

INTERIM REPORT
29 December 2023 – 19 January 2024

23 January 2024

I. EXECUTIVE SUMMARY

- On 7 December 2023, President Ilham Aliyev declared an early presidential election to be held on 7 February 2024. The president is elected for a seven-year term by popular vote from a single nationwide constituency. On the same day the early election was called, the Republic of Azerbaijan and the Republic of Armenia, publicly reaffirmed their intention to normalize relations and negotiate a peace treaty on the basis of respect for sovereignty and territorial integrity. This election will be the first to be held across the entire territory of the Republic of Azerbaijan.
- Some technical changes were introduced recently to the Election Code. However, the amendments did not address previous ODIHR recommendations, leaving previously observed shortcomings unaddressed. Judgements of the European Court of Human Rights have not been implemented. The stated aim by the authorities of two new laws, the Media Law and the Law on Political Parties, is to provide a conducive environment for media and parties but both laws are deemed by many ODIHR EOM interlocutors to further reduce space for freedom of expression and association.
- The election is administered by the Central Election Commission (CEC), 125 Constituency Election Commissions and 6,319 Precinct Election Commissions. The composition of commissions at all levels reflects the political make-up of the parliament. Technical preparations at all levels are ongoing and election commissions the ODIHR EOM met with appear professional and well resourced. The CEC has held regular sessions attended by media and observers. It has launched an extensive voter information campaign predominantly focused on get-out-the-vote messages. Four out of 18 CEC members are women.
- The CEC reported some 6,320,500 registered voters. This represents an increase of over one million voters compared to the most recent nationwide elections in 2020, which the CEC attributes to an influx of citizens following the COVID-19 pandemic and the war in Ukraine. Voter lists are made public, and voters can verify their records. Voters are included in the voter lists based on the permanent place of residence and can also be added to a supplementary voter list, including on election day, despite previous ODIHR recommendations.
- The CEC received 17 requests for nominations and approved all of them. None of the nominees were women. Seven candidates were registered within the deadline; the remaining 10 did not return their signature sheets with the required 40,000 signatures. Of the six presidential candidates standing in this election other than the incumbent, all have been publicly supportive of the President in the recent past.
- The 23-day election campaign officially commenced on 15 January. Posters of candidates were displayed on CEC-assigned billboards in a uniform manner. The campaign has to date been low-key. None of the main non-parliamentary opposition parties are contesting the election, and one is calling for a boycott. Foreign policy and the restoration of territorial integrity are the key themes of the campaign at present.

- The law provides for limitations on the sources and amounts of campaign donations and expenditures and there is no direct public funding for the presidential campaign. Candidates must submit three financial reports to the CEC over the course of the election period, which are published by the CEC. There is no requirement for the CEC to publish the findings of its audits of campaign finance reports.
- Freedom of expression, media freedom and the right of access to information are provided for in the Constitution although with restrictions that are not sufficiently defined. In the last three months, there have been numerous detentions and arrests of journalists and managers of several online media outlets, a number of which were in the reporting period. This along with the restrictive nature of the new media law, the prohibition of foreign funding of media, and the country-wide blocking of some major critical media websites was raised as concerns by a number of ODIHR EOM interlocutors. Free airtime was allotted within the regular prime-time programme on Public Television and Radio for candidates to make individual presentations on pre-agreed topics.
- The law grants broad legal standing to all stakeholders with disputes subject to final review by a court. The CEC established an Expert Group to consider election complaints but has not received any to date. As of 19 January, a total of five appeals have been lodged with the Court of Appeal, three of which were submitted by prospective candidates on the timeline for the signature collection process. All appeals to date were rejected. A number of ODIHR EOM interlocutors have expressed their lack of trust in the dispute resolution system and in the independence of the courts.
- The Election Code provides for citizen and international election observation. In addition, candidates can have their authorized representatives and observers. Some civil society organizations, including those previously engaged in election observation, informed the ODIHR EOM that administrative obstacles in registering their entity and limits on foreign funding restrict their capacity to prepare and deploy an observation activity and limit their ability to seek accreditation.

II. INTRODUCTION

Following an invitation from the authorities, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 29 December 2023.¹ The ODIHR EOM, headed by Eoghan Murphy consists of an 11-member core team based in Baku and 26 long-term observers deployed on 5 January across Azerbaijan. Mission members are drawn from 16 OSCE participating States and 43 per cent of mission members are women. ODIHR has requested participating States to second 280 short-term observers to observe election-day proceedings.

III. BACKGROUND AND POLITICAL CONTEXT

On 7 December 2023, President Ilham Aliyev declared an early presidential election to be held on 7 February 2024, approximately 14 months earlier than the foreseen expiration of his seven-year mandate.² The Republic of Azerbaijan has a presidential system in which the executive branch exercises wide constitutional powers relative to the parliament.

¹ See previous ODIHR election observation [reports](#) on Azerbaijan.

² President Aliyev has held office since 2003 and was elected to a fourth term with 86 per cent of the vote in April 2018.

On the same day the early election was called, the offices of the President of Azerbaijan, and of the Prime Minister of Armenia, publicly reaffirmed their intention to normalize relations and negotiate a peace treaty on the basis of respect for sovereignty and territorial integrity. This follows Azerbaijan's military action on 19 and 20 September and the displacement of more than 101,000 Karabakh Armenians. Measures are being put in place to facilitate voting for those returning to their former locations of residence, and for IDPs who have not returned. (*See Election Administration*).

This election will be the first to be held across the entire territory of the Republic of Azerbaijan. While no official reason was given when the early election was called, on 10 January, the President argued in a televised interview that the election was required as the restoration of sovereignty marked the end of an era, and the start of a “new mission”.³

The Parliament was elected for a five-year term in February 2020. The governing New Azerbaijan Party (YAP), chaired by President Aliyev, has 69 of the 116 currently occupied parliamentary seats.⁴ There are 36 self-nominated MPs, and 9 parties have the remaining 11 seats between them. In all parliamentary votes in the last session of parliament for which records are available, there were no votes cast against government proposals. Of the six presidential candidates standing in this election other than the incumbent, all have been supportive of the President in the recent past.⁵ The two leading opposition political parties have decided not to take part in the election.⁶ The Republican Alternative Party (REAL) has also decided not to take part but has called on people to vote.⁷ (*See Campaign Environment and Media Sections*).

Fundamental freedoms of association, expression and peaceful assembly are constrained both in law and in practice. (*See Legal Framework and Party and Candidate Registration*). Several ODIHR EOM interlocutors have reported existing restrictions on civil society organizations and since the calling of the election there have been detentions of journalists and activists (*see Media*).⁸

Women remain underrepresented in all aspects of public and political life. The percentage of women MPs elected in 2020 was 18 per cent, including the Speaker.⁹ The First Vice President is a woman and there is one woman in the 35-person Cabinet of Ministers, but none at ministerial rank.

³ [On 10 January](#), the [President](#) also stressed the importance of the presidential election as the most important election being the first in this new era, rather than the municipal elections scheduled for December 2024.

⁴ Four constituencies had elections annulled in 2020 and five seats have been vacated since then through a presidential appointment, a criminal conviction and in three cases, death of the Member of Parliament (MP).

⁵ On 16 October 2023, a [statement](#) by 23 political parties, including YAP and the other four which have nominated 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.”

⁶ Tofiq Yagbli, 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 [announced](#) a boycott of the election on 17 December.

⁷ See the [Facebook post](#) from the party's secretary.

⁸ In the cases related to freedom of association in Azerbaijan, the ECtHR frequently found violations of Article 11 of the ECHR, related to the failure by the Ministry of Justice to register public associations in a timely manner or in an unjustified dissolution of NGOs. Most recently, in the 2021 ECtHR case [Election Monitoring Centre and Others v. Azerbaijan](#) and the 2023 ECtHR case [Bashirli and Others v. Azerbaijan](#), the ECtHR found a violation in the Ministry of Justice repeated returns and refusals of registration requests due to alleged failure to fulfil administrative formalities. See also other cases pending before the ECtHR on similar issues: [Agayev and Others v. Azerbaijan](#) and [Talishkhanli and Others v. Azerbaijan](#). The 2014 Venice Commission [opinion](#) on the 2014 Law on Non-Governmental Organizations (public associations and funds) stated that the 2014 amendments “raise barriers to the establishment of NGOs, introduce additional administrative requirements and increased checks as well as more problematic registration procedures, raise barriers to activities and operations, and restrict access to resources”.

⁹ Two out of 15 parliamentary committees are chaired by women (13.3 per cent).

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Presidential elections are primarily regulated by the Constitution (last amended in 2016) and the Election Code. The Constitution provides for fundamental rights and freedoms, while at the same time it contains broad grounds for their limitations.¹⁰ The Election Code regulates all aspects of the electoral process. It is further supplemented by Central Election Commission (CEC) instructions. Although the Election Code was amended twice (May 2020 and July 2023) and some technical changes were introduced, these amendments did not address previous ODIHR and the Venice Commission recommendations. Judgments of the European Court of Human Rights (ECtHR) have not been implemented. 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 for more than one candidate, and the need to remove the possibility to add voters to the voter lists on election day.¹¹

A new Media Law and a new Law on Political Parties were recently adopted (see *Party and Candidate Registration* and *Media*).¹² The Media Law 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 party dissolution. The stated aim of both laws is to further contribute to providing a conducive environment for media and political parties. However, many ODIHR EOM interlocutors criticized the new requirements for further reinforcing already existing legal restrictions and administrative impediments to the exercise of freedom of expression and association. Several international organizations noted significant shortcomings as well as the wide discretionary powers of state authorities in implementation of legal provisions.¹³ 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.

The president is directly elected by popular vote by an absolute majority of votes cast, with no turnout requirement.¹⁴ The 2009 and 2016 constitutional amendments increased the presidential term from five to seven years, eliminated limits on the number of terms and gave the head of the state the power to call an early presidential election.¹⁵

¹⁰ 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”.

¹¹ See [all previous ODIHR reports](#) on elections in Azerbaijan.

¹² The laws entered into force in February 2022 and January 2023 respectively.

¹³ See the 2022 [Joint Opinion](#) of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Law on Media, Paragraph 52. Also see the 2023 ODIHR and Venice Commission [Joint Opinion](#) on the Law on Political Parties, in particular Paragraph 116.

¹⁴ In case no candidate receives more than half of the votes, a second round is held on the second Sunday after the first round between the two candidates with the highest number of votes.

¹⁵ See the 2016 Venice Commission [Opinion](#) on the Draft Modifications to the Constitution. The opinion 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 55).

V. ELECTION ADMINISTRATION

The election is administered by the CEC, 125 Constituency Election Commissions (ConECs), and 6,319 Precinct Election Commissions (PECs) each appointed for a five-year term.¹⁶ Only 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.¹⁷

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 (defined as other political parties represented in the parliament), and non-partisan MPs each nominate one-third of the commission members. In each commission, the chairperson represents the majority, one secretary represents the minority, and one secretary represents the non-partisan MPs.¹⁸ Four out of 18 CEC members, one third of the election commission chairs, and 41 per cent of commissioners with full voting rights at all levels are women.

Technical preparations are ongoing within the established deadlines. The CEC has held regular sessions attended by representatives of the media and observers. Decisions taken in the sessions the ODIHR EOM observed so far, have been approved unanimously, and published promptly on the CEC website. Since the call of the election, the CEC has issued 76 decisions, mainly on the nomination and registration of candidates and changes in the composition of lower-level election commissions. To date, the CEC has organized and co-organized several seminars and training sessions on a variety of topics, and have produced manuals including on the responsibilities of the police, observers, PEC members and on dispute resolution.

The ODIHR EOM has held meetings with 83 ConECs, all of which were found to be operational, well-resourced and having completed their tasks within the CEC deadlines. Sessions are mostly held on an ad-hoc basis.

An extensive voter information campaign launched by the CEC is ongoing, with a main focus on a get-out-the-vote campaign. It is conducted through the CEC's website, YouTube and social networks, public billboards, broadcast media and TV programmes with the presence of CEC members. Voter information videos are subtitled to facilitate persons with hearing impairments. The CEC informed the ODIHR EOM that on election day ramps to facilitate independent access of voters with physical impairments will be installed in some polling stations and a Braille kit will be provided in all. The CEC informed the ODIHR EOM that cameras will be set up in approximately one thousand polling stations with the aim to enhance transparency.

VI. VOTER REGISTRATION

All 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; such a restriction is against international standards. Stateless persons who have resided in the country for the last five years also enjoy the right to vote. Voter registration is passive and based on permanent

¹⁶ This includes 26 new PECs which will be established in regained territories for this election, as well as 49 PECs in 37 countries for out of country voting and special polling stations established in rest homes, hospitals, other medical centres, military units, oil platforms and ships at sea.

¹⁷ The current election commissions were established in 2021. The law does not limit the number of mandates of commissioners.

¹⁸ Additionally, substitute commissioners are appointed to replace ordinary members in case of absence. By law, commissioners must be neutral and impartial and enjoy independence from state bodies, municipal institutions, political parties, and other legal and physical entities.

residency. Voters are registered in the polling station of the precinct where they have resided for at least 6 out of the 12 months prior to the announcement of the election.

Voter lists are compiled annually by 25 May and updated 25 days before election day (13 January for this election) based on data received from municipalities and the executive's district authorities (*Icra Hakimiyyəti*). The CEC maintains an integrated nationwide voter register and reviews the data received from the PECs. In case of inconsistencies or duplications, the CEC may request the PECs to make changes. PECs display the voter lists no later than 35 days before election day. Voters can verify their data in person, online, by using a CEC hotline or smart boards located in state service buildings and request clarifications and corrections.¹⁹

Starting from 13 January, eligible voters not included in the voter list who can prove their residence within the precinct can be added by the relevant PEC on a supplementary voter list before or on election day, despite previous ODIHR recommendations. Voters can request a de-registration voting card (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. A DVC allows voters to vote in any polling station in the country.²⁰

As of 19 January, some 6,320,500 voters were registered, which represents an increase of over one million voters compared to the last parliamentary elections in 2020. The CEC explained to the ODIHR EOM that the difference was due to an influx of citizens following the COVID-19 pandemic and the war in Ukraine. According to the CEC, number of internally displaced persons (IDPs) eligible to vote is 396,939.²¹

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, do not hold dual citizenship, and do not have any liabilities before other states or a previous conviction for a serious crime. The Constitution and the Election Code provide that positions of military personnel, judges, state officials and religious clerics are incompatible with the right to stand. ODIHR has previously found the requirements to hold a university degree and be resident for 10 years are unreasonable and at odds with international standards.

Candidates can be nominated by registered political parties and their coalitions or stand independently, based on a nomination by a group of voters or through self-nomination. 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 take measures to increase” their membership to 5,000, compile a register of members and submit it to the Ministry of Justice.²² According to the Ministry of Justice, prior to the adoption of the new law there were 59 political parties registered, whereas the current number stands at 26.²³

¹⁹ By law, PECs should check requests for corrections and inclusion in voter lists from voters and provide an answer within one day or immediately during election day.

²⁰ The CEC informed the ODIHR EOM that 200,000 (3.2 per cent of the total number of voters) DVCs were printed for this election.

²¹ IDPs will be able to vote in 536 polling stations distributed among 10 ConECs across the country.

²² The number of members required for the state registration of a political party has 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 ECHR which is potentially restrictive and as such would be disproportionate and not necessary in a democratic society”. See also Paragraph 116 of the 2023 [Joint Opinion](#) of ODIHR and the Venice Commission on the 2023 Law on Political Parties.

²³ There is no publicly available list of political parties currently registered.

Some ODIHR EOM interlocutors raised concerns that the stringent new requirements for political party registration along with previous incremental changes to the length of the campaign,²⁴ candidate registration requirements and the lack of public funding for the campaign negatively impacts political participation and the competitiveness of this election.

The submission of nomination documents was possible as of 9 December and the CEC received 17 requests for nomination and approved all 17.²⁵ None of the 17 nominees is a woman. Prospective candidates must be supported by a minimum of 40,000 signatures, with at least 50 signatures collected in at least 60 of the 125 constituencies.²⁶ Voters may sign in support of only one candidate, despite previous ODIHR recommendations. 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 were registered as official candidates by 10 January. Some nominees informed the ODIHR EOM that the timing of the signature collection phase, which coincided with a week-long national holiday period, limited their capacity to collect the required number of signatures (see *Election Dispute Resolution*). Some also reported difficulties in being received by the CEC in order to hand over documents for their nomination. The CEC refuted this, stating it has been fully available during the entire process. The ODIHR EOM was invited to observe the signature verification process at the CEC.

The registered candidates include the incumbent President nominated by the ruling party, YAP, three candidates nominated by parliamentary parties, one by a party without parliamentary representation, and two self-nominated, one of whom is an MP.

VIII. CAMPAIGN ENVIRONMENT

The 23-day official campaign period started on 15 January and will end on 6 February. ODIHR EOM long-term observers did not note early campaigning, finding that local campaign offices had received campaign posters in advance, but deferred their posting until the start of the campaign.

On 10 January, six national television channels simultaneously aired during prime time a two-and-a-half-hour interview with the President which dealt mostly with the President's foreign policy and the restoration of territorial sovereignty, which are key themes of the campaign at present.²⁷ To date, the President has not held any campaign events.

The Election Law includes the prohibition of the misuse of administrative resources as well as of the provision of money, goods or services free of charge, promises of rewards on the basis of election results. Campaign events can be held at specifically assigned venues throughout the country and in locations not prohibited by law.²⁸ Candidates must submit a request to the relevant ConEC specifying the venue and the time slot for the use of the assigned venue. The holding of an outdoor event at a venue not designated by the CEC is regulated by the Law on Freedom of Assembly which requires that a notice be submitted to the local authorities not less than five days prior to an

²⁴ The campaign period was reduced twice from an initial 60 days to 28 days in 2008, and to 23 days in 2010, despite the opinion of the ODIHR and the Venice Commission. See paragraph 10 and 11 of describing the negative impact of an abbreviated campaign period on the level playing field. The ODIHR has consistently recommended that the campaign period be extended and that public funding for campaigning be reintroduced in order to improve the level playing field.

²⁵ The CEC had five days to review and take a decision on the nomination.

²⁶ Nominated candidates and nominating parties can hire people to collect signatures. Signatures can be collected in educational institutions, residential areas and venues where the election campaign is not prohibited.

²⁷ The transcript is available on the [presidential](#) website.

²⁸ The 139 indoor and 139 outdoor venues are listed on the [CEC](#) website.

event.²⁹ ODIHR EOM interlocutors emphasized that in a number of instances prior to this election, the authorities have not allowed outdoor demonstrations by opposition parties and civil society groups.

The ODIHR EOM is also observing online campaign activities on social networks.³⁰ With the exception of applicable defamation provisions, there are not explicit regulations of the campaign online and the law is silent on the reporting of expenditures for online campaigning.

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.³¹ There is no direct public financing for presidential campaigns but political parties with MPs in parliament receive annual state subsidies.³²

The law limits private campaign donations to AZN 3,000 from individuals and AZN 50,000 from legal entities. A candidate or a nominating entity may contribute up to AZN 250,000 to the campaign. There is a campaign expenditure limit of AZN 10 million. According to initial financial reports, the incumbent President has received the maximum contribution from the nominating party, while other candidates in total received AZN 55,550 from their own sources and donations.

The CEC is in charge of oversight of campaign finance. By law, in addition to the initial financial report submitted concurrently with registration documents, contestants are required to submit interim and final reports to the CEC covering campaign income and expenditures. The campaign commenced on 15 January and an interim report is to be submitted between 18 and 28 January and should cover the period of up to seven days before the date of submission. The final report is to be submitted no later than 10 days after the publication of the final election results. Both the interim and final reports should be published by the CEC. 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.

X. MEDIA

While the Constitution provides for freedom of expression, it also imposes restrictions that are not clearly defined.³³ Defamation and libel, including on social networks, are criminal offenses, punishable with up to three years imprisonment, or up to five years, if targeted at the president. The adoption of the new Media Law, which entered into force in 2022 was met with strong criticism from local and

²⁹ The ECtHR previously noted that “demonstrations demanding political reform, freedom for political prisoners and the lifting of restrictions on freedom of assembly had either not been authorized, or not authorized to take place at their planned locations”. See the 2022 ECtHR ruling on [Mustafa Hajili and Others v. Azerbaijan](#), where the Court ruled that the refusals to authorize public demonstrations had failed to meet the lawfulness requirement of Article 11 and had not been necessary in a democratic society.

³⁰ The ODIHR EOM follows Facebook, Instagram and Twitter accounts of candidates and selected political parties, including non-participating parties, state bodies and selected civil society organizations.

³¹ Prospective candidates were required to open a dedicated bank account in a bank designated by the CEC at least 24 hours before they commenced the process of gathering supporting signatures. Donations from foreign countries and citizens, international organizations, state bodies and municipalities, charitable organizations, religious associations and anonymous donors are not allowed.

³² 1 EUR equals 1.85 Azerbaijani Manat (AZN). For 2023 as well as for 2024, the total sum allocated to the parties from the state budget was AZN 5 million.

³³ 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 Constitution notes that such an open-ended clause may justify far reaching restrictions on freedom of expression, guaranteed by Article 10 of the ECHR.

international organizations including the OSCE Representative on Freedom of the Media (RFoM) and the Council of Europe.³⁴

Many ODIHR EOM interlocutors raised concerns about new provisions introduced in the Media Law, in particular, the mandatory registration of media organizations and de facto mandatory registration of journalists, which they considered arbitrary,³⁵ the prohibition of foreign funding of media, and the country-wide blocking of some major critical media websites.³⁶ In the last three months, there have been numerous detentions and arrests of journalists and managers of several critical online media outlets, including during the reporting period.³⁷

The Election Code, supplemented by the CEC instruction on campaigning, provides a broad definition of campaigning, which includes interviews, press conferences, open discussions, debates, round-table discussions, political advertising, and TV and radio programs. Such coverage can be either free on the public broadcaster *ITV*, or paid.³⁸ Campaign activities of the contestants may also be covered on an equal basis by the broadcast media at the beginning of programs without any comments. With the official start of the campaign on 15 January, *ITV* is providing free airtime as a one-hour-long programmes, three times per week on TV and radio. Contestants or their nominated proxies are allowed to present their views on a pre-agreed topic, in the order determined by the lottery as organized by the CEC.

With the official start of the campaign period on 15 January, the ODIHR EOM commenced quantitative and qualitative monitoring of six TV stations and six online media outlets.³⁹

³⁴ See the 2022 [Legal Analysis](#) On the Law of the Republic of Azerbaijan “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.

³⁵ In order to qualify to register, online media are required to produce at least 20 news items per day. To qualify for inclusion in the media register, and thus be legally recognized as a journalist, the latter must have completed secondary education, 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. The CEC has informed the ODIHR EOM, that journalists wishing to cover polling stations during election day, or wishing to be accredited with the CEC, do not need to be included in the media register or be employed by a media outlet which is included in the media register.

³⁶ The Law on Information, Information Provision and Protection of Information entitles the Ministry of Digital Development and Transport to block websites of media outlets based on their content before seeking a court decision. Some ODIHR EOM interlocutors also noted several cases of temporary blocking of TikTok on grounds of security, most recently between 19 September and 31 October 2023. While a complete list of the blocked websites is not publicly available, the ODIHR EOM noted that a number of websites that provide daily national political coverage are generally inaccessible in Baku and the regions.

³⁷ In the last three months, most recently on 13 January, police arrested the director, editor-in-chief, deputy editor-in-chief and three journalists of a prominent investigative website *Absaz Media*, charging them with organized cross-border money smuggling. In the same period, three journalists working for Youtube *Kanal 13* were also arrested on different charges including illegal construction, cross-border money 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 in *Kanal 13*. On 11 December, a journalist from Youtube *Kanal 11*, which is critical of the authorities was arrested on charges of extortion. On 13 January, the editor-in-chief of *Gundelik Baku* website was also arrested on extortion charges. On 15 January, a Baku-based political reporter of the Caucasus regional Tbilisi-based website *JamNews* was also arrested and charged with minor hooliganism and released the next day, with all charges being dropped. Most ODIHR EOM interlocutors have linked the majority of these arrests to the professional activities of the journalists. However, the authorities stated that the launched investigations were not related to their professional activities. On 16 January, the OSCE RFOM [expressed](#) her deep concerns over these arrests.

³⁸ Media outlets interested in selling time or space are to offer equal conditions, publish their pricelists and submit them to the CEC within 30 days after the announcement of elections (6 January 2024). The CEC has [announced](#) that 44 media outlets, including 7 broadcast, 10 print and 27 online media outlets chose to sell advertisements.

³⁹ TV stations: *ITV* (public), *AzTV* (state), *ARB*, *ATV*, *Khazar* and *Real TV*. Websites: [apa.az](#), [azertag.az](#), [qafqazinfo.az](#), [report.az](#), [trend.az](#), [turan.az](#).

XI. ELECTION DISPUTE RESOLUTION

Voters, candidates and their agents, political parties, coalitions and their representatives, as well as observers and election commissions are all entitled to lodge complaints against actions, inactions and decisions which violate electoral rights. Cases are reviewed by the higher election commission. CEC decisions can be appealed to the Court of Appeal, whose decisions can subsequently be challenged to the Supreme Court whose decision is final.⁴⁰

On 8 December, the CEC established an Expert Group comprising nine members for consideration of electoral complaints.⁴¹ According to a CEC instruction, complaints are assigned to an expert by the coordinator of the Expert Group on the basis of rotation. Opinions issued by experts are not binding for the CEC. According to the CEC, no complaints have been received thus far. From 10 January onwards, the CEC has organized seminars on dispute resolution in Baku as well as in five other cities. Most of the seminars observed by the ODIHR EOM were informative and interactive.

The Court of Appeal has received five election-related appeals as of 19 January. Three appeals 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 holiday prevented them from standing in this election. The appeals were rejected.⁴² Two appeals alleged early campaigning by the incumbent. One of them was also rejected, and the other dismissed for non-exhaustion of administrative remedies.⁴³

The authorities informed the ODIHR EOM about the measures taken to implement the 2019 presidential decree “On the deepening of reforms in the judicial system”.⁴⁴ Some ODIHR EOM interlocutors stated that they do not trust the electoral dispute resolution system as they find there to be a lack of judicial independence and that domestic judicial remedies are ineffective in the handling of disputes against authorities, resulting in numerous complaints to the European Court of Human Rights. In addition, some ODIHR EOM interlocutors noted that there is a practice of disciplinary measures against, and disbarment of, lawyers who express critical opinions or who are engaged in human rights related cases.⁴⁵

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The law provides for citizen and international election observation. Those who aim to observe across the country are accredited by the CEC while all others receive accreditation from the ConEC for the territory they intend to observe. To be accredited, an organization is required to work in the field of elections. While accredited observers can observe election day proceedings, including voting and counting, they can only attend commission meetings with the permission of the CEC. The ODIHR EOM has had access to commission meetings to date. 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.

⁴⁰ 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; those submitted on or after election day should be handled immediately.

⁴¹ Seven members of the group are CEC members, while two are staff members from the CEC Secretariat.

⁴² As of 19 January, none of the decisions are publicly available.

⁴³ The Court stated that the applicant had not submitted sufficient evidence of phone calls and communication to the CEC. The appeal alleged early campaigning by the incumbent.

⁴⁴ These measures include strengthening the social protection of judges, increase of their salaries, electronic publication of court decisions and the access of parties to the ‘Electronic Court’ system.

⁴⁵ See the 2018 [ICJ recommendations to the Azerbaijan Bar Association on the role and independence of lawyers](#) stating that “disciplinary measures or the threat of such measures continue the unfortunate pattern.” See also the 2020 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.

Some ODIHR EOM interlocutors raised concerns about the legal provisions limiting foreign funding, noting these restrict their capacity to prepare and deploy an observation activity. Moreover, some civil society organizations including those previously engaged in observing electoral processes informed the ODIHR EOM about administrative obstacles such as long delays in the registration process, or the lack of a possibility to rectify minor omissions in documents related to their registration and dissolutions.⁴⁶ These impediments, in their view, limit their ability to seek accreditation as civil society organizations.

XIII. ODIHR EOM ACTIVITIES

The ODIHR EOM formally opened in Baku with a press conference on 29 December 2023. The Head of Mission has met with the CEC chairperson, the presidential administration, the Ministry of Foreign Affairs, and other high-level state officials, candidates, political party leaders and representatives, media, civil society, and members of the diplomatic and international community.

The OSCE Parliamentary Assembly (OSCE PA) has announced their intention to deploy an observer delegation for election-day observation. Artur Gerasymov (Ukraine) has been nominated to serve as Special Co-ordinator, and Daniela de Ridder (Germany) has been appointed as Head of the OSCE PA delegation.

*The English version of this report is the only official document.
An unofficial translation is available in Azerbaijani.*

⁴⁶ 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 of the delay in the registration of the EMC and its dissolution. To date, this judgment has still not been implemented.