limited the information available to voters.<sup>80</sup>

The CEC is responsible for oversight of campaign finance. The CEC can also audit the reports and request additional information from candidates or parties, but there is no legal obligation to publish the audit's findings. This, combined with the fact that the CEC informed the ODIHR EOM that it conducts

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<sup>76</sup> Arzu Sayadoghlu, an online activist and founder of [Serving People Movement](#) was placed in pre-trial detention for four months on 18 January following criticism of the government. Ruslan Vahabov, an activist associated with the Talysh national minority was sentenced on 16 January to four years imprisonment on drugs charges he denies, after a post questioning the motives of the September 2023 military operation.

<sup>77</sup> The President's 150 minute [interview](#) on 10 January was the only known time when he spoke in public about the election.

<sup>78</sup> 1 EUR equals 1.85 Azerbaijani *Manat* (AZN).

<sup>79</sup> Fuad Aliyev spent AZN 22,500; Razi Nurullayev – AZN 30,000; Elshad Musayev – AZN 28,500; Gudrat Hasanguliyev – AZN 49,500; Zahid Oruj -AZN 49,000; Fazil Mustafa – AZN 121,400; and incumbent Ilham Aliyev AZN 736,922. The total amount of the combined expenditures of the six candidates was AZN 300,900.

<sup>80</sup> According to Article 12.4 of [the 2002 CIS Convention](#), the signatory states “shall provide for an open and transparent nature of all money donations to candidates, political parties (coalitions), participating in elections, in order to avoid any prohibited donations”. Article 7.3 of [the 2003 UNCAC](#) recommends states “take appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office”. Paragraph 247 of [the 2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “voters must have relevant information as to the financial support given to political parties, as this influences decision making and is a means of holding parties accountable”.

an audit only if financial activities of candidates are considered suspicious does not ensure full transparency and effective and impartial oversight of campaign finance.<sup>81</sup>

*Detailed campaign finance reports clearly indicating the source and amounts of funds received should be available for public information and the audit of campaign finance reports should not be the subject of administrative discretion. The legislation should ensure that audits are conducted by an impartial and independent body and are subsequently published in a timely manner.*

Despite previous ODIHR recommendations, the Election Code does not provide for public funding for the presidential campaign. While none of the registered candidates met by the ODIHR EOM expressed the need for public financing, stating that they were able to finance their campaign mainly out of their own sources, opposition parties opined that the rules of political financing, including the lack of public funding, do not ensure a level playing field.

## X. MEDIA

### A. MEDIA ENVIRONMENT

Eleven national televisions serve as the main source of political information, followed closely by social networks and audiovisual platforms such as YouTube. State Television *AzTV* and Public Television *ITV* remain state-funded, and receive annually more funds from the state than the revenue generated by the entire TV advertising market.<sup>82</sup> Although the 2004 Law on Public Broadcasting requires the public service broadcaster *ITV* to be mainly funded through a subscription fee, this mechanism is yet to be implemented. In the interim, the law entitles *ITV* to seek state funding. *ITV* is managed by the Broadcasting Board, nominated by parliament, while the management of *AzTV* is appointed by the president.<sup>83</sup> Private media are licensed and supervised by the Audiovisual Council, whose members are appointed by the president. Many ODIHR EOM interlocutors alleged that opaque ownership structures of private broadcasters, combined with their direct dependence on the state, due to an underdeveloped advertisement market, hinder the sustainable development of media.

*In order to enhance the scope of relevant political information available to the public and to promote a plurality of views, the state television should be transformed into a genuine public service broadcaster. To ensure their independence, funding of the State TV *AzTV* and of the Public Television *ITV* should be multi-sourced, and their management should be appointed by an independent body.*

More than 10 critical journalists were arrested in the three months preceding the election, drawing concerns from local and international civil society, international organizations, and professional

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<sup>81</sup> See paragraph 47 of the 2017 [GRECO Second Addendum to the Second Compliance Report on Azerbaijan](#), which states that “[t]he clearly partisan composition of the CEC and election commissions is a particularly important issue which remains to be addressed in order to ensure effective and impartial supervision of political financing”.

<sup>82</sup> In 2024, *AzTV* is [budgeted](#) to receive AZN 42,569,399, while the amount earmarked for *ITV* is AZN 21,626,383. *ITV* has also received direct ad-hoc funding from the President for the purposes of purchasing broadcasting rights for various international sport events such as [2024 Summer Olympics](#) (some EUR 590,000) and [2024 UEFA Cup](#) (EUR 950,000). The Audiovisual Council of Azerbaijan informed the ODIHR EOM that the total advertisement market for television media is estimated at AZN 35,000,000.

<sup>83</sup> In their [2023 Joint Declaration on Media Freedom and Democracy](#), the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of Media and others called the States to “create and maintain adequately funded public service media and ensure their independence from political or commercial interference within a framework of accountability to the public. All government or State media should be transformed into public service media without further delay”. Paragraph 19 of the [General Comment No. 34 to the ICCPR](#) calls the States to “ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence”.



organizations including the OSCE Representative on Freedom of the Media (RFoM).<sup>84</sup> While the journalists were arrested mainly on charges of currency smuggling, extortion or other alleged criminal activity, the majority of the ODIHR EOM's interlocutors linked most of the arrests to their professional activities.<sup>85</sup> The ODIHR EOM requested access to court hearings for cases against journalists and media managers, but the request was denied by the Court of Appeal. The ODIHR EOM reviewed court decisions which imposed pre-trial detention as a preventative measure and noted that the decisions were nearly identical and did not provide appropriate justification for the choice of a measure which should be one of last resort.<sup>86</sup> Journalists critical of the authorities are often targets of smear campaigns in the pro-state media and are labelled as "subversive journalists" and "traitors" and are accused of "working for foreign intelligence" and "receiving illegal financial assistance from anti-Azerbaijani forces abroad".<sup>87</sup> Overall, such arrests, combined with an overly-restrictive legal framework (see below), have created a hostile environment for independent media and have led to widespread self-censorship. Thus, the scope for independent journalism and critical discourse is severely constrained.

## B. LEGAL FRAMEWORK

Although the Constitution provides for freedom of information and freedom of expression, it also imposes vague grounds for their limitations, which allows for arbitrary and disproportionate restrictions both in the legislation as well as in practice, contrary to international obligations and

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<sup>84</sup> Between 20 November 2023 and 13 January 2024, police arrested the director, editor-in-chief, deputy editor-in-chief and three journalists of a prominent investigative website *Absaz Media*. They were charged with bringing in a combined total of some EUR 40,000, while custom [regulations](#) entitle residents and non-residents of Azerbaijan to bring into the country up to USD 10,000 upon oral and up to USD 50,000 upon written declaration. In the same period, three journalists working for Youtube *Kanal 13* were also arrested on different charges including illegal construction, currency smuggling and disobeying police orders. The journalist arrested for disobeying the police was released on 1 January, after he was reportedly extensively questioned about his work for *Kanal 13*. On 8 December, the editor-in-chief of the critical online website *Dunyaninsesi.az* was arrested on charges of extortion. On 11 December, a journalist from Youtube *Kanal 11*, was arrested on charges of extortion. On 13 January, the editor-in-chief of *Gundelik Baku* website was arrested on extortion charges. On 15 January, a Baku-based political reporter of the Caucasus regional Tbilisi-based website *JamNews* was arrested and charged with minor hooliganism and released the next day, with all charges being dropped. On 16 January, the OSCE RFoM [expressed](#) her deep concerns over these arrests. The pattern of arrests continued after the election. On 6 March, the police raided Youtube *Toplum TV*, which resulted in the arrest of seven journalists, employees and activists affiliated with the media outlet. They too were charged with currency smuggling. The following day the RFoM [expressed](#) deep concern about the ongoing harassment of media workers. *Toplum TV* also reported, that on the same day as the arrests, their Youtube channel was renamed and their entire video archive was deleted, effectively suspending the activity of the outlet. On 8 March, a prominent Azerbaijani media lawyer and one of the co-founders of *Toplum TV* was also arrested and charged with currency smuggling.

<sup>85</sup> A number of cases are currently pending before the ECtHR in which applicants allege harassment by the authorities, and the opening of criminal proceedings in retaliation for their journalistic activities. The most recent examples include: the 2023 case of [Hashimov v. Azerbaijan](#), the 2022 case of [Hajili v. Azerbaijan](#), and the the 2018 case of [Mammadov v. Azerbaijan](#).

<sup>86</sup> Paragraph 3 of the Article 9 of the ICCPR reads "[...] It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement". Paragraph 21 of the [General Comment 35 to ICCPR](#) reads that "[...]States should only use such detention as a last resort and regular periodic reviews by an independent body must be assured to decide whether continued detention is justified[...]". Paragraph 22 of the same document states that "[a]ny substantive grounds for arrest or detention [...] should be defined with sufficient precision to avoid overly broad or arbitrary interpretation or application".

<sup>87</sup> For example, shortly after the arrest of the leadership of *Absaz Media* over 10 broadcast and online media outlets were running stories targeting journalists of *Absaz Media*, alleging illegal activities and spying in favour of foreign parties. The radio *Azadliq* (local branch of Radio Free Europe/Radio Liberty), the local critical newspaper *Azadliq* and *Toplum TV* and its editor-in-chief were targeted in similar media campaigns [before](#), [during](#) and [after](#) the election day. Another campaign targeting *Toplum TV* and its senior management appeared in the media, shortly after the arrests of their leadership and journalists in early March.

commitments.<sup>88</sup> Despite previous ODIHR recommendations, defamation and libel, including on social networks, remain criminal offenses, punishable with up to three years imprisonment, or up to five, if targeted at the president.<sup>89</sup>

*The legal framework for the media should be reviewed to guarantee and support freedom of expression in line with international standards. Criminal prosecution for libel and dissemination of information which is known to be false, as well as laws that provide special protection of the honour of public officials, should be fully repealed in favour of civil remedies designed to restore the reputation harmed.*

Furthermore, the Law on Information entitles the Ministry of Digital Development and Transport to block websites of media outlets based on their content prior to seeking a court decision, which has resulted in a number of local and international news websites being blocked in the country, including during the campaign.<sup>90</sup>

*In line with international standards, websites should only be blocked based on objective and transparent criteria clearly defined in law. Possible limitations should be content-specific, while general bans of entire websites should be avoided. Website owners and the general public should be informed when such blockings occur in order to ensure they have an effective opportunity to appeal. A register of blocked websites should be publicly available.*

The new Law on Media, which entered into force in 2022, was met with strong criticism from local and international organizations including the OSCE RFoM and the Council of Europe.<sup>91</sup> Despite international commitments for freedom of expression which explicitly prohibit general state-managed systems of registration or licensing of journalists, the law introduced mandatory registration of media

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<sup>88</sup> Paragraph 47.3 of the Constitution prohibits “agitation and propaganda inciting racial, national, religious, social discord and animosity or relying on any other criteria”. Paragraph 40 of the 2016 [Opinion](#) of the Venice Commission on Draft Modifications to the Constitution notes that such an open-ended clause may justify far reaching restrictions on freedom of expression, guaranteed by Article 10 of the ECHR. Paragraph 30 of the same document concludes that “[t]o-date the principle of proportionality to a legitimate aim is only recognised at the level of the constitutional law, and has not been constitutionalised”. Paragraph 25 of the 2011 UNHRC [General Comment No. 34 to the ICCPR](#) reads “Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not”. Paragraph 22 of the Council of Europe [Recommendation CM/Rec\(2024\)2](#) of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation (SLAPPs) provides that “Member States should maintain or take, as appropriate, the necessary legislative or other measures to prevent legal actions that are threatened, initiated or pursued to prevent, inhibit, restrict or penalise the free expression of any legal or natural persons on matters of public interest and the exercise of rights associated with public participation. They should also exercise vigilance to ensure that legislation and sanctions and remedies are not applied in a discriminatory or arbitrary fashion against public participation”.

<sup>89</sup> Paragraph 47 of the [General Comment No. 34 to the ICCPR](#) calls the States to “consider the decriminalization of defamation” while Paragraph 38 provides that “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition. [...] Laws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned”.

<sup>90</sup> Despite legal requirements, the consolidated list of blocked websites was not publicly available. During the campaign period, the ODIHR EOM noted that over 10 local and international websites which provide daily national political coverage were generally inaccessible in Baku and in the regions. Some ODIHR EOM interlocutors noted several cases of temporary blocking of TikTok on grounds of security, most recently between 19 September and 31 October 2023. Paragraph 43 of the [General Comment No. 34 to the ICCPR](#) suggests, that “Any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system” are only permissible to the extent they do not violate Article 19 of the ICCPR, clearly concluding, that generic bans on the operation of websites are not in line with Article 19 of the ICCPR. Paragraph 70 of the [2011 report of the UN Special Representative on Freedom of Expression](#) calls upon States “to provide lists of blocked websites and full details regarding the necessity and justification for blocking each website”.

<sup>91</sup> See the 2022 [Legal Analysis](#) On the Law of the Republic of Azerbaijan “Law on Media” commissioned by the OSCE Representative on Freedom of the Media and the 2022 [Joint Opinion](#) of the Venice Commission and the Directorate General for Human Rights and Rule of Law of the Council of Europe on the Law On Media.

organizations<sup>92</sup> and *de facto* mandatory registration of journalists who must fulfil a wide range of requirements.<sup>93</sup> Furthermore, the law prohibits foreign ownership and funding of the media and provides for extensive restrictions on the type of information which can be published and/or disseminated by the media. The Media Development Agency (MDA), whose Executive Director and the Supervisory Board are appointed by the president, is tasked with maintaining the media register and removing media outlets and journalists which no longer comply with the requirements (for example those who violate the Code of Ethics).<sup>94</sup>

*The Law on Media should be overhauled in order to bring it in line with international standards on freedom of expression. In particular, excessive restrictions on the establishment, registration and funding of media outlets, including by foreign nationals and entities, as well as the state-managed system of registration and licensing of journalists should be reviewed.*

The Election Code provides a broad definition of campaigning, which includes interviews, press conferences, open discussions, debates, round-table discussions, political advertising, as well as “TV and radio programs”. Such coverage can either be paid for to those media outlets which opted to sell time or can be free of charge but only on the public broadcaster *ITV*.<sup>95</sup> By law, state *AzTV* is not allowed to cover the campaign. Those broadcast media who were interested in covering contestants’ campaign activities were required to do so on an equal basis and air the content only at the beginning of programs, without providing any supplementary comments. The broad definition of campaigning combined with the very narrowly defined editorial coverage significantly limited the ability of media to provide diverse and comprehensive coverage of contestants, and thus restricted the public's access to a wide range of views. Taken together, all of the above undermined the principle of media pluralism during the election period.

*In order to uphold the principle of media pluralism during an election period, voters should be provided with a wide range of views, editorial election-related programs should not be limited or restricted, and the state broadcaster should be allowed to cover the election campaign in its news.*

Neither the Audiovisual Council nor the MDA have any authority in electoral matters. Compliance of the media with the legislation was overseen by the CEC’s Working Group on media. The group consisted of 4 members nominated by the CEC and 15 members representing major media outlets. The

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<sup>92</sup> In order to qualify to register, online media *inter alia* are required to produce at least 20 original news items per day in at least 20 days of a month, which is a challenging requirement for investigative or regional media.

<sup>93</sup> To qualify for inclusion in the media register, and thus be legally recognised as a journalist, the latter must *inter alia* have completed a university degree, have three years of work or scientific experience connected to media, be employed by a registered media outlet, or be registered as a sole-proprietor, have no criminal convictions, and adhere to the code of professional ethics. Although the Law on Media entitles media to request their journalists to be included in the Media Register, while not obliging them to do so, only those included in the register are entitled to receive accreditation to public institutions and “access venues to seek, impart and disseminate information”. Paragraph 44 of the [General Comment No. 34 to the ICCPR](#) concludes that “State systems of registration or licensing of journalists are incompatible” with the Freedom of Expression. It further notes that “Limited accreditation schemes are permissible only where necessary to provide journalists with privileged access to certain places and/or events”. Paragraph 26.2 of the 1991 [OSCE Moscow Document](#) commits participating States to “not discriminate against independent media with respect to affording access to information, material and facilities”.

<sup>94</sup> Print and online media outlets which were already established when the law was adopted were required to register with the MDA within six months. Following the deadline, the MDA initiated the closure of those outlets which had failed to register. The 2023 [Vibrant Information Barometer](#), prepared by IREX noted that “As a result of the law, 40 media outlets were refused accreditation and 20 journalists had their credentials removed”. One of the suspended outlets, the regional website *Mingəçevir işıqları* contested in court, its non-inclusion by the MDA, arguing that the quantity of information in their city is not sufficient to create 20 original news pieces on a daily basis. On 17 February the Administrative Court of Sheki dismissed the complaint, and *Mingəçevir işıqları* appealed to the Supreme Court.

<sup>95</sup> Although 44 media outlets offered paid time or space, the contestants made limited use of these, mostly using online media, reportedly due to limited campaign budgets.

group held only one meeting during the campaign, observed by the ODIHR EOM, which was dedicated to CEC members answering questions raised by the media members on the legislation.

### C. MEDIA MONITORING FINDINGS

The nominal coverage of the campaign was overshadowed by the extensive coverage of the electoral process, with particular attention given to preparations for the elections in the regained territories.<sup>96</sup> The extensive ceremonial coverage of the incumbent President in the broadcast media, such as signing executive orders on the allocation of funds for social programs, visiting the regions, receiving foreign guests or generally highlighting his role in the restoration of the country's territorial integrity provided him with an undue advantage over other contestants.

In line with the Election Code, *ITV* provided free time in the form of 10 one-hour joint televised roundtable discussions, aired during prime-time, which served as the main platform for the contestants.<sup>97</sup> In these programs, contestants, or their proxies, took turns, in an order determined by a lottery, to present their views on pre-agreed topics, but with extremely limited interaction between them. With the exception of one event, all contestants participated in person, other than the incumbent who was always represented by proxies, which reduced the value of such programmes for the voters.

During the official campaign period, *AzTV*, *ARB TV*, *ATV*, *ITV* and *Xezer TV* dedicated to all contestants a total of less than two minutes of the informational coverage in prime-time. While in general the news channel *Real TV* also dedicated scarce coverage of the candidates during the campaign, on the last day of the campaign it offered short profiles of every contestant in their evening news. *AzTV*, *ATV*, *Real TV* and *Xezer TV* dedicated extensive positive news coverage of the incumbent with a total of over six hours combined, through daily formalistic coverage of his activities. Public *ITV* and private *ARB TV* made a clear effort to limit the coverage of the incumbent in the news; while the President was covered on a daily basis it was to a significantly lesser extent, as compared to other broadcasters.

During the campaign and silence period *AzTV*, *ATV* and *Xezer TV* regularly included in their advertisement segments short videos produced in-house, between 30 and 60 seconds in duration, which praised the role of the military and the incumbent in the restoration of the country's territorial sovereignty. Similarly, *ARB TV* also tailored its title and end sequence to focus on recognition of their contributions.

The coverage by the monitored online media largely mirrored that of the broadcast media, with *APA*, *Azertac*, *Qafqazinfo*, *Report* and *Trend* dedicating significant positive coverage to the incumbent in his capacity as President, while the remaining six contestants hardly featured. Although *APA* did cover the campaign activities of Gudrat Hasanguliyev, all of it was paid for. *Turan* also provided significant coverage of the incumbent but it did so mainly in a factual and critical tone.

Overall, the negligible coverage of the contestants in the media during the entire campaign, with the exception of the free presentations on *ITV* and a few paid political advertisements in online media, did not allow voters to learn about the contestants and their platforms, and severely limited their opportunity to make an informed choice. All of the above combined with an almost complete absence of critical coverage of the incumbent and the government, further reflected the uncompetitive nature of the campaign.

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<sup>96</sup> During the official campaign period the ODIHR EOM conducted systematic media monitoring of the prime-time of the following TV stations: *ITV* (public), *AzTV* (state), *ARB*, *ATV*, *Real TV* and *Xezer TV*. The ODIHR EOM also monitored the news coverage of the following websites: *apa.az*, *azertag.az*, *qafqazinfo.az*, *report.az*, *trend.az*, *turan.az*.

<sup>97</sup> *ITV* also organized nine such programs on their main radio channel, where most candidates chose to be represented by their proxies. In addition, four state-owned national newspapers provided free space to all contestants.



## XI. ELECTION DISPUTE RESOLUTION

Complaints against actions, inactions and decisions which violate electoral rights can be lodged with the higher-level election commission and appealed to the Court of Appeal, whose decisions can subsequently be challenged to the Supreme Court. Complaints and appeals shall be submitted within three days from the violation/decision or the day the plaintiff was informed of the decision. Complaints and appeals lodged before election day should be reviewed and decided upon within three days by the relevant bodies; complaints and appeals submitted on or after election day should be reviewed and decided upon immediately.

Despite previous ODIHR recommendations, the legal framework does not ensure that complaints are handled by a fully impartial body, owing to the unaddressed structural problem with the composition of the election administration.<sup>98</sup> The Expert Group established by the CEC for the handling of complaints is comprised of CEC members and staff.<sup>99</sup> While the CEC considered only one complaint in its session,<sup>100</sup> the ODIHR EOM observed that, at times, complaints were answered by the CEC through letters that merely cited the provisions of the law, without providing any reasoning.<sup>101</sup> In addition, members of the Expert Group informed the ODIHR EOM that they were in receipt of “grievances” that were not considered to be relevant to elections. Some of those “grievances” amounted to election-related complaints but were left without consideration and no possibility to appeal.<sup>102</sup>

The Court of Appeal received nine appeals none of which were satisfied; four appeals were dismissed and five were rejected.<sup>103</sup> In the court sessions observed by the ODIHR EOM, the parties were provided with the opportunity to present their positions. However, information about the timing of the hearings was not communicated to the public.<sup>104</sup> All decisions were published only after election day.<sup>105</sup> Four appeals were dismissed due to, *inter alia*, the non-exhaustion of administrative remedies, with the court stating that there were no prior decisions by the election commissions.<sup>106</sup> This approach resulted in the use of admissibility requirements in favour of the election administration, leaving alleged violations of the law by election commissions without due consideration on their merits.<sup>107</sup>

*All communications with election commissions of a complaint nature should be considered on their merits and complainants should be given the opportunity to appeal the decisions. Additional efforts should be taken to ensure transparency in the adjudication of appeals by the courts and the timely*

<sup>98</sup> In the 2015 case of [Gahramanli and Others v. Azerbaijan](#), the ECtHR stated that “[a]n effort by the respondent State envisioning a reform of the structural composition of the electoral commissions should therefore be encouraged with the aim of improving the effectiveness of examination of individual election related complaints”. To date, this judgment has not been implemented.

<sup>99</sup> For this election, seven members of the group were CEC members, while two were staff members from the CEC Secretariat.

<sup>100</sup> The complaint alleged that the police impeded the signature collection activity of a nominee. The CEC referred the case to the prosecutor’s office, which subsequently dismissed it stating that the evidence provided by the applicant was not sufficient to open a criminal investigation.

<sup>101</sup> During a court hearing attended by the ODIHR EOM, the applicant showed one such letter to the court.

<sup>102</sup> For instance, “grievances” regarding the CEC’s avoidance to accept documents of prospective candidates and the dates for the signature collection process being during public holidays. In these cases, the courts rejected appeals on various formal grounds including due to the lack of prior consideration of complaints by the CEC.

<sup>103</sup> Eight appeals were received by the Baku Court of Appeal, and one by the Sumgayit Court of Appeal.

<sup>104</sup> The ODIHR EOM requested information from the Baku Court of Appeal and from the CEC on the dates of the hearings; one notification was received from the Court shortly before the hearings began. For other hearings observed, the ODIHR EOM was notified of the date by the applicants.

<sup>105</sup> They were filed with regard to the timeline for the signature collection where appellants found the time for signature collection too short or that its overlap with public holidays prevented them from standing in this election. In one instance, the appellant alleged early campaigning by the incumbent.

<sup>106</sup> For instance, most appeals were dismissed by the Court which stated that applicants had not provided sufficient evidence of communication with the CEC regarding their complaints.

<sup>107</sup> This included cases related to signature collection, early campaigning and nomination of observers.

*publication of decisions. The application of admissibility rules and distribution of burden of proof should not be used to circumvent the provision of judicial remedy for alleged electoral violations.*

The opportunity for further appeals in election-related matters is limited for some appellants as they can only be filed with the Supreme Court if the legal representative is registered with the Bar Association.<sup>108</sup> A number of ODIHR EOM interlocutors raised concerns about their ability to obtain legal aid citing pressure exerted on legal professionals who express critical opinions or who take on human rights-related or politically sensitive cases, including disbarment or the threat of disbarment, disciplinary sanctions and non-admission to the Bar.<sup>109</sup> Combined with the lack of clear criteria for registering with or being deregistered by the Bar Association this exposes the legal profession to arbitrary decision-making by the Bar and in turn curtails the right of individuals to seek and receive legal assistance, at odds with OSCE commitments.<sup>110</sup>

*The right to provide and receive legal assistance must be protected against arbitrary decisions, influence or bias. The legislation should include clear and objective criteria for the registration and deregistration of legal professionals as well as for the application of disciplinary sanctions.*

The authorities informed the ODIHR EOM of measures taken to implement the 2019 presidential decree “On the deepening of reforms in the judicial system”, including reducing the presence of the executive branch in the judicial council.<sup>111</sup> Nevertheless, many ODIHR EOM interlocutors stated that they do not trust the election dispute resolution system as they find there to be a lack of judicial independence, which renders the right to judicial remedy in the handling of disputes against authorities ineffective and necessitates bringing cases before the ECtHR.<sup>112</sup> Overall the lack of a politically balanced composition of the election commissions, longstanding concerns over the independence and effectiveness of the judiciary, and restrictions on legal professionals undermined the right to an effective remedy, at odds with Paragraph 5.10 of the 1990 Copenhagen Document.<sup>113</sup>

## **XII. CITIZEN AND INTERNATIONAL OBSERVERS**

The law provides for citizen and international election observation. To be accredited, an organization is required to work in the field of elections. While accredited observers can observe election day

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<sup>108</sup> The two election-related appeals submitted to the Supreme Court were dismissed as they were not filed through a legal representative registered with the Bar Association. In both cases, the request for the provision of a state appointed lawyer was denied with the Court stating that the applicant did not prove that he did not have sufficient funds to pay for legal services.

<sup>109</sup> See the 2018 [ICJ recommendations to the Azerbaijan Bar Association on the role and independence of lawyers](#) which states that “disciplinary measures or the threat of such measures continue the unfortunate pattern”. See also the 2020 ECtHR case [Bagirov v. Azerbaijan](#), where the Court stated, *inter alia*, that “the disbarment could not but be regarded as a harsh sanction, capable of having a chilling effect on the performance by lawyers of their duties as defence counsel”. Paragraph 20 of the Council of Europe [Recommendation CM/Rec\(2024\)2](#) of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation (SLAPPs) states that “Member States should ensure that their national legal systems and their implementation provide a comprehensive legal framework and coherent set of structural and procedural safeguards to prevent and minimise the harmful effects of SLAPPs, as well as a full set of remedies and support measures for the harms caused by SLAPPs”.

<sup>110</sup> Paragraph 11.2 of [the 1990 OSCE Copenhagen Document](#) provides for the right of the individual to seek and receive assistance from others in defending human rights and fundamental freedoms, and to assist others in defending human rights and fundamental freedoms; Paragraph 11.3 states that the effective remedy includes the right of individuals or groups acting on their behalf to communicate with international bodies with competence to receive and consider information concerning allegations of human rights abuses.

<sup>111</sup> Other measures include strengthening the social protection of judges, increase of their salaries, electronic publication of court decisions and access of the parties to the ‘Electronic Court’ system.

<sup>112</sup> The ECtHR can only start looking into a case after all domestic remedies have been exhausted.

<sup>113</sup> Paragraph 5.10 of the OSCE Copenhagen document states that, “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

proceedings, including voting and counting, they can only attend commission meetings with the permission of the CEC.<sup>114</sup> Permits to observe commission meetings are assigned by lottery; however, the list of organizations with this permit was not made public, negatively impacting transparency. Candidates and political parties are also entitled to accredit observers. Candidates and their authorized representatives do not need to be accredited and have the same rights as observers.

*Measures should be taken to ensure unhindered access of citizen observers to the entire electoral process. Restrictions on the possibility for citizen groups to attend commission meetings and observe the work of the election commissions before election day should be removed.*

Several ODIHR EOM interlocutors raised concerns about the legal provisions which limit access to foreign funding for civil society.<sup>115</sup> Moreover, some civil society organizations, including those previously engaged in observing electoral processes, informed the ODIHR EOM of administrative obstacles such as long delays in the registration process, or the lack of the possibility to rectify minor omissions in documents related to their registration and dissolution.<sup>116</sup>

The lack of legal status of some civil society organizations obliges these groups to accredit observers on an individual basis, which poses additional bureaucratic and operational hurdles.<sup>117</sup> These measures largely restrict the capacity of domestic organizations to prepare and deploy an observation activity and their ability to seek, secure and have autonomy in the use of resources. Indeed, although the legal provision for accrediting observers on an individual basis constitutes a positive additional option, in fact it represents the only possibility for unregistered organizations to operate. However, the system tends to be abused by political forces who use it to gain a higher number of observers in election commissions than they are legally entitled to, especially on election day (see *Election Day*). A number of ODIHR EOM interlocutors raised concerns that the space for independent observers is shrinking while government-affiliated organizations have become more prominent.<sup>118</sup> Additionally, some interlocutors reported cases of pressure on observers accredited at the ConEC level who were called by law enforcement bodies and asked not to observe the election.

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<sup>114</sup> Paragraph 8 of the [1990 OSCE Copenhagen Document](#) states that “participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

<sup>115</sup> In Paragraph 34 of the 2013 [Report of the UN Special Rapporteur](#) on the rights to freedom of peaceful assembly and association, the Special Rapporteur expressed a concern over the states that “restrict or stigmatize foreign funding under the guise of preservation of sovereignty” and recalled that “governments must allow access by NGOs to foreign funding as a part of international cooperation to which civil society is entitled, to the same extent as Governments”. Council of Europe Recommendation [CM/Rec\(2007\)14](#) of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe states that NGOs should be free to solicit and receive funding – cash or in-kind donations – not only from public bodies in their own state but also from institutional or individual donors, another state or multilateral agencies, subject only to the laws generally applicable to customs, foreign exchange and money laundering and those on the funding of elections and political parties.

<sup>116</sup> For example, in the 2021 ECtHR judgment [Election Monitoring Centre and Others v. Azerbaijan](#), the Court stated that “neither the Ministry of Justice nor the domestic courts explained why they regarded that the alleged breaches were impossible to remedy and justified outright dissolution of the [Election Monitoring Centre] EMC”. The Court held that there had been a violation of Article 11 of the ECHR in respect to the delay in the registration of the EMC and its dissolution. To date, this judgment is yet to be implemented.

<sup>117</sup> Non-registered organizations can not submit documents on behalf of their members, and each prospective observer has to physically go to the relevant commission twice to receive accreditation. Additionally, non-registered organizations can not apply for the special permit to observe commission meetings and are ineligible for national funds.

<sup>118</sup> Paragraph 8 of the [Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations](#) states that “no one should be allowed to be a non-partisan citizen election observer or monitor unless she or he is free from any political, economic or other conflict of interest that would hinder that person from conducting her or his election observation and monitoring activities in a non-discriminatory, impartial accurate and timely manner”.

*The legal and administrative barriers to observation should be limited to measures essential for safeguarding the integrity of observation. The accreditation process should not allow for arbitrary decisions and the implementation should be devoid of discrimination of critical independent organizations.*

Of some 88,000 domestic observers accredited by the CEC and ConECs, 51 per cent were representative of contestants, 42 per cent were individual observers and only 6 per cent were nominated by non-governmental organizations.

### **XIII. ELECTION DAY**

Election day was calm with no incidents reported by the authorities. Despite requirements to remove posters, IEOM observers noted campaign material in the vicinity of some 8 per cent of the polling stations observed. Throughout election day, the CEC shared updates on the process, including voter turnout. It started posting preliminary results from polling stations in the early morning hours of 8 February. In total, 52 per cent of the members of PECs observed by the IEOM were women, including 39 per cent of chairpersons. The preliminary voter turnout was announced at 76.7 per cent by the CEC.

#### **A. OPENING AND VOTING**

Overall, all polling stations observed opened on time or with a slight delay. The IEOM negatively assessed 20 of the 132 observed openings of polling stations. This was primarily due to the non-adherence with mandatory procedures which are important safeguards against electoral malfeasance. The number of ballot papers received was not counted or recorded in 37 and 46 observations respectively, unused DVCs were not counted and cancelled in 35 observations and the serial numbers of ballot box seals were not announced and recorded in the draft protocols in 34 cases. In one fifth of observations, PEC members appeared to not be aware of the required procedures. IEOM observers reported instances of overcrowding and in 12 observations a clear and unrestricted view of opening procedures was not possible.

The voting process was overall orderly and smooth in polling stations observed. Nevertheless, it was assessed as bad or very bad in almost 8 per cent of 1,226 polling stations observed, which is indicative of serious procedural shortcomings. The significant number of negative assessments was largely due to issues of secrecy of the vote, and the omission of important safeguards against multiple voting; for instance, voters were often not consistently inked or checked for traces of ink in 11 and 16 per cent of observations respectively. Concerningly, a number of voters were added to the supplementary voter list on election day (see *Voter Registration*).

The secrecy of the vote was compromised in one quarter of observations, either because voters did not mark the ballot in secrecy or did not fold it in such a way as to preserve its secrecy in 7 and 17 per cent of observations, respectively. Overcrowding was reported in almost 11 per cent of observed polling stations, often as a result of a high number of candidate, party and citizen observers. Despite measures to facilitate access to the polling process for persons with disabilities, independent access was not ensured, and the layout was not conducive for people with disabilities in 73 per cent and 37 per cent of observed polling stations, respectively.

*The authorities, in consultation with disabled persons organizations, should undertake further efforts to ensure the full and equal participation of persons with disabilities in the electoral process, publish information in accessible formats, secure independent access to polling stations during election day and ensure that the secrecy of disabled voters is respected.*

A number of significant indications of serious violations were noted by the IEOM, including indications of ballot box stuffing (29 polling stations), seemingly identical signatures on the voter lists in 5 per cent of observations as well as group voting in 4 per cent of observations. Ballot boxes were not properly sealed in almost 4 per cent of observed polling stations. Despite these noted irregularities, the CEC informed the ODIHR EOM that no formal complaints were recorded in any of the polling stations observed.<sup>119</sup>

Candidate and party observers were present in the vast majority of polling stations observed and PEC members with consultative status were present in half of the observations. Both categories predominantly represented YAP (81 and 78 per cent, respectively). Citizen observers were present in 81 per cent of the observed polling stations. However, IEOM observers reported a lack of awareness among observers regarding their nominating entity and noted that those accredited as citizen observers in practice represented the interests of parties or candidates in 14 per cent of observations, while party and candidate observers appeared to represent the interest of another candidate in 9 per cent. Although unauthorized persons were present in 5 per cent of observations, in general they did not interfere in the work of the PECs.

Observers did not have a clear view of the voting procedures in 10 per cent of the observed polling stations, largely due to overcrowding and the layout of polling stations. IEOM observers were not able to observe the voting procedures without restrictions in 4 per cent of observations. A few independent media outlets informed the IEOM that their journalists were prevented from entering some polling stations, despite having a valid identification issued by their respective media organization.<sup>120</sup> All of the above taken together negatively impacted the transparency of the process.

## **B. CLOSING AND COUNTING**

The vote count was assessed negatively in more than half (61) of the 113 counts observed, largely due to a systematic disregard of important reconciliation procedures both before and after the opening of the ballot boxes, raising serious questions about whether ballots were counted and reported honestly in line with Paragraph 7.4 of the 1990 OSCE Copenhagen Document.<sup>121</sup> Important numerical cross checks intended to safeguard against manipulation were not performed. In almost half (52) of the observations, signatures on the voter lists were not counted, nor did the PECs determine the number of signed requests for mobile voting in 37 out of 107 observations, which made it impossible to authentically reconcile the number of ballots found in the boxes with the number of voters who signed the voter lists. PECs did not announce figures recorded in the draft protocol in approximately every three out of five observations (68).

Following the opening of the ballot boxes, IEOM observers noted indications of ballot box stuffing, including clumps or stacks of ballots, in 13 cases. Furthermore, in 12 instances the number of ballots in the ballot box was higher than the number of voters who had voted. In many polling stations, IEOM observers were not allowed to look at the voter list, even upon request. In those polling stations where a visual inspection of the voter list was granted, IEOM observers consistently noted discrepancies among the data reported by the polling staff, the number of ballots in the ballot boxes and the number of signatures observed in the voter lists. The number of ballots in the ballot box was not determined and recorded in the draft protocol in just under one third (34) of observations. In 15 instances, IEOM observers noted indications of deliberate falsification of voter list entries, results or protocols. In one quarter of polling stations observed, the validity of ballots was not determined in a reasonable or consistent manner (26 and 22 cases respectively). Furthermore, in the vast majority of cases, (72) the

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<sup>119</sup> On election day, the IEOM observers reported 56 complaints filed at the polling station level.

<sup>120</sup> On election day, the Media Development Agency released a statement that journalists ought to have unimpeded access to polling stations.

<sup>121</sup> Paragraph 7.4 of the [1990 OSCE Copenhagen Document](#) states that participating States will “ensure that votes are cast by secret ballot or by equivalent free voting procedure and are counted and reported honestly”.



validity of disputed ballots was not decided by a vote of commission members. The CEC informed the ODIHR EOM that no formal complaints were recorded in any of the polling stations observed for the count.<sup>122</sup>

IEOM observers noted that transparency of the count was compromised in close to half (53) of the observations of the count. In over one third of observations (36) all observers were not able to clearly see voters' marks on the ballot and in one quarter (29) not all observers at the polling station had a clear view of the counting procedures. Over one fifth (26) of IEOM observer teams were not able to observe the counting procedures without restriction. In 21 cases IEOM observers were not granted full cooperation by the PEC and on several occasions IEOM observers were requested to leave the polling station premises just as the process for completing the protocols was to commence. Extended breaks were taken by commissioners in 25 polling stations observed, and in 9 cases the materials did not remain in full view of observers and representatives during these breaks. A copy of the protocol was posted in less than half (43) of the polling stations observed.

### C. TABULATION AND ANNOUNCEMENT OF RESULTS

The IEOM assessed the tabulation process positively in 81 out of 89 ConECs observed. Negative assessments were mainly due to a lack of transparency as observers did not have a clear view of the procedures, poor organization of receipt of protocols and other materials, insufficient space, and procedures not consistently followed. The IEOM was denied access to the tabulation in four ConECs, including due to a temporary breakdown of the computer system.<sup>123</sup> In six ConECs the IEOM was unable to observe the procedures without restrictions. Citizen and candidate or party observers were present in 26 ConECs observed.

In 40 cases, the IEOM observers reported that ConEC chairpersons failed to announce entries in the computer, and in 15 cases, PEC chairpersons did not sign the three printouts of the protocol. Moreover, in 14 instances, PEC members either changed protocol figures or filled out their protocols at the ConEC premises. The PEC chairpersons were not present while the data of their PECs was being processed in 21 cases.

*Effective measures should be taken to increase the transparency and integrity of the counting and tabulation process and instil public confidence in the accuracy of the results. Members of Precinct and Constituency Election Commissions should follow procedures in a clear and consistent manner, on time, uninterrupted and in full view of observers.*

The CEC held a session on 11 February to announce the preliminary final results and signed the final results protocol. On that occasion, the results of 11 PECs were cancelled due to irregularities and consequently deducted from the protocols of the respective ConECs. Both the CEC and the Office of the Prosecutor informed the ODIHR EOM that they had not received any complaints related to election day procedures. The Constitutional Court validated the results on 13 February. The six unsuccessful candidates all congratulated the President the day after the election. AXCP and *Musavat* condemned the election citing the lack of competitive candidates and electoral malpractice.<sup>124</sup> On 14 February during an eighty-minute inaugural speech, the President focused to a large extent on the YAP electoral campaign themes of celebrating military successes and the reconstruction of the restored territories.<sup>125</sup>

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<sup>122</sup> On election day, the IEOM observers reported 7 complaints filed at the polling station level during counting.

<sup>123</sup> The four ConECs were located in: Sebail, Surakhani, Khazar and Zardab-Kurdamir-Ujar.

<sup>124</sup> See the statement by [AXCP](#) and [Musavat](#) here.

<sup>125</sup> See the President's speech [here](#).

## **XIV. RECOMMENDATIONS**

These recommendations as contained throughout the text, are offered with a view to further enhance the conduct of elections in Azerbaijan and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed. ODIHR stands ready to assist the authorities of Azerbaijan to further improve the electoral process and to address the recommendations contained in this and previous reports.<sup>126</sup>

### **A. PRIORITY RECOMMENDATIONS**

1. A competitive political environment which results in viable political alternatives is critical to a democratic process. The authorities should demonstrate full respect for fundamental freedoms and ensure that potential candidates, and electoral contestants are provided with conditions that enable them to promote political platforms and debate public affairs freely and are not subjected to pressure or intimidation. Instances and allegations of pressure or intimidation should be promptly investigated by the relevant authorities and the perpetrators held accountable for their acts.
2. In order to ensure compliance with international human rights obligations, the revision and subsequent implementation of the legal framework should always be done in such a way as to provide for the effective exercise of fundamental freedoms in practice, and safeguard against arbitrariness. The amendments should be made well in advance of the next elections through a consultative process that ensures inclusive and effective public participation.
3. The legislative requirements and administrative procedures for the registration of political parties should be comprehensively revised in order to respect and encourage pluralism and freedom of association. Registration of political parties should be carried out strictly on the basis of objective and transparent criteria and be subject to judicial remedy.
4. The Law on Media should be overhauled in order to bring it in line with international standards on freedom of expression. In particular, excessive restrictions on the establishment, registration and funding of media outlets, including by foreign nationals and entities, as well as the state-managed system of registration and licensing of journalists should be reviewed.
5. To strengthen impartiality and effective independence of election administration to ensure broad public confidence in their work, the appointment process for election commission members at all levels should be revised to prevent dominance by any single political party. Commissions should work as collegial bodies taking decisions in a manner that supports the perception of impartiality and political neutrality.
6. The legal and administrative barriers to observation should be limited to those absolutely necessary to ensure the integrity of observation. The accreditation process should not allow for arbitrary decisions and the implementation should be devoid of discrimination of critical independent organizations.

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<sup>126</sup> In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR EOM as follows: recommendation 13 from the [ODIHR final report on the 2018 early presidential election](#) (2018 Final Report) and recommendations 11 and 20 from the [ODIHR final report on the 2020 early parliamentary elections \(2020 Final Report\)](#) are mostly implemented. Recommendations 11, 12, and 14 from the 2018 Final Report and 13 from the 2020 Final Report partially implemented. See also the ODIHR [electoral recommendations database](#).

7. Effective measures should be taken to increase the transparency and integrity of the counting and tabulation process and instil public confidence in the accuracy of the results. Members of Precinct and Constituency Election Commissions should follow procedures in a clear and consistent manner, on time, uninterrupted and in full view of observers.
8. Women's full and equal participation in public and political life, including at the senior and decision-making levels, should be facilitated by means of comprehensive legal, institutional, and educational initiatives.

## **B. OTHER RECOMMENDATIONS**

### **Election Administration**

9. Measures to ensure equal participation of women, including in decision-making roles, should be taken through the introduction of legal requirements and efforts to identify and nominate women at all levels of election administration.
10. To increase transparency and accountability, election commissions should conduct all substantive work in an open manner, and sessions of lower-level commissions should be announced well in advance to facilitate stakeholders' attendance. Agendas and minutes of sessions should be published in a timely manner.
11. The authorities, in consultation with disabled persons organizations, should undertake further efforts to ensure the full and equal participation of persons with disabilities in the electoral process, publish information in accessible formats, secure independent access to polling stations during election day and ensure that the secrecy of disabled voters is respected.

### **Voter Registration**

12. The legal framework should be harmonized with international standards by removing any restrictions on electoral rights based on intellectual or psychosocial disability.
13. To guarantee active suffrage rights of all voters and to increase public trust in the voter register, election management bodies should improve the accuracy and the inclusiveness of the voter register in a transparent manner.
14. In order to strengthen the integrity of the voter registration and of the polling process, additions to the voter list on election day should be subject to judicial procedure, with effective safeguards against multiple voting.

### **Party and Candidate Registration**

15. Restrictions on candidacy based on residency, dual citizenship and education should be reviewed in line with applicable standards.
16. To further promote pluralism in the electoral process and freedom of association, consideration should be given to removing the restriction to sign in support of only one candidate.
17. The legal framework should be amended to provide sufficient time to collect signatures for candidate registration and to ensure a clear, objective and transparent signature verification process.



## **Campaign**

18. To comply fully with international standards, the legislation should be revised and implemented in a manner which ensures a meaningful exercise of the right to peaceful assemblies, including those of a political nature and during elections.
19. Authorities and political parties should refrain from coercing public-sector employees, students and others to participate in campaigning.
20. Political parties should be encouraged to facilitate women's political advancement, increase visibility of women during electoral campaigns, and mainstream a gender perspective into party programmes. As temporary special measures, the authorities could consider introducing incentives for political parties to take such steps.

## **Campaign Finance**

21. Detailed campaign finance reports clearly indicating the source and amounts of funds received should be available for public information and the audit of campaign finance reports should not be the subject of administrative discretion. The legislation should ensure that audits are conducted by an impartial and independent body and are subsequently published in a timely manner.

## **Media**

22. In order to enhance the scope of relevant political information available to the public and to promote a plurality of views, the state television should be transformed into a genuine public service broadcaster. To ensure their independence, funding of the State TV AzTV and of the Public Television ITV should be multi-sourced, and their management should be appointed by an independent body.
23. The legal framework for the media should be reviewed to guarantee and support freedom of expression in line with international standards. Criminal prosecution for libel and dissemination of information which is known to be false, as well as laws that provide special protection of the honour of public officials should be fully repealed in favour of civil remedies designed to restore the reputation harmed.
24. In line with international standards, websites should only be blocked based on objective and transparent criteria clearly defined in law. Possible limitations should be content-specific, while general bans of entire websites should be avoided. Website owners and the general public should be informed when such blockings occur in order to ensure they have an effective opportunity to appeal. A register of blocked websites should be publicly available.
25. In order to uphold the principle of media pluralism during an election period, voters should be provided with a wide range of views, editorial election-related programs should not be limited or restricted, and the state broadcaster should be allowed to cover the election campaign in its news.

## **Election Dispute Resolution**

26. All communications with election commissions of a complaint nature should be considered on their merits and complainants should be given the opportunity to appeal the decisions. Additional efforts should be taken to ensure transparency in the adjudication of appeals by the courts and the timely publication of decisions. The application of admissibility rules and

distribution of burden of proof should not be used to circumvent the provision of judicial remedy for alleged electoral violations.

27. The right to provide and receive legal aid must be protected against arbitrary decisions, influence or bias. The legislation should include clear and objective criteria for the registration and deregistration of legal professionals as well as for the application of disciplinary sanctions.

### **Citizen and International Observers**

28. Measures should be taken to ensure unhindered access of citizen observers to the entire electoral process. Consideration should be given to removing restrictions on the possibility for citizen groups to attend commission meetings and observe the work of the election commissions before election day.

**ANNEX I – FINAL ELECTION RESULTS AND TURNOUT<sup>127</sup>**

Number of registered voters	6,514,222
Number of voters who received ballots	4,978,950
Number of voters included in the supplementary voter lists	35,676
Number of voters issued DVCs	59,160
Number of invalid votes	9,828
Turnout (percentage based on general number of voters)	76.43%

<b>Candidate</b>	<b>Number of Votes Received</b>	<b>Percentage</b>
Aliyev Fuad	26,517	0.54 %
Aliyev Ilham	4,567,458	92.12 %
Hasanguliyev Gudrat	85,411	1.72 %
Musayev Elshad	32,885	0.66 %
Mustafa Fazil	98,421	1.99 %
Nurullayev Razi	39,643	0.80 %
Oruj Zahid	107,632	2.17 %

<sup>127</sup> Data according to the final election [results](#) published by the CEC.

## ANNEX II – LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

### OSCE Parliamentary Assembly

Artur	Gerasymov	Special Coordinator	Ukraine
Daniela	De ridder	Head of Delegation	Germany
Martin	Engelberg	MP	Austria
Axel	Kassegger	MP	Austria
Gerald	Loacker	MP	Austria
Harald	Troch	MP	Austria
Hamid	Hamid	MP	Bulgaria
Iskren	Mitev	MP	Bulgaria
Zvonimir	Troskot	MP	Croatia
Jan	Bauer	MP	Czech Republic
Jana	Pastuchova	MP	Czech Republic
Lucie	Potuckova	MP	Czech Republic
Jan	Richter	MP	Czech Republic
Kim Aas	Christensen	MP	Denmark
Eduard	Odinets	MP	Estonia
Heljo	Pikhof	MP	Estonia
Nikoloz	Samkharadze	MP	Georgia
Canan	Bayram	MP	Germany
Tobias	Winkler	MP	Germany
Maria	Antoniou	MP	Greece
Theodoros	Karaoglou	MP	Greece
Vincenzo	Amendola	MP	Italy
Anna	Bilotti	MP	Italy
Fabrizio	Comba	MP	Italy
Guiseppe	De cristofaro	MP	Italy
Mauro	Del barba	MP	Italy
Emanuele	Loperfido	MP	Italy
Eugenio	Zoffili	MP	Italy
Yuliya	Kuchinskaya	MP	Kazakhstan
Sultanbek	Makezhanov	MP	Kazakhstan
Zamirbek	Mamasadykov	MP	Kyrgyzstan
Liz	Braz	MP	Luxembourg
Fernand	Etgen	MP	Luxembourg
Claude	Haagen	MP	Luxembourg
Alex	Muscat	MP	Malta
Jelena	Nedovic	MP	Montenegro
Slaven	Radunovic	MP	Montenegro
Amer	Smailovic	MP	Montenegro
Kari	Henriksen	MP	Norway
Jan Tore	Sanner	MP	Norway
Ilie-Dan	Barna	MP	Romania
Csabe	Konczei	MP	Romania
Christine	Thellmann	MP	Romania

Michele	Muratori	MP	San Marino
Milimir	Vujadinovic	MP	Serbia
Anže	Logar	MP	Slovenia
Tine	Novak	MP	Slovenia
Janez	Zakelj	MP	Slovenia
Pere Joan	Pons	MP	Spain
Artemi Vicent	Rallo Lombarte	MP	Spain
Kadir	Kasirga	MP	Sweden
Ulrik	Nilsson	MP	Sweden
Carina	Ödebrink	MP	Sweden
Selami	Altinok	MP	Türkiye
Murat	Baybatur	MP	Türkiye
Tekin	Bingöl	MP	Türkiye
Kemal	Çelik	MP	Türkiye
Halis	Dalkiliç	MP	Türkiye
Ali	Öztunç	MP	Türkiye
Viktoriya	Kinzburkska	MP	Ukraine
Nigel	Mills	MP	United Kingdom
Kristyna	Harakova	Staff of Delegation	Czech Republic
Susanna	Veevo	Staff of Delegation	Estonia
Stephanie	Koltchanov	International Secretariat	France
Pauline	Hennings	International Secretariat	Germany
Tim	Knoblau	International Secretariat	Germany
Georgios	Champouris	Staff of Delegation	Greece
Pia	Califano	Staff of Delegation	Italy
Stefania	Perozzi	Staff of Delegation	Italy
Pia	Bisenius	Staff of Delegation	Luxembourg
Velimir	Djokovic	Staff of Delegation	Montenegro
Iva	Lakicevic	Staff of Delegation	Montenegro
Daria	Boyarskaya	International Secretariat	Russian Federation
Anzhelika	Ivanishcheva	International Secretariat	Russian Federation
Dimitrije	Todoric	International Secretariat	Serbia
Simona	De Ciutiis	Staff of Delegation	Sweden
Ecem	Danik gökçe	Staff of Delegation	Türkiye
Tugce	Okumus	Staff of Delegation	Türkiye
Kamil	Ucar	Staff of Delegation	Türkiye

#### ODIHR EOM Short-Term Observers

Martina	Gajdos	Austria
Rainer	Ruge	Austria
Andrea	Weiss	Austria
Bernhard	Zimburg	Austria
Aliya	Jiwa	Canada
Elizabeth	Kingston	Canada
John	Nsabimana	Canada
Khadijah	Suleman	Canada
David	Thomas	Canada

Holly	White	Canada
Per	Andersen	Denmark
Grethe	Bille	Denmark
Aske Norby	Bonde	Denmark
Soeren Bo	Husum	Denmark
Adam	Moeller	Denmark
Birte Torp	Pedersen	Denmark
Karen	Skipper	Denmark
Sofia	Svensson	Denmark
Tiina	Kalve	Estonia
Leena	Koivisto	Finland
Reima	Larki	Finland
Elina	Saarilahti	Finland
Heike	Baddenhausen	Germany
Michael	Bollmann	Germany
Alexandra	Bumcke	Germany
Birgit	Daiber	Germany
Annika	Engels	Germany
Robert	Everhartz	Germany
Torsten	Fix	Germany
Marcel	Geissler	Germany
Kathrin	Geyer	Germany
Jelena	Gregorius	Germany
Jörg	Heidrich	Germany
Brigitte	Heuer	Germany
Thomas	Hofmann	Germany
Fabian	Jung	Germany
Timo	Knaute	Germany
Martin	Kobler	Germany
Christoph	Laug	Germany
Sarah	Lohschelder	Germany
Amin	Louden	Germany
Daphné	Lucas	Germany
Heidi Katja	Mischke	Germany
Cosima	Peissker-Meyer	Germany
Melanie	Pörschmann	Germany
Johannes	Schlichte	Germany
Jan	Schneider	Germany
Irene	Thiede	Germany
Rebecca	Wagner	Germany
Heinz Bernd	Wittich	Germany
Lili	Hantos	Hungary
Renata	Shiraishi	Hungary
Adrienne	Boyle	Ireland
Caroline	Brennan	Ireland
Brian	Egan	Ireland
Frank	Kennefick	Ireland
Aifric	Lynch Horne	Ireland
Bernard	Quoroll	Ireland

Andrew	Richardson	Ireland
Diletta	Berardinelli	Italy
Daniele	Lenci	Italy
Mariachiara	Secco	Italy
Askar	Abildin	Kazakhstan
Abylay	Abykhan	Kazakhstan
Indira	Aubakirova	Kazakhstan
Azamat	Ayap	Kazakhstan
Ainur	Botbayeva	Kazakhstan
Dauren	Diyarov	Kazakhstan
Arnur	Gabdullin	Kazakhstan
Rustem	Issagaliyev	Kazakhstan
Dana	Karagulova	Kazakhstan
Zuleikha	Mardanova	Kazakhstan
Batagoz	Mauletova	Kazakhstan
Dilyara	Mussabekova	Kazakhstan
Makhabat	Kozhokeeva	Kyrgyzstan
Madina	Sarkulova	Kyrgyzstan
Aleksandrs	Mironovs	Latvia
Tadas	Kubilius	Lithuania
Egle	Mazele	Lithuania
Iveel	Batjil	Mongolia
Saskia	Kluit-Sledsens	Netherlands
Leonardus	Platvoet	Netherlands
Johannes	Stienen	Netherlands
Agnes	Wagenaar	Netherlands
Haque Nawaz Akhtar	Chaudhry	Norway
May	Endresen	Norway
Sondre	Martinussen	Norway
Camilla	Michalsen	Norway
Camilla	Wedul	Norway
Rodrigo	Gavazzi	Portugal
Răzvan-Ionuț	Balan	Romania
Doina Marina	Penciu Căpraru	Romania
Maxim	Abramov	Russian Federation
Timur	Akhtareev	Russian Federation
Andrei	Alekseev	Russian Federation
Ekaterina	Anoshkina	Russian Federation
Aleksandr	Averianov	Russian Federation
Sergey	Baburkin	Russian Federation
Elena	Balandina	Russian Federation
Amir	Bilialitdinov	Russian Federation
Kristina	Bogdanova	Russian Federation
Konstantin	Degtiarev	Russian Federation
Dmitrii	Driuchin	Russian Federation
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Marsel	Gibadullin	Russian Federation

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Artem	Kadyrmatov	Russian Federation
Alesya	Khalyapina	Russian Federation
Anna	Khodaeva	Russian Federation
Iulia	Khodyreva	Russian Federation
Daria	Kim	Russian Federation
Vasily	Kozhenkov	Russian Federation
Polina	Krokhina	Russian Federation
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Anna	Lankevich	Russian Federation
Dmitrii	Makarov	Russian Federation
Nikolai	Novgorodskii	Russian Federation
Sergey	Orlov	Russian Federation
Vasily	Orlovets	Russian Federation
Sergey	Overchenko	Russian Federation
Vsevolod	Perevozchikov	Russian Federation
Liudmila	Sadykova	Russian Federation
Viktor	Sazonov	Russian Federation
Nazim	Shakhbazov	Russian Federation
Igor	Shaktar-ool	Russian Federation
Gleb	Shubin	Russian Federation
Stanislav	Telegin	Russian Federation
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Daniil	Zakharov	Russian Federation
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Andrey	Zaykov	Russian Federation
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Inger Elisabeht	Johansson	Sweden
Lena	Ohre Arnault	Sweden
Mia Helena	Rimby	Sweden
Lott Anna Margareta	Törngren	Sweden
Gregoire	Duruz	Switzerland
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Roman	Magri	Switzerland
Niniane	Paeffgen	Switzerland
Fathima Ashfarah	Rumy	Switzerland
Hüseyin	Alptekin	Türkiye
Havva	Kök Arslan	Türkiye
Veysel	Kurt	Türkiye
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Scott	Martin	United Kingdom
Aleksandra	Pajevic	United Kingdom
Mark	Pascoe	United Kingdom
John	Torday	United Kingdom
Mark	Waller	United Kingdom
Bujar	Ajdari	United States of America
Deborah	Alexander	United States of America
Syeda	Ali	United States of America
Jacob	Bailey-Daystar	United States of America
Samuel	Burgess	United States of America
Gina	Chirillo	United States of America
Stephen	Farley	United States of America
Tiffany	Glass	United States of America
Andrew	Gridinsky	United States of America
Dinka	Gyurova	United States of America
Ethan	Jenkins	United States of America
James	Ketterer	United States of America
Walter	Kleponis	United States of America
Tamara	Kowalski	United States of America
Andrew	Long	United States of America
Michael	Martz	United States of America
Joseph	McDonagh	United States of America
Gerald	McDonough	United States of America
Paddy	McGuire	United States of America
Kimberly	McLaughlin	United States of America
Katarina	Newcamp	United States of America
Ilia	Nuzov	United States of America
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Darius	Roby	United States of America
Jake	Slegers	United States of America
Raymond	Snider	United States of America
Hannah	Talley	United States of America
Lisa	Tilney	United States of America
Sabrina	Tish	United States of America
Logan	Trombley	United States of America
Cara	Vetsch	United States of America
Carol	Wahl	United States of America
Timothy	Wahl	United States of America
Deborah	Walker	United States of America
Teresa	Walsh	United States of America
Marsha	Weinerman	United States of America
Audrey	Williams	United States of America
Murodilla	Alimbaev	Uzbekistan

Bunyodjon	Tillakhujaev	Uzbekistan
Shamshod	Yunusov	Uzbekistan

### ODIHR EOM Long-Term Observers

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Anja	Bronny	Germany
Christiane	Buck	Germany
Jochen Michael	Rinck	Germany
Christiane	Schwarz	Germany
Jurgen	Speidel	Germany
Noemi	Arcidiacono	Italy
Olzhas	Akanov	Kazakhstan
Svetlana	Rusu	Moldova
Stenberg	Arild	Norway
Hans Christen	Knævelsrud	Norway
Marina	Liukmanova	Russian Federation
Evgeny	Loginov	Russian Federation
Andrey	Ostvald	Russian Federation
Alexander	Pashedko	Russian Federation
Tajana	Brkanović	Serbia
Mario	Barfus	Switzerland
Martin	Minder	Switzerland
Alexandra	von Arx	Switzerland
Khurshed	Rakhimov	Tajikistan
Gabrielle	Pacana	United States of America
Christofer	Barber	United States of America
John	Cavanaugh	United States of America
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### ODIHR EOM Core Team Members

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Ivana	Stanojev		Serbia
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Firuza	Garibshoeva		Tajikistan

Egor	Tilpunov	Ukraine
Yevheniia	Zamrii	Ukraine
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## ABOUT ODIHR

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

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

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

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

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

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

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

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

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