

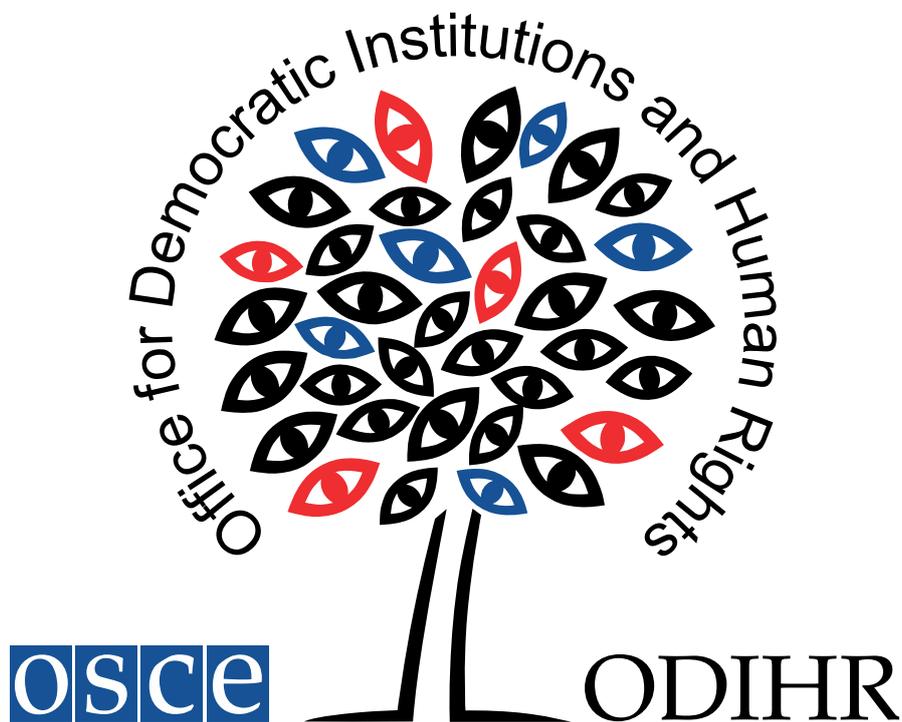


Office for Democratic Institutions and Human Rights

# REPUBLIC OF AZERBAIJAN

## EARLY PARLIAMENTARY ELECTIONS 9 February 2020

### ODIHR Election Observation Mission Final Report



Warsaw  
17 July 2020

## TABLE OF CONTENTS

<b>I. EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II. INTRODUCTION AND ACKNOWLEDGMENTS .....</b>	<b>4</b>
<b>III. BACKGROUND AND POLITICAL CONTEXT .....</b>	<b>5</b>
<b>IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK .....</b>	<b>6</b>
<b>V. ELECTION ADMINISTRATION .....</b>	<b>7</b>
<b>VI. VOTER REGISTRATION .....</b>	<b>10</b>
<b>VII. CANDIDATE NOMINATION AND REGISTRATION .....</b>	<b>11</b>
<b>VIII. CAMPAIGN ENVIRONMENT .....</b>	<b>12</b>
<b>IX. CAMPAIGN FINANCE .....</b>	<b>14</b>
A. FUNDING SOURCES AND CAMPAIGN EXPENDITURE .....	15
B. DISCLOSURE AND REPORTING .....	15
C. OVERSIGHT AND SANCTIONS .....	16
<b>X. MEDIA .....</b>	<b>16</b>
A. MEDIA ENVIRONMENT .....	16
B. LEGAL FRAMEWORK .....	18
C. COVERAGE OF THE CAMPAIGN AND MEDIA MONITORING FINDINGS .....	19
<b>XI. COMPLAINTS AND APPEALS .....</b>	<b>20</b>
<b>XII. ELECTION OBSERVATION .....</b>	<b>22</b>
<b>XIII. ELECTION DAY .....</b>	<b>23</b>
A. OPENING AND VOTING .....	23
B. CLOSING AND COUNTING .....	24
C. TABULATION AND ANNOUNCEMENT OF RESULTS .....	24
<b>XIV. POST-ELECTION DEVELOPMENTS .....</b>	<b>25</b>
<b>XV. RECOMMENDATIONS .....</b>	<b>27</b>
A. PRIORITY RECOMMENDATIONS .....	27
B. OTHER RECOMMENDATIONS .....	28
<b>ANNEX I – FINAL ELECTION RESULTS .....</b>	<b>31</b>
<b>ANNEX II – LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION .....</b>	<b>32</b>
<b>ABOUT ODIHR .....</b>	<b>40</b>

**REPUBLIC OF AZERBAIJAN**  
**EARLY PARLIAMENTARY ELECTIONS**  
**9 February 2020**

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

## **I. EXECUTIVE SUMMARY**

Following an invitation from the government of the Republic of Azerbaijan, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 7 January 2020 to observe the 9 February early parliamentary elections. The ODIHR EOM assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections and with domestic legislation. For election day, an International Election Observation Mission (IEOM) was formed as a common endeavour of the ODIHR EOM and delegations of the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe. The ODIHR EOM remained in the country until 22 February to follow post-election developments.

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 10 February concluded that “the restrictive legislation and political environment prevented genuine competition in the 9 February 2020 early parliamentary elections in Azerbaijan, despite a high number of candidates. Some prospective candidates were denied the right to stand, but the candidate registration process was otherwise inclusive. Voters were not provided with a meaningful choice due to a lack of real political discussion. Many candidates used social media to reach out to the voters, but this did not compensate for the absence of campaign coverage in traditional media. Instances of pressure on voters, candidates and their representatives were observed. The election administration was well resourced and met legal deadlines, and the Central Election Commission made concerted efforts to act transparently and was welcoming towards international observers. However, significant procedural violations during counting and the tabulation raised concerns whether the results were established honestly”.

On 5 December 2019, following an appeal of the parliament and with the consent of the Constitutional Court, President Ilham Aliyev announced early parliamentary elections to be held nine months before the regular term for elections. In its appeal to the president, parliament justified the call for elections by the need to harmonize legislative work with the pace of economic, judicial and social reforms set by the president. The authorities positioned these elections as a chance for new people to enter the political arena. A total of 82 outgoing members of parliament (out of 115 sitting at the time of elections) contested the elections, 81 of whom got re-elected.

Parliamentary elections are primarily regulated by the Constitution and the Election Code. The Constitution provides for freedoms of expression, assembly, association, movement, access to information, and the right to take part in political life, but the primary legislation and its implementation significantly limit these rights and freedoms. The European Court of Human Rights has ruled on 23 cases of violations of the right to free elections. None of these rulings have been executed before election day, which prevented some candidates from running. While some previous ODIHR and Council of Europe Commission for Democracy through Law (Venice Commission) recommendations have been taken into account, none of the priority ones have been fully addressed.

The 125-member parliament is elected from single-mandate constituencies for a five year term. The number of registered voters in 29 constituencies deviated from the nationwide average by more than 15

---

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

per cent, violating national legislation and effectively undermining the equality of the vote prescribed by OSCE commitments, Council of Europe and other international standards.

The elections were administered by the Central Election Commission (CEC), 125 Constituency Election Commissions (ConECs) and 5,704 Precinct Election Commissions (PECs). As there is no genuine political differentiation between the three groups in the parliament that nominate members of all commissions, the formula for the formation of the election administration does not in practice safeguard its impartiality and independence.

Overall, the election administration was well resourced and demonstrated preparedness by meeting the legal deadlines despite the short timeframe. CEC sessions were open to accredited observers and the media. In general, discussions during formal CEC sessions featured concurring opinions, and decisions were in general adopted unanimously and posted on the CEC website in a timely manner, enhancing transparency. Yet, the CEC's approach to publishing data was not always consistent and user-friendly, which limited transparency of electoral process. Most ConECs worked on an ad-hoc basis and the minutes of formal sessions were not published, which limited transparency of their work and decision-making. The CEC organized training sessions for lower-level commissions and conducted basic voter information campaign that included posters and video spots aired regularly on public and state broadcasters.

According to the authorities, elections could not be organized in the 10 constituencies (out of 125) in the territories that are not or only partially under government control due to the ongoing conflict with Armenia. This conflict has resulted in a high number of internally displaced persons (IDPs). The CEC undertook considerable measures to ensure that IDPs were able to exercise their voting rights.

The voter register maintained by the CEC contains the records of around 5.2 million voters, including 340,689 IDPs. Voters were given ample opportunity to verify and request corrections of their own data and query the data of other voters. The law allows for registration of voters on election day by the PECs without an administrative or judicial control, which is contrary to international good practice. A difference persists between the number of registered voters and official statistical data on citizens of voting age, the latter approximately 2 million higher. The lack of official public information to explain this difference contributed to mistrust in the accuracy of the voter register.

People recognized by a court as incapacitated on grounds of intellectual or psychosocial disability do not have the right to vote, contrary to international obligations. At the same time, the authorities remained committed to facilitating voting by persons with disabilities. The IEOM noted assistive tools for visually impaired voters at polling stations visited on election day. The CEC informed the ODIHR EOM that it ensured that ramps be installed at all polling stations where persons with physical disabilities were registered to vote.

The candidate registration process was overall inclusive, and a total of 1,314 candidates, of them some 80 per cent standing as self-nominated, contested the elections. The two-step registration process that also includes approval of nominations was primarily handled by the ConECs. Some 20 per cent of candidates withdrew after registration citing, among other reasons, agreements among nominating parties and pressure that was exercised by authorities at the local level. Over half of withdrawals came from self-nominated candidates working in the public sector.

Despite a high number of candidates, the campaign was largely indiscernible as a result of a politically controlled environment, in which opportunities for assembly and access to traditional media were limited. During the official 22-day campaign period, most candidates did not present programmes or views alternative to the ruling party's policies. Overall, the campaign was devoid of political engagement that is essential to a competitive campaign environment. Contrary to paragraph 7.7 of the

1990 OSCE Copenhagen Document, instances of pressure on voters to make them attend campaign events were observed.

There are no legal requirements to promote women candidates in elections. Women are underrepresented in public and political life, including in election administration, and hold no ministerial posts. Out of 55 registered political parties none is headed by a woman. Of the candidates who contested the elections, 21 per cent were women and only 21 women were elected to the new parliament (16 per cent). Very few campaign events referred to the political participation of women. Media coverage did not feature gender equality issues.

The legal framework for campaign finance sets limits for donations and expenditure. In line with the law, candidates reported on their campaign finances, including before election day. However, provisions on effective oversight of compliance with the law and proportionate sanctions for potential violations are not clearly prescribed, which limited transparency of campaign finances.

In spite of constitutional guarantees of freedom of expression and the right of access to information, these are severely curtailed by primary legislation. Contrary to international standards, slander and public insult, including in social networks, remain criminal offences. Traditional media failed to impart voters with information on contestants and campaign, while the president received extensive coverage. Although social media platforms provided alternative political information, the public was deprived of a genuine political debate and was not provided with sufficient information to make an informed choice, contrary to international and regional obligations and standards.

Complaints and appeals can be filed by all electoral stakeholders. Rules of procedure in the adjudication of complaints prior to election day were overall respected. However, the CEC handled post-election complaints in an inconsistent manner. In several cases, a genuine and comprehensive investigation of the substance of the case was bypassed, leaving misconduct unsanctioned and electoral rights unrestored. The office of the Prosecutor General did not initiate any investigations, despite indications of election-related criminal offences. Overall, the manner in which complaints that challenged election results were handled compromised the right to effective remedy, and undermined electoral integrity and public confidence in the electoral process.

Some 90,000 citizen and party observers were accredited by the CEC and ConECs, of them some 62 per cent representing the contestants. Some IEOM interlocutors reiterated that obstacles in formal registration and restrictions on receipt of foreign funds limit the possibility of civil society organizations to function, train and deploy observers. A considerable number of IEOM interlocutors raised concerns about the political affiliation or lack of independence of some citizen observer groups. Although there were no obstacles in accreditation of observers, during election day citizen and international observers often faced impediments, which undermined the transparency of election day procedures.

On election day, the IEOM assessed voting negatively in 8 per cent of polling stations observed, a statistically high figure, which indicated serious procedural shortcomings. Mandatory inking of voters was often omitted, and cases of ballot box stuffing and group voting were observed by the IEOM. The vote count was assessed negatively in more than half of the observations, mostly due to a blatant disregard of important reconciliation procedures intended to safeguard against manipulations. The IEOM assessed tabulation negatively in one quarter of ConECs observed, mainly due to the poor organization of the process. Due to numerous violations the CEC invalidated the election results in the entirety of 4 constituencies and in a further 167 polling stations within other 50 constituencies. However, prosecutor offices did not initiate any investigations contributing to an atmosphere of impunity for electoral crimes.

This report offers recommendations to support efforts to align elections in Azerbaijan with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations focus on the need to ensure in law and practice full respect for freedoms of assembly, media, expression, including online, to enhance the impartiality and transparency of election administration, to undertake series of measures with the aim to ensure the integrity of the electoral process and guarantee that the election campaign is conducted in an atmosphere free from intimidation and fear of retribution. ODIHR stands ready to assist the authorities to address the recommendations contained in this and previous reports.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the government of the Republic of Azerbaijan to observe the 9 February 2020 early parliamentary elections, based on the recommendation of the Needs Assessment Mission conducted from 19 to 21 December 2019, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 7 January. The ODIHR EOM, led by Ambassador Peter Tejler, consisted of a 12-member core team based in Baku and 26 long-term observers (LTOs), who were deployed on 14 January to 12 locations throughout the country.

On election day, an International Election Observation Mission (IEOM) was formed as a common endeavour of the ODIHR EOM and delegations of the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). Artur Gerasymov was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observers. Elona Hoxha-Gjebrea headed the OSCE PA delegation. The PACE delegation was led by Frank Schwabe. Each of the institutions involved in this IEOM has endorsed the 2005 Declaration of Principles for International Election Observation.<sup>2</sup> In total, 356 observers from 26 countries were deployed, including 271 long-term and short-term observers deployed by ODIHR, a 57-member delegation from the OSCE PA, and a 28-member delegation from the PACE; 36 per cent of members of the IEOM were women.<sup>3</sup> The IEOM observed opening procedures in 128 polling stations, voting in 1,296 polling stations and counting in 119 polling stations across the country. The IEOM held 117 observations of the tabulation procedures in 99 Constituency Election Commissions (ConECs). The ODIHR EOM remained in Azerbaijan until 22 February to follow post-election developments.

The ODIHR EOM assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. This final report follows the Statement of Preliminary Findings and Conclusions which was released at a press conference in Baku on 10 February 2020.<sup>4</sup>

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

---

<sup>2</sup> See the [2005 Declaration of Principles for International Election Observation](#).

<sup>3</sup> Women comprised 58 per cent of experts in the ODIHR EOM core team and 46 per cent of ODIHR EOM LTOs.

<sup>4</sup> See all previous [ODIHR election-related reports on Azerbaijan](#).

### III. BACKGROUND AND POLITICAL CONTEXT

Azerbaijan has a presidential system in which the executive branch exercises wide authority relative to the parliament. The president appoints and chairs the government, and appoints the executive authorities at central and regional level, as well as vice presidents of the country. The president also proposes the judges of the Constitutional Court, Supreme Court, Economic Court and other courts, as well as the Prosecutor General who are all formally appointed by the parliament.

On 5 December 2019, following an appeal of the parliament, and with the consent of the Constitutional Court, President Ilham Aliyev dissolved the parliament and set early parliamentary elections to be held on 9 February.<sup>5</sup> In its appeal to the president, parliament justified the call for early elections by the need to harmonize legislative work with the pace of economic, judicial and social reforms set by the president. The elections took place within a political environment dominated by the ruling New Azerbaijan Party (YAP), which held a majority of 65 seats in the outgoing parliament. Parties that formally constituted the parliamentary opposition but largely supported YAP held 12 seats, while 38 seats were held by members elected as independent candidates, who typically had also voted in line with the ruling party.<sup>6</sup>

The authorities positioned these elections as a chance for new people to enter the political arena, but several ODIHR EOM interlocutors maintained that the mandates would just be reallocated among current ruling elites.<sup>7</sup> A total of 19 parties contested these elections of which 12 were represented in the outgoing parliament; 82 (71 per cent) outgoing members of parliament (MPs) contested the elections with 81 of them eventually re-elected.

The situation regarding respect of fundamental rights and freedoms in Azerbaijan is of serious concern.<sup>8</sup> The last authorized political rally was held in Baku in January 2019.<sup>9</sup> On the event of the unauthorized rally of the opposition on 19 October 2019 in Baku, authorities used physical force to disperse it, arresting many activists and opposition leaders. Some opposition parties decided to boycott these elections due to the restrictive environment, in particular related to access to media and limitations on freedom of assembly during the campaign. Several prospective nominees could not stand for the elections due to unexpunged criminal records despite relevant judgements of the European Court of Human Rights (ECtHR).<sup>10</sup>

Equality of rights between women and men is provided for by the Constitution. There are no special legal measures to promote women participation in political life. Women held 20 of the 125 seats in the outgoing

---

<sup>5</sup> The regular term for parliamentary elections was 1 November 2020.

<sup>6</sup> See the [stenograms](#) of the parliament. Other parliamentary parties included: Civil Solidarity Party (two MPs), Azerbaijan Social Democratic Party, Civil Unity Party, Democratic Enlightenment Party, Great Structure Party, Motherland Party, National Revival Party, Party of Democratic Reforms, Social Welfare Party, United Azerbaijan Popular Front Party and Unity Party, with one deputy each. Ten seats were vacant before the dissolution of the parliament.

<sup>7</sup> Over the course of the past few years and most recently, several long-standing senior executives within the presidential administration and the cabinet of ministers were replaced or moved to different positions.

<sup>8</sup> According to international human rights bodies and civil society organizations, there is a large number of political prisoners in Azerbaijan. For example, see the UN Human Rights Council's [Report of the Special Rapporteur on the situation of human rights defenders on his mission to Azerbaijan \(20 February 2017\)](#). See also the 2019 [report](#) of the Commissioner for Human Rights of the Council of Europe and the [PACE Report "Reported cases of political prisoners in Azerbaijan"](#) from 18 December 2019 and [Resolution 2322](#) from 30 January 2020 on the same topic.

<sup>9</sup> The ODIHR EOM was also informed that during 2019 at least 15 notifications for public gatherings were denied by the authorities, including applications by the National Council of Democratic Forces, *Musavat* party and from a group of women who wanted to organize a rally "Women against the violence". In three cases, the authorities suggested alternative venues in Lokhbatan settlement, some 18 km away from the centre of Baku.

<sup>10</sup> See, for example, ECtHR case [Ilgar Mammadov v. Azerbaijan](#), No. 919/15 (16 November 2017).

parliament, 2 of 15 posts of chairperson of state committees, and no ministerial posts. Twenty-one women were elected to the new parliament. With few exceptions, women are underrepresented in public life.

Elections could not be organized in 10 out of 125 constituencies that are not under government control or only partially under government control due to the ongoing conflict with Armenia, which, according to the authorities, has resulted in a high number of internally displaced persons (IDPs). The CEC undertook considerable measures to ensure that IDPs were able to exercise their voting rights.

#### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The one-chamber parliament consists of 125 MPs who are elected by a simple majority in 125 single-mandate constituencies for a five-year term.

In line with international good practice, the Election Code stipulates that the number of voters in each constituency should not deviate by more than 5 per cent, and in exceptional circumstances by not more than 10 per cent, from the average number of voters per constituency.<sup>11</sup> However, deviations exceeding these limits continue to exist in more than half of the constituencies, with 29 exceeding the 15 per cent threshold. Essential deviations in numbers of voters per constituency undermined the equality of the vote prescribed by OSCE commitments and other international standards.<sup>12</sup> In addition, a review of boundaries by the CEC has not taken place within the timeframe prescribed by the law.<sup>13</sup>

*The CEC should redraw the boundaries of electoral constituencies in a timely manner and in line with the law and international commitments and standards in order to respect the principle of equal suffrage. To enhance confidence and transparency in the revision process, it should be open to public scrutiny.*

Parliamentary elections are primarily regulated by the Constitution (last amended in 2016), and the Election Code (last amended in February 2019).<sup>14</sup> Although the Constitution provides for fundamental rights and freedoms, including the freedoms of assembly, expression, association, and access to information, as well as the right to take part in political life, these rights and freedoms remain significantly limited by the legal framework and its implementation.<sup>15</sup>

Azerbaijan is party to major international and regional instruments related to the holding of democratic

---

<sup>11</sup> The 2002 [Code of Good Practice in Electoral Matters](#) of the Venice Commission, section I.2.2.iv, suggests that “Seats must be evenly distributed between the constituencies [...] The permissible departure from the norm should not be more than 10 per cent and should certainly not exceed 15 per cent except in special circumstances”.

<sup>12</sup> Based on [information from the CEC](#), a deviation of more than 5 per cent occurs in 85 constituencies; among those, a deviation of more than 10 per cent occurs in 51. Paragraph 7.3 of the 1990 [OSCE Copenhagen Document](#) states that the participating States will “guarantee universal and equal suffrage to adult citizens.” See also paragraph 21 of the 1996 UN Human Rights Committee (UNHRC) [General Comment No. 25 to the ICCPR](#) which provides that “the principle of one person, one vote, must apply, and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of votes or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely”.

<sup>13</sup> The Election Code requires constituencies’ boundaries to be reviewed every five years. The most recent review of boundaries was made by the CEC in October 2014.

<sup>14</sup> Other relevant legislation also includes the Law on Freedom of Assembly, the Law on Radio and Television Broadcasting, the Law on Political Parties, the Law on Non-Governmental Organizations, the Law on State Registration and the State Register of Legal Entities, the Law on Access to Information, relevant provisions of the Criminal Code, the Code of Administrative Procedures, Code on Administrative Offences, the Civil Procedures Code, as well as regulations of the CEC.

<sup>15</sup> See the 2016 UNHRC [Concluding observation on the fourth periodic report](#) of Azerbaijan (16 November 2016), CCPR/C/AZE/CO/4, paragraphs 36, 38, 40, 42.

elections, including the European Convention on Human Rights (ECHR).<sup>16</sup> The ECHR obliges states to execute the judgments of the ECtHR. As of December 2019, Azerbaijan has executed 37 out of 225 decisions adopted by the ECtHR.<sup>17</sup> Violations of the right to free elections have been confirmed in 23 cases, and prior to these elections none of the relevant ECtHR judgments had been executed.

The Election Code is detailed but some aspects of the electoral process, such as media coverage of elections, procedures and timelines in case of repeat elections, rules for verification of documents for candidate registration and the mechanism of publication of campaign finance data, are not sufficiently regulated by the law. Supplementary CEC regulations often do not provide further clarifications.

Some past ODIHR recommendations were implemented, such as the introduction of time limits for the extension of investigation of complaints, adoption of regulations by the CEC in a timely manner, and provision of the necessary training to the lower-level election commissions. However, none of the priority recommendations have been addressed, including those related to freedoms of assembly and expression, independence and impartiality of the election administration, the development of an independent media environment, decriminalisation of defamation and on the conduct of election day.

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

## V. ELECTION ADMINISTRATION

The elections were administered by the CEC, 125 ConECs and 5,573 Precinct Election Commissions (PECs), with 18, 9 and 6 commission members, respectively. All regular election commissions are permanent bodies appointed for a five-year term, with the current composition established in 2016. CEC members are elected by parliament, ConECs are appointed by the CEC, and PECs by the respective ConECs.

Women were underrepresented in the election administration at all levels. Three out of seventeen CEC members were women, including one of the two CEC secretaries.<sup>18</sup> According to the CEC, women represented 17 and 37 per cent of ConEC and PEC members, respectively, and chaired 2 and 25 per cent of corresponding commissions.<sup>19</sup>

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

By law, the composition of all election commissions reflects the representation of political forces in parliament: three equal quotas are reserved for members nominated by the parliamentary majority, the

---

<sup>16</sup> Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 Convention for Elimination of All Forms of Discrimination against Women, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 2003 UN Convention Against Corruption, 2006 Convention on the Rights of Persons with Disabilities (CRPD), and the 2002 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States (CIS Convention). Azerbaijan is also a member of the Council of Europe's Venice Commission and Group of States against corruption (GRECO).

<sup>17</sup> See the [country factsheet](#) of the ECtHR on Azerbaijan.

<sup>18</sup> During observation, one CEC seat remained vacant.

<sup>19</sup> 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".

parliamentary minority (defined as the other political parties represented in parliament), and independent MPs. Given that there is no genuine political differentiation between the three groups in parliament, as evidenced by their voting patterns, the formula for nominating commissioners does not in practice safeguard an impartial and independent election administration, as noted by the ECtHR.<sup>20</sup> Moreover, by law, chairpersons of all commissions are nominees of the parliamentary majority, which reinforces its domination in the commissions.

Registered candidates can appoint members with consultative rights to relevant ConEC and its lower-level PECs. Parties that registered candidates in more than 60 constituencies may appoint a member with consultative rights to each commission, including to the CEC.<sup>21</sup> For these elections, only YAP was entitled to appoint such members in all election commissions. While most candidates interviewed by the ODIHR EOM acknowledged the efficiency of the election administration, a number noted its lack of independence and impartiality, particularly at the lower levels, which undermined public confidence in the integrity of the process.

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

The CEC made the necessary arrangements to facilitate the exercise of voting rights for IDPs from territories affected by the ongoing conflict with Armenia. Voting did not take place in the entirety of 7 and in parts of 3 out of 125 constituencies. Since 1993, polling stations within those constituencies have been relocated to constituencies across the country where IDPs reside; for these elections, IDPs were served by 14 ConECs with 523 polling stations. Additionally, 131 polling stations were established in military units, prisons and detention centres, five days prior to election day.<sup>22</sup>

*Further steps should be taken to ensure that military personnel as a rule vote in regular polling stations, with exceptions strictly limited.*

The election administration at all levels was well resourced and administered the elections complying with legal deadlines despite the short timeframe. The CEC held regular sessions open to accredited observers and media and provided the ODIHR EOM with an agenda prior to the sessions. Sessions were well attended by media, international observers, and a YAP representative. During those observed by the ODIHR EOM, most commission members engaged in discussions which featured concurring opinions. Decisions were in general adopted unanimously. In addition to relevant regulations from 2010 and 2015, the CEC adopted 8 instructions and regulations for these elections as well as over 90 decisions, which were published in a timely manner. The CEC website was regularly updated with information on its activities and data on candidate registration. However, the CEC's approach to publishing data was not always consistent and user-friendly, which limited transparency of the electoral process.<sup>23</sup>

---

<sup>20</sup> See, for example, [Gahramanli and Others v. Azerbaijan](#), No 36503/11 (ECtHR, 8 October 2015), paragraph 78.

<sup>21</sup> Parties and self-nominated candidates delegated a total of 7,206 members with consultative rights in ConECs and PECs; these members had the right to participate in meetings and express opinions, and were thus in a position to provide the nominating parties and candidates with direct access to election-related information.

<sup>22</sup> Section I.3.2.xi of the Venice Commission 2002 Code of Good Practice in Electoral Matters states that "military personnel should vote at their place of residence whenever possible. Otherwise, it is advisable that they be registered to vote at the polling station nearest to their duty station".

<sup>23</sup> While the publishing of disaggregated data on candidates allowed for public review and enhanced transparency of the process at constituency level, aggregated nationwide data was not available to the public. The voter registration results contained only interim and final figures, but no explanations for considerable changes in numbers. Data on accreditation of observer groups was also not available on the CEC website, although it was provided to the ODIHR EOM upon request. The aggregated election results did not contain the party affiliation of candidates elected.

*To further increase transparency of the electoral process, including with regard to registration of voters, candidates and observers, the CEC could publish relevant aggregated and disaggregated electoral data on its website in a timely manner. The CEC, in consultation with organisations representing persons with disabilities, should also publish the information in formats accessible to different categories of persons with disabilities.*

The Election Code provides that sessions of all commissions are open to accredited observers and decisions are adopted under public scrutiny. ConECs visited by the ODIHR EOM published their decisions on noticeboards, and some general information related to their work was posted on the CEC website. Most ConECs held sessions on an ad-hoc basis, which did not allow, among others, for continuity in observation of their decision making.<sup>24</sup> Minutes of the CEC and ConEC sessions were not published; while this is not required by law, it lessened the transparency of their work.<sup>25</sup>

*To increase transparency and accountability, election commissions should conduct all substantive work in an open manner and ensure effective access of observers to their decision-making process. The Election Code should be amended to require all decisions and the minutes of sessions of the CEC and ConECs be published online in a timely manner.*

The CEC produced manuals and videos for election commissions and conducted cascade training for members of ConECs and the PECs. The CEC organized training for ConECs and judges of courts of appeal on electoral dispute resolution and also trained the police and employees of institutions in charge of overseeing the vote in prisons and military units. While CEC training events for ConECs and executive authorities observed by the ODIHR EOM were informative, practice oriented, interactive and well attended, training sessions for the PECs appeared to be optional, and at times poorly attended. A comprehensive agenda of topics was not systematically covered during all PEC training events observed, and only some of those were interactive.<sup>26</sup>

The CEC conducted a basic voter information campaign that included posters and video spots aired regularly on public and state broadcasters in the pre-election period.

The authorities remained committed to facilitating voting by persons with physical disabilities. The IEOM observed that a Braille kit for visually impaired voters was available at polling stations visited on election day. The CEC informed the ODIHR EOM that it ensured that ramps were installed at all polling stations where persons with physical disabilities were registered to vote.

In line with previous practice and with a stated view to increase transparency, 1,000 web-cameras were installed in pre-selected polling stations across 119 ConECs. On 6 February, the CEC published the list of polling stations where cameras were installed. Voting and the vote count were live-streamed online from those stations.<sup>27</sup> The CEC assured the ODIHR EOM that voting booths were outside the field-of-view of the cameras. However, the IEOM observed that in 67 polling stations where a camera was installed (5 per cent of those observed), its positioning could be perceived as compromising the secrecy of the vote.

---

<sup>24</sup> The ODIHR EOM was not informed about most ConECs' meetings and hence could not regularly observe them.

<sup>25</sup> Paragraph 19 of the 2011 UNHRC [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>26</sup> For example, while the ODIHR EOM observed comprehensive training sessions on the rules of counting and filling the voting results protocol in Baku, Nakhchivan and Sumgait, training sessions observed in Ismayilli and Quba did not provide sufficient information on similar topics.

<sup>27</sup> The CEC instruction on the use of web-cameras clarifies that recordings of the voting and counting process may be used as evidence when investigating election day complaints.

## VI. VOTER REGISTRATION

By law, citizens 18 years of age or older by election day are eligible to vote, unless deprived of their legal capacity by a court decision. The denial of voting rights of persons with intellectual or psychosocial disabilities is at odds with international obligations and standards.<sup>28</sup> Stateless persons who have resided in Azerbaijan for at least the last five years, have the right to vote.<sup>29</sup> There is no out-of-country voting in parliamentary elections.

*The denial of voting rights of people based on the intellectual or psychosocial disability should be removed.*

The registration of voters is passive. Voter lists are drawn from the integrated nationwide voter register maintained by the CEC. The PECs provide an annual update of the lists by 30 May to the CEC through ConECs. The lists are again updated at least 25 days prior to election day. According to the CEC and ConECs, they maintained the practice of obtaining monthly updates of citizens' data from various local branches of executive authorities. While this practice contributes to the accuracy of the voter register, it is not sufficiently elaborated in the existing CEC regulations, which limits accountability and transparency of the record verification process.

Voters were given ample opportunity to verify and request corrections of their registration and query other voters' data. Preliminary extracts of voter lists were available for public review at polling stations and ConECs, on the CEC website and through its hotline, between 5 and 15 January.

The number of registered voters as of 15 January was some 5,238,000 of whom 340,689 were IDPs.<sup>30</sup> From this date until the end of election day a voter could be added to the supplementary voter list by the PEC upon proof of eligibility and residence within the precinct. As a result, the total number of voters included in regular and supplementary voter lists increased by 2.3 per cent, reaching some 5,359,015.<sup>31</sup> Disaggregated figures on voter registration posted on the CEC website enhanced transparency. However, some ODIHR EOM interlocutors raised concerns over the lack of public information on the reasons for these substantial changes in the voter list figures.

According to the CEC, a total of 32,147 voters were added to supplementary voter lists on election day.<sup>32</sup> Among those, 1,079 voters used deregistration voting certificates (DVCs) to cast their ballot at the place of stay within their constituency.<sup>33</sup> Although inclusive, voter registration by the PECs on election day without administrative or judicial control is at odds with international good practice.<sup>34</sup>

---

<sup>28</sup> Article 12 of the CRPD obliges states to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life”, while Article 29 obliges states to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. Paragraph 48 of the CRPD Committee’s [2014 General Comment No. 1 to Article 12 of the CRPD](#) states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote [and] the right to stand for election”. Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will “guarantee universal and equal suffrage to adult citizens”. See also the CRPD Committee [Concluding Observations on Azerbaijan” \(12 May 2014\), CRPD/C/AZE/CO/1, paragraph 45.](#)

<sup>29</sup> According to official statistics, there are around 3,500 stateless persons in Azerbaijan.

<sup>30</sup> Between 30 May 2019 and 15 January 2020, the number of voters increased by 25,098.

<sup>31</sup> This was largely due to the inclusion of some 90,000 voters in temporary polling stations in military units and prisons.

<sup>32</sup> In 105 ConECs, between 1 and 1,285 voters were included on supplementary lists by PECs, some of whom were registered on election day. Some PECs within four ConECs each registered over 1,000 voters which constituted between 2.59 and 2.17 per cent of all voters included in the voter lists in these constituencies, respectively.

<sup>33</sup> According to the CEC, 1,311 or 0.87 per cent of printed DVCs were issued to voters.

<sup>34</sup> Section 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”.

*Additional safeguards for strengthening the integrity of the voter registration could be provided, such as judicial control of or alternatives to election-day registration by PECs.*

A longstanding difference between data from the CEC on the number of registered voters and data from the State Statistical Committee (SSC) on the number of citizens of voting age, with the latter being almost two million higher, and a lack of public information to explain this difference created mistrust in the accuracy of the voter register, as noted by several IEOM interlocutors.<sup>35</sup> A lack of explanation to the public also challenges the principle of transparency, enshrined in the domestic legislation and international standards.

*To increase transparency and contribute to building trust in the accuracy of the voter registration process, relevant institutions should consider publishing regular detailed disaggregated updates on verification of population and voter registers.*

## VII. CANDIDATE NOMINATION AND REGISTRATION

The right to stand for parliament is granted to eligible voters, without dual citizenship or obligations before other states and without prior conviction for a serious crime. Four political and civil society activists were denied nomination due to previous convictions and a non-expunged criminal record, despite rulings of the ECtHR.<sup>36</sup>

Candidates were either self-nominated or nominated by a registered political party, a coalition of parties, or a group of voters.<sup>37</sup> To be nominated, each candidate had to submit his or her notification and nominating party documents, if relevant, to the respective ConEC, including at least 450 supporting signatures of voters, declarations on income and property, and candidate's first campaign finance report. In line with international good practice, a voter could sign in support of more than one candidate in the constituency where the former resides.

Eligible candidates could submit their documents for registration between 5 December and 10 January to relevant ConECs who had five days to certify nominations, and then seven days to check the accuracy of declarations, verify signatures and decide on the registration of a candidate. Nomination status was granted to the vast majority of those who had applied for it.<sup>38</sup> Almost all nominated candidates and their representatives were invited to the sessions of ConECs where their registration was discussed and decided upon. The two-step process of candidate registration concluded on 17 January and was handled by ConECs, with the CEC's working group participating in the verification of signatures only upon a candidate's appeal against a ConEC's decision to deny registration.<sup>39</sup> While IEOM interlocutors described the process of candidate registration as inclusive overall, several candidates reported discriminatory treatment by ConECs by delays in processing their documentation.

---

<sup>35</sup> The SSC informed the ODIHR EOM that the number of citizens of voting age, as of December 2019, was estimated at 7,325,000. According to the SSC, this data included Azerbaijani citizens residing abroad, foreign citizens residing in Azerbaijan, as well as the population of Nagorno-Karabakh based on the 1989 Soviet Union census.

<sup>36</sup> The Committee of Ministers at the Council of Europe has regularly urged Azerbaijan to revoke the convictions and delete the criminal records of eight applicants before the ECtHR known collectively as the "Ilgar Mammadov group"; however, on 6 January 2020, the government maintained its [non-execution of the ECtHR decision](#).

<sup>37</sup> A candidate may stand in only one constituency and does not have to be registered to vote in that constituency.

<sup>38</sup> According to the CEC, of 2,431 nominees, 2,358 were accepted; of 2,247 who received sheets for collecting signatures, 1,774 submitted signatures to ConECs along with other registration documents.

<sup>39</sup> A ConEC member, or in case of verification of signatures by the CEC, a CEC member, chaired the working group, while representatives of the Ministry of Interior and Ministry of Justice conducted the actual verification of signatures. Only a few ConECs visited by the ODIHR EOM requested the opinion of a graphologist in cases where signatures were contested.

The verification of property ownership and income declarations as a requirement to qualify for registration appeared to be prioritised over support signature verification. The law states that an opportunity to correct mistakes should be granted in instances when the mistakes are assessed as unintentional. ConECs and the CEC interpreted mistakes on property ownership and income declarations, including instances where property or income data were partially missing or not submitted, as intentional by default, thus not giving candidates an opportunity to correct errors. Out of 794 prospective candidates who were not registered (33 per cent of initial nominees), only 31 challenged the ConECs' decisions to the CEC, and 9 were reinstated (*see Complaints and Appeals*).<sup>40</sup>

*The CEC and ConECs should apply reasonable criteria for denial of candidate registration. In case of omissions or other technical mistakes in registration documents, commissions should provide the candidates with an effective opportunity to correct mistakes.*

By law, candidates can withdraw their participation up until 10 days prior to election day. According to ConECs and some of the candidates who withdrew, the reasons for withdrawals included agreements made between parties, a lack of finances, financial incentives and pressure by local authorities, the latter being contrary to paragraph 7.7 of the 1990 OSCE Copenhagen Document.<sup>41</sup>

Following 323 withdrawals (20 per cent of the 1,637 initially registered) and 3 cancellations of registration, 1,314 candidates contested the elections.<sup>42</sup> Of them, 1,057 (80 per cent) were self-nominated, 246 were nominated by 19 political parties and 11 by one voter initiative group.<sup>43</sup> Twenty one per cent of contestants were women.

Some five per cent of self-nominated candidates indicated a party affiliation, with the largest number to *Musavat* (39) and YAP (31). The Election Code provides that if a candidate who indicates a political party affiliation at the time of registration has been excluded from the party, then the party name may not be used by the candidate. YAP requested self-nominated candidates affiliated to the party to withdraw their candidacy or face expulsion. Of the total number of 323 withdrawals, 250 were made upon request from YAP.<sup>44</sup> In addition, ConECs, upon the request of the party, asked the PECs to manually cross out the YAP affiliation of multiple self-nominated candidates on the ballot paper. *Musavat* informed the ODIHR EOM that it strategically nominated candidates through the party but also encouraged self-nominations.

## VIII. CAMPAIGN ENVIRONMENT

The official campaign period commenced on 17 January and lasted for 22 days. Some candidates informed the ODIHR EOM that the campaign period is too short to suitably present themselves to the electorate, especially since this is the only period when they have an opportunity to reach out to the voters.

---

<sup>40</sup> Among the 794 unsuccessful nominees, 73 did not pass the nomination stage, 584 did not submit supporting signatures, and 137 passed the nomination phase but were not registered after submitting their documentation.

<sup>41</sup> Pressure and intimidation ranged from death threats to loss of jobs for the candidates or their family members, as noted by the ODIHR EOM in constituencies 55, 53, 77, 81 and 99. Paragraph 7.7 of the 1990 OSCE Copenhagen Document commits participating States 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”.

<sup>42</sup> Over half of withdrawals came from self-nominated candidates who were public sector workers.

<sup>43</sup> YAP fielded the largest number of candidates (123) followed by *Musavat* (23) and *Umid* (19).

<sup>44</sup> On 25 January, the deputy executive director of YAP [stated in the media](#) that more than 200 YAP members had individually decided to run without seeking party approval, thereby rivalling the officially -fielded YAP candidates.

Despite a high number of candidates, the campaign was largely indiscernible as a result of a politically controlled environment, and the ruling party was the most visible. Overall, the campaign was devoid of political engagement that is essential to a competitive campaign environment that offers voters a genuine choice.

Of 55 registered political parties none is headed by a woman.<sup>45</sup> The ODIHR EOM noted that women appeared to be underrepresented in the campaign, both as candidates, party officials and as attendees of campaign rallies.<sup>46</sup> Very few campaign events observed referred to the political participation of women. Media also did not feature gender equality issues. Many ODIHR EOM interlocutors described patriarchal attitudes and stereotypes as a main obstacle to the political participation of women. There are no legal requirements to promote women candidates and the state gender equality programme has to date not been developed.<sup>47</sup>

*Political parties should consider internal measures to promote equal participation of women and men in senior positions within party structures and integrate gender issues into their platforms. The authorities should consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life, especially at the senior and decision-making levels.*

The Constitution guarantees the freedom of assembly and prescribes that an advance notification of a public gathering must be submitted to the authorities. Consequently, the Law on Freedom of Assembly requires a notice be submitted to the local authorities not 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>48</sup>

Within its competence, the CEC, in cooperation with ConECs, designated 136 outdoor and 136 indoor venues based on the recommendations of the local authorities. Several contestants informed the ODIHR EOM about an insufficient number of indoor venues and also noted that some were too small and difficult to access, especially for persons with disabilities.<sup>49</sup> According to several ConECs and some candidates, many designated venues were officially fully booked by different contestants for the whole campaign period, although at times the campaign meetings did not take place.<sup>50</sup> The approach adopted by ConECs regarding the organization of meetings outside of designated venues, including in courtyards and parks, was not consistent.<sup>51</sup>

*Electoral and political contestants should be able reach out to voters and organize political rallies at any time and under equal conditions. To this extent, the Law on Freedom of Assembly should be amended in line with the constitutionally guaranteed notification mechanism for holding peaceful assemblies. In addition, the restrictive approach of the CEC regarding the number and accessibility of venues for the conduct of the campaign should be reviewed.*

---

<sup>45</sup> See UN Committee on the Discrimination against Women (CEDAW) [Concluding Observations on the fifth periodic report of Azerbaijan](#) (12 March 2015), CEDAW/C/AZE/CO/5, paragraphs 26-27.

<sup>46</sup> Female candidates were present at 8 of 42 campaign events observed by the ODIHR EOM.

<sup>47</sup> The 2006 Law on Guarantee of Gender Equality prescribes the development and implementation of state programmes for ensuring gender equality.

<sup>48</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>49</sup> The ODIHR EOM was informed that in some ConECs candidates refrained from using the designated venues due to a police presence and the resulting discomfort that this would create among attendees.

<sup>50</sup> In several instances, ODIHR EOM observers arrived at a booked venue to observe a planned event but discovered that no such activity had been prepared or held. In other cases, ConECs, while providing data on planned campaign activities also informed the ODIHR EOM that no meetings would actually be conducted.

<sup>51</sup> As observed by the ODIHR EOM, some ConECs within Baku constituencies allowed unnotified meetings with up to 200-300 participants while others asked for a notification of meetings if the number of participants was expected to exceed a handful of attendees.

During campaign events observed by the ODIHR EOM, local community issues and candidates' personalities took primacy over broader party platforms and policies.<sup>52</sup> Campaign messages by YAP candidates focused on the continuation of reforms and importance of engaging youth in public life and endorsed the policies of the President in their events, while other candidates appealed for systemic change, better opportunities for youth and a decrease of monopolies in the economy. Some independent candidates also promoted the President's policies. One bloc focused its campaign exclusively on promoting turnout in order to address what they described as general apathy among the electorate. Several candidates decided to pay visits to homes of persons with disabilities to present their campaign platforms. Political forces that decided to boycott the elections actively disseminated materials containing the names of candidates who they believed would enter the new parliament. The composition of the new parliament was, according to them, a foregone conclusion.

The ODIHR EOM received credible information on and directly observed instances of pressure, including on state employees, to attend rallies or not to leave the venue before the end of the event.<sup>53</sup> Several candidates supported by *Musavat* and Republican Alliance (REAL) as well as independent candidates informed the ODIHR EOM that in the last days of the campaign they were summoned to the police station and warned against organizing protests on election day and in its aftermath.<sup>54</sup> The restrictive approach in allocating campaign venues and pressure on candidates and voters with regards to participation in political rallies are contrary to OSCE commitments and international standards.<sup>55</sup>

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

Many candidates informed the ODIHR EOM that due to limited opportunities for assembly and lack of access to traditional media, they opted to campaign primarily through Facebook, Instagram, YouTube, including paid services for targeted advertisement, and other social media platforms. Visual materials were widely used online, including to document violations of campaign regulations. In the comment sections of some news items in social media, there were indications of inflammatory language, campaigning against other candidates, as well as orchestrated support for pro-government candidates. Other campaign tools observed were door-to-door canvassing, the distribution of leaflets and posters.

## IX. CAMPAIGN FINANCE

The Election Code regulates the campaign finance in detail. However, effective oversight of compliance and proportionate sanctions for violations are not clearly prescribed, which resulted in limited transparency of campaign finances.<sup>56</sup>

---

<sup>52</sup> Out of 42 campaign events observed, 26 were organized by independent candidates, 9 by YAP, and 7 by other contestants.

<sup>53</sup> In constituency 8, the ODIHR EOM received credible information that students were compelled to attend the meeting of an incumbent candidate. In constituencies 79 and 92, voters, mostly female teachers and kindergarten personnel, were gathered in their villages and brought by buses to the rally, and some participants were not allowed to leave the venue, as observed by the ODIHR EOM.

<sup>54</sup> The ODIHR EOM was informed of pressure on candidates from constituencies 46, 47, 53, 74 and 94.

<sup>55</sup> Paragraph 19 of the 1996 [UN HRC General Comment No. 25](#) to the ICCPR states that "elections must be conducted fairly and freely ... within a framework of laws guaranteeing the effective exercise of voting rights. Persons entitled to vote must be free ... to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will". See also Paragraph 7.7 of the OSCE Copenhagen Document.

<sup>56</sup> Paragraph 7.3 of the 2003 UN Convention Against Corruption prescribes that states "shall also consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties". See also paragraphs 12.4 and 12.5 of the 2002 CIS Convention and the 2017 [GRECO Second Addendum to the Second Compliance Report on Azerbaijan](#), which states that "a number of its recommendations to enhance campaign finance have not been fully addressed".

## A. FUNDING SOURCES AND CAMPAIGN EXPENDITURE

Campaign expenses incurred for each candidate can reach a maximum of AZN 500,000 (some EUR 265,000).<sup>57</sup> In addition to potential contributions from nominating parties, candidates can fund their campaigns from their own resources and donations from individuals and legal entities.<sup>58</sup> Foreign, state, charitable and anonymous donations are prohibited. According to a number of ODIHR EOM interlocutors, the absence of public funding of electoral campaigns negatively affects a level playing field for electoral contestants. In addition, parliamentary parties receive public support for their current activities.<sup>59</sup> All candidates had to open dedicated bank accounts at a state-owned bank, as determined by the CEC, for all campaign related transactions.

Parties can contribute up to AZN 150,000 of their own finances to fund their nominees. Alternatively, YAP, as the only party having registered candidates in more than 60 constituencies, formed a unified campaign fund. In this case, the Election Code allows the party to collect up to AZN 500,000 multiplied by the number of registered candidates and spend up to AZN 500,000 per each registered candidate. A political party can contribute to its unified fund only up to AZN 500,000, and individuals and legal entities can donate up to AZN 3,000 and AZN 50,000 each respectively.

## B. DISCLOSURE AND REPORTING

The Election Code requires candidates to submit to the relevant ConEC a declaration disclosing their income and property ownership; however, there is no requirement to make this information available to the public. This undermines the principle of transparency as the public is not provided with useful information.<sup>60</sup>

Candidates must report on three occasions the status of their campaign finances to the relevant ConEC that should post the reports on their noticeboard for public scrutiny.<sup>61</sup> In certain cases, ConECs within five days of having received the reports are also required to forward them to the local media for further publication. The bank serving the accounts is required to provide the relevant ConECs, and the CEC in case of unified account, with a weekly update of the accounts of individual candidates. Starting from 10 days before election day, such updates must be provided at least every 3 days. ConECs are obliged to provide the media with information on amounts received and spent by the candidates on a bi-weekly basis as well as data on legal entities having contributed more than AZN 1,250 and 5,000 respectively to individual candidates and parties. Several ConECs informed the ODIHR EOM that the bank did not provide them with any relevant information. By election day, the ODIHR EOM was not aware of any financial information presented in the media.

Interim reports submitted by candidates were for the most part posted on ConEC noticeboards. However, fields pertaining to donations and expenditures were often left blank, reportedly due to the fact that funds had not been collected by the deadline for filling the second interim report. Given that YAP had a unified account, the CEC published on 3 February the party's second unified report

---

<sup>57</sup> EUR 1 equals approximately AZN 1.89 (Azerbaijani *Manat*).

<sup>58</sup> Contribution limits are set at AZN 3,000 for individuals, and AZN 50,000 for legal entities.

<sup>59</sup> In 2019, approximately AZN 3 million was allocated from the state budget for funding of political parties. Of this amount, 10 per cent was allocated proportionally to those parties not represented in parliament but that nevertheless received at least 3 per cent of valid votes in the last parliamentary elections. Another 40 per cent was divided equally among parties represented in parliament and a further 50 per cent proportionally to the number of their elected MPs.

<sup>60</sup> Paragraph 169 of the 2010 ODIHR and the Venice Commission [Guidelines on Political Party Regulation](#) defines that "It is also appropriate to require that candidates file a public disclosure of assets and liabilities. Errors in disclosure reports should not, however, be used as a basis for denial of candidacy".

<sup>61</sup> An initial report must be submitted at the time of registration, an interim one between 10 and 20 days prior to election day, and a final one no later than 10 days after the publication of the final election results.

indicating the total amount of income received, with no information on expenditures.<sup>62</sup> YAP submitted the same consolidated report to all relevant ConECs.

*Consideration could be given to publishing preliminary and final financial reports of all candidates on the CEC website in order to enhance the public's right of access to information of public interest. In order to increase transparency and ensure informed choice of voters, consideration could be given to also requiring publication of income and asset declarations of all registered candidates prior to election day.*

## C. OVERSIGHT AND SANCTIONS

The CEC and ConECs oversee campaign finance via the control and audit services created within each commission. However, the law does not require them to pro-actively audit the reports, undermining the effectiveness of oversight. Only upon instruction from the commissions do the audit services check reports, involve experts and request additional documents or information.<sup>63</sup>

Financial penalties for violations of campaign finance regulations, including non-submission and non-publication of reports, are not dissuasive.<sup>64</sup> Contestants may be fined and also deregistered for exceeding the spending limit by five per cent.<sup>65</sup> The Council of Europe's GRECO has previously recommended that effective, proportionate and dissuasive sanctions be introduced for these infringements, in particular, by extending the range of penalties available.<sup>66</sup> Some ODIHR EOM interlocutors noted that potential benefactors refrain from donating, in particular to the opposition, for fear of reprisals.

*Relevant authorities should ensure effective oversight of contestants' compliance with campaign finance legislation and that proportionate and dissuasive sanctions be applied for non-compliance.*

## X. MEDIA

### A. MEDIA ENVIRONMENT

In spite of the fact that television (TV) remains the most accessible media across the country, many ODIHR EOM interlocutors opined that it is primarily a source of entertainment, while social media platforms are used to seek alternative political information, particularly during a campaign period. The public broadcaster ITV is managed by a broadcasting board appointed by parliament, while the management of the state broadcaster AzTV is appointed directly by the president. Although the law provides for a public funding mechanism, both ITV and AzTV are funded from the state budget, which potentially undermines their editorial independence.<sup>67</sup> Several ODIHR EOM interlocutors opined that

---

<sup>62</sup> According to the second interim report, individual donations to YAP amounted to AZN 453,300.

<sup>63</sup> Paragraph 214 of the 2010 ODIHR and the Venice Commission Guidelines on Political Party Regulation provides that "The regulatory authority should be given the power to monitor accounts and conduct audits of financial reports submitted by parties and candidates. The process for conducting such audits should be stated in relevant legislation. ... [L]egislation should specify the process and procedures determining how and which party reports are selected for auditing. Audits should be non-discriminatory and objective in their application in all cases".

<sup>64</sup> For the non-submission and non-publication of financial reports, fines range between AZN 1,000 to 2,000. Fines for individual donors range from AZN 100 to 500; for officials from AZN 1,500 to 2,000, and for legal entities from AZN 5,000 to 7,000.

<sup>65</sup> A court decision is required for deregistering a candidate who exceeds the spending cap by five per cent.

<sup>66</sup> See the GRECO 2017 [Second Addendum to the Second Compliance Report on Azerbaijan](#) and the GRECO 2010 Evaluation [Report](#) on Azerbaijan Transparency of Party Funding.

<sup>67</sup> The Law on Public Broadcaster provides that the public broadcaster should be financed through a TV license fee, which citizens must pay. This requirement has never been enforced. Since 2012, the law also allows financing from the state budget. See the paragraph 26 of the Council of Europe's [Recommendation on public service media governance](#) (2012) that, while acknowledging wide discretion of the states in defining the method and level of

ITV shies away from pursuing critical analytical coverage and from inviting personalities known for views that do not resonate with those of the government.

*The independence of public ITV should be further strengthened, including by ensuring impartial editorial practices, especially in news programmes. The introduction of a broadcast fee, as prescribed by the Law on Public Broadcaster, should be implemented.*

The National Television and Radio Council (NTRC) informed the ODIHR EOM that some private broadcasters face closure due to financial unsustainability and accumulated debts. The ownership structures of private broadcasters are opaque. The advertisement market is limited and several ODIHR EOM interlocutors noted that advertisers are apprehensive about sponsoring private media due to pressure from the government. At the same time, the presidential State Support Fund for Mass Media Development funds 25 print media monthly, while the circulation of the most popular newspapers is not higher than 8,000 copies per day.<sup>68</sup> This and other forms of government influence on private broadcasters and print media potentially undermine their editorial independence.

*Media outlets should be free to establish their own editorial policies, without interference by the authorities.*

*Information on ownership and sources of funding of media outlets should be publicly disclosed.*

According to a number of ODIHR EOM interlocutors, state-affiliated media enjoy privileged access to information while independent journalists do not.<sup>69</sup> Interlocutors further noted that even in instances when a court had ruled in favour of a journalist's right to information, the information nevertheless continues to be withheld.<sup>70</sup>

Both journalists and bloggers are subject to arbitrary arrests and detentions and charged for crimes that are seemingly unrelated to their professional activities but are viewed by some ODIHR EOM interlocutors as retaliation for reporting that is critical of the government.<sup>71</sup> The OSCE Representative on Freedom of the Media (RFoM) has regularly expressed concerns about charges for grave crimes against journalists as well as about their ability to report in a free and safe manner, without fear of intimidation, including during public demonstrations.<sup>72</sup> According to the Council of Europe, several journalists have remained in detention during the elections.<sup>73</sup>

*The legal framework for media should be amended to ensure full protection of the principle of freedom of speech and the press and the right of access to information, as enshrined in the Constitution. Journalists should be able to carry out their work freely, and not be subject to pressure or intimidation.*

---

funding, urges that “the process for deciding the level of funding should not be able to interfere with the public service media’s editorial autonomy”.

<sup>68</sup> Further, representatives of the fund informed the ODIHR EOM that the president plans to grant some 250 apartments to workers in the media sector in the summer of 2020. See the OSCE RFoM statement from [20 February 2019](#).

<sup>69</sup> 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”. See also paragraph 26 of the [1999 OSCE Istanbul Document](#).

<sup>70</sup> For example, in 2019, *Turan* news agency requested access to the financial report of a company “Azersu” regarding the implementation of the state programme for the installation of water meters. The company failed to provide information within the legal deadline and *Turan* won the court case in the same year. Yet, according to *Turan*, the company had yet to abide by the court’s ruling.

<sup>71</sup> See the paragraph 1.1 of the 2019 [report](#) of the Commissioner for Human Rights of the Council of Europe.

<sup>72</sup> See the OSCE RFoM statements from [22 December 2018](#), [22 February 2019](#) and [22 October 2019](#).

<sup>73</sup> See the Council of Europe [platform to promote the protection of journalism and safety of journalists](#). See also the OSCE RFoM statement from [21 November 2019](#).

## B. LEGAL FRAMEWORK

While the Constitution guarantees freedom of expression, the right of access to information, and prohibits censorship, these rights are severely restricted by primary legislation and practice.<sup>74</sup> The Law on State Registration and the State Registry of Legal Entities classifies information about ownership of commercial legal entities. Slander and public insult, including in social networks, are criminal offences punishable by up to three years of imprisonment, or up to five years if the president is the target.<sup>75</sup>

*In line with international standards, criminal provisions for defamation and insult should be repealed in favour of civil sanctions strictly proportionate to the harm caused.*

The Law on Information allows the Ministry of Transportation, Communications and High Technologies to provisionally block websites based on their content prior to a court decision. Contrary to Article 13.3 of the Law on Information, there is no publicly available consolidated list of blocked websites.<sup>76</sup> Due to persecution of journalists and bloggers, most of the websites and pages in social media platforms that are critical of the authorities are managed from abroad. In 2018, the OSCE RFoM expressed serious concerns about blocking the Internet in Azerbaijan.<sup>77</sup> The combined effect of government influence on media, arbitrary blockage of websites with political content and consistent pressure on journalists severely limits pluralism in public discourse.

*The legal framework should set precise and exhaustive grounds for blocking the websites in order to clearly distinguish prohibited materials from political and other information of public interest and provide guarantees against its arbitrary application. The power to restrict access to websites should rest exclusively with the judiciary. Court hearings and decisions on blockage should be public, and a registry of any blocked websites should be publicly available.*

The Election Code provides for the allocation of free airtime by the public broadcaster and of space in the print media during the official campaign period only for those parties with candidates registered in more than 60 constituencies. While the allocation of free airtime is intended to provide for an equal playing field for contestants, the current formula favours larger parties and contributes to an even greater disparity between the parties in their access to media.

For these elections, only YAP qualified for free airtime on TV and space in newspapers. On 17 January, the party announced that it did not intend to use free airtime. While contestants could also buy airtime for political advertising, the CEC informed the ODIHR EOM that *ITV* was the only broadcaster that offered this opportunity. Many ODIHR EOM interlocutors raised concerns over the excessive cost of

---

<sup>74</sup> The Baku Court of Appeal and the Supreme Court justified the broad interpretive discretion of the state in cases of promotion of religious extremism, violence and calls for the overthrow of the constitutional order.

<sup>75</sup> Paragraph 47 of the 2011 UNHRC [General Comment No. 34 to the ICCPR](#) 47 states that “States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.” According to Paragraph 38 of the General Comment No. 34 to the ICCPR provides that “the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties, albeit public figures may also benefit from the provisions of the [ICCPR]. Moreover, 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. ... [L]aws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned. States parties should not prohibit criticism of institutions, such as the army or the administration”. See also [Decision No. 3/18 of the OSCE Ministerial Council](#) that calls on participating States to “[e]nsure that defamation laws do not carry excessive sanctions or penalties that could undermine the safety of journalists and/or effectively censor journalists and interfere with their mission of informing the public and, where necessary, to revise and repeal such laws”.

<sup>76</sup> Access to some 20 online media outlets with political content remained restricted during the ODIHR EOM, while court rulings were made in only a few cases.

<sup>77</sup> See the [statement of the OSCE RFoM](#) from 10 August 2018.

political advertising during the campaign, and noted that they would campaign through social media platforms.<sup>78</sup>

*Consideration could be given to amend the Election Code and broaden the eligibility criteria for receiving free airtime with a view to create a more level-playing field and ensure equitable access of political parties to public media.*

### C. COVERAGE OF THE CAMPAIGN AND MEDIA MONITORING FINDINGS

The Election Code prohibits state-owned and state-financed media outlets “to conduct an election campaign”. The law sets a very broad legal definition of the campaign and restrictive rules on broadcasting any campaign materials. In addition, it lists “speeches, interviews, press conferences, open discussions, debates, round-table discussions” as campaign methods in the media. The broad definition and the lack of a clear difference between broadcasting campaign materials and providing campaign coverage led to traditional media refusing to impart information on the campaign.

The NTRC oversees broadcast media and is empowered to grant and withdraw broadcasting licenses.<sup>79</sup> It has no role in oversight of media coverage of the electoral campaign. A Media Group under the auspices of the CEC and headed by a CEC member was tasked to oversee coverage of the campaign and to resolve media-related issues.<sup>80</sup> There were no media-related complaints during the campaign.

No campaign events or public gatherings were covered in any of the monitored national or regional broadcasters. Instead, media outlets monitored by the ODIHR EOM, including their respective pages on social media platforms, focused on the activities of the CEC.<sup>81</sup> Specifically, the CEC received between 7 and 20 per cent of coverage in the monitored national TV channels, and between 1 and 6 per cent in most of the monitored regional ones.

Coverage of the activities of the president, who was not a candidate, and of the government dominated the news and current affairs programmes during the campaign. The monitored national TV channels dedicated between 74 and 83 per cent, and regional channels between 23 and 76 per cent of their news coverage to the president and the government, predominantly in a positive tone. In stark contrast, no candidates or political parties received any relevant coverage in news on monitored TV channels.

*Iki Sahil* newspaper dedicated 42 per cent of its political coverage during the campaign period to candidates nominated by YAP, in positive or neutral tone. A similar pattern was observed in *Yeni Musavat* newspaper.<sup>82</sup> Of all monitored online media only *apa.az* gave the candidates the opportunity to place paid content, of which 16 per cent was paid by YAP.

---

<sup>78</sup> The cost of airtime for political advertisement on the ITV reached up to AZN 3,900 and 1,500 per minute on TV and radio, respectively.

<sup>79</sup> The NTRC is financed by the state and its six members are all appointed by the president.

<sup>80</sup> Members of the Media Group were appointed by the CEC and included 4 CEC members and 14 representatives of media organizations. While a *Turan* representative was formally included in the Media Group, the ODIHR EOM was informed that *Turan* was not aware of this and in practice remained unrepresented.

<sup>81</sup> Since 11 January, the ODIHR EOM conducted qualitative and quantitative monitoring of 11 media outlets. Prime time coverage was monitored at national TV channels *AzTV* (state), *ITV* (public), *ATV*, *Real* and *Xazar* (private channels). Additionally news blocs of the regional channels *ARB Kapaz*, *Dunya TV*, *Naxchivan TV* and *Qafqaz* as well as *Iki Sahil* and *Xalq Qazeti* newspapers were monitored. The ODIHR EOM also conducted qualitative analysis of election-related coverage in the online outlets [apa.az](http://apa.az), [haqqin.az](http://haqqin.az) and [turan.az](http://turan.az) and followed election-related content on Facebook and Youtube.

<sup>82</sup> The editor-in-chief of the *Iki Sahil* newspaper is a member of the political council of YAP. Similarly, the editor-in-chief of *Yeni Musavat* newspaper contested the elections and received extensive coverage in this newspaper.

Overall, traditional media failed to provide voters with information on contestants, and the public was deprived of a genuine political debate. This compromised voters' ability to make an informed choice.<sup>83</sup> In online content, aside from the paid content, election-related coverage by the news agency APA was dedicated to activities of the CEC. The ODIHR EOM observed that some media outlets on YouTube widely covered campaign activities of a number of candidates.

*The Election Code should provide for impartial election campaign coverage by the media, while preserving the balance between the principle of equitable opportunities among contestants, pluralism of views and journalistic freedom. The law should be amended to ensure the right of the media to report on the campaign without undue limitations and the right of voters to receive fair, impartial and balanced coverage, also outside of news broadcasts.*

## XI. COMPLAINTS AND APPEALS

Electoral complaints and appeals can be filed by voters, candidates, political parties and blocs, their representatives, as well as by observers and election commissions. Actions, inactions and decisions of election commissions that violate electoral rights can be challenged at the higher election commission. Complaints against the CEC can be appealed to the court of appeal and further challenged to the Supreme Court. Complaints and appeals submitted within the electoral period should be decided within 3 days, while those submitted within 30 days before election day should be decided within 2 days. Complaints submitted on election day and the day after the elections must be considered immediately.<sup>84</sup>

Complaints filed to the CEC and ConECs are dealt with by internal expert groups composed of commission members and staff with a legal background. The expert assigned to a case conducts an investigation and prepares a draft decision for the commission to be considered and voted upon during a session.

Legal amendments in 2017 restricted representation in all court cases, including election related ones, exclusively to lawyers who are members of the Bar Association.<sup>85</sup> Several ODIHR EOM interlocutors stated that a shortage of lawyers in the Bar Association, especially in the regions, and recent disbarments of some lawyers involved in cases of a political nature negatively influenced the protection of suffrage rights before the judiciary.<sup>86</sup>

The CEC considered 38 cases which challenged ConEC decisions on candidate registration.<sup>87</sup> In three cases it upheld the decisions of ConECs which had not approved the nomination of prospective candidates based on their past convictions.<sup>88</sup> The CEC upheld eight complaints acknowledging incorrect signature verification by ConECs and in two other cases it confirmed shortcomings in support signature

---

<sup>83</sup> Article 13.2 of the CIS Convention stipulates that “the mass information and telecommunication media are called upon to keep the population informed about elections, nomination of candidates [...], their election programmes (platforms), the progress of an election campaign, voting returns and election results”.

<sup>84</sup> If additional time is required by the commission for the investigation, the deadline for consideration can be extended by up to three days upon commission decision.

<sup>85</sup> Before amendments to the Civil Procedures Code and the Administrative Procedures Code, the Law on Advocates and Advocates' Activity obliged representation by a certified lawyer only in criminal courts and in all cases heard by the Supreme Court.

<sup>86</sup> See also paragraph 63 of the 2019 [Report](#) of the Commissioner for Human Rights of the Council of Europe.

<sup>87</sup> Including four requests to the CEC for deregistration of candidates. One, based on obligations towards another state, was not satisfied and three on dual citizenship of candidates were.

<sup>88</sup> The ECtHR, in cases [Rasul Jafarov v. Azerbaijan](#) and [Rashad Hasanov and others v. Azerbaijan](#), found violation of limitation on use of restrictions on rights (Article 18) in conjunction with right to liberty and security (Article 5 of the ECHR). Azerbaijan was required to eliminate the negative consequences of the imposition of the charges which the ECtHR found to be abusive and to quash their convictions. See [Committee of Ministers' Human Rights meeting notes](#) from December 2019 on the execution of the ECtHR judgments.

lists as established by ConECs. In a further 12 cases, the CEC upheld ConECs' restrictive and formalistic approach in denying registration on the basis of incorrect or incomplete disclosure of property ownership.<sup>89</sup>

An additional 18 complaints related to violations of campaign rules were received by the CEC and over 40 by ConECs, mostly on vote-buying, interference in the campaign and misuse of state resources.<sup>90</sup> The CEC issued five warnings to several candidates, including for vote-buying and abuse of the right to campaign, but did not compile protocols on administrative violations, as required by the law. The CEC adopted a restrictive approach to permissible forms of campaigning by deciding that all campaign-related activities not regulated by the Election Code are prohibited.<sup>91</sup>

The ODIHR EOM was made aware of 23 appeals submitted against the CEC to the courts of appeal and 18 further to the Supreme Court, largely related to candidate registration issues. None of the 41 appeals were satisfied. In most court hearings observed, cases were not assessed on substance but focused instead on procedural aspects and followed the opinion of the CEC.

Transparency of the dispute resolution process was generally ensured, and, positively, the CEC published on its website the decisions and opinions of experts.<sup>92</sup> Complainants were usually present during hearings observed at the CEC and courts. However, during some court hearings, a few complainants stated that they had not been invited to the relevant CEC session. Decisions of the CEC did not always reflect or provide a response to the issues raised in the complaint and did not indicate the further remedy available, challenging paragraph 5.11 of the 1990 OSCE Copenhagen Document.<sup>93</sup>

Territorial jurisdiction of election disputes is defined by procedural law, but the ODIHR EOM observed instances of confusion among some courts and plaintiffs with regards to proper jurisdiction of appeals.<sup>94</sup>

Legal deadlines for election dispute resolution were generally respected by commissions and courts. However, in at least 15 cases, the appeal process was ongoing after the start of the campaign.<sup>95</sup> Overlapping deadlines for finalizing candidate registration disputes and the start of the campaign undermined the principle of effective remedy.<sup>96</sup>

*The timeframe for resolving candidate registration disputes should be reviewed to ensure timely remedy and equal opportunities to campaign. Decisions on all election-related complaints should be reasoned and indicate the further remedy available. All parties involved should have an effective opportunity to be present during hearings.*

---

<sup>89</sup> Other grounds for appealing ConEC decisions included two cases of candidates missing the deadline for the submission of registration documents and four cases of inaction of ConECs. The CEC upheld the complaints of three candidates in cases when incorrect data on property ownership was alleged by ConECs.

<sup>90</sup> No aggregated data is available on complaints at ConEC level.

<sup>91</sup> For example, the CEC issued warnings to [candidate Hasanov](#) for a video on YouTube whose content was unfavourable to an opponent and [head of local branch of YAP Heydarov](#) for campaigning in favour of a candidate.

<sup>92</sup> The law does not require complaints to be made public and the CEC did not publish complaints.

<sup>93</sup> Paragraph 5.11 of the 1990 OSCE Copenhagen Document prescribes that "administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available".

<sup>94</sup> For example, prospective candidate Gabil Mammadov residing in Baku, whose candidacy in Lankaran was rejected, appealed the relevant CEC decision to the Baku Court of Appeal. The Court refused to consider the case stating jurisdiction rests with a court covering the territory of the ConEC. The decision was cancelled by the Supreme Court and the case was returned to the Baku Court of Appeal. In several other instances, candidates mistakenly submitted their complaints to wrong courts of appeals.

<sup>95</sup> For example, in cases of Gular Ahmadova, Elgiz Gahraman, Muzadil Hasanov, Zahir Rahimov and Saleh Soltanov.

<sup>96</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document prescribes that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". See also Article 2.3 (a) of the ICCPR, paragraph 13.9 of the 1989 Vienna Document, and ECtHR case [Abdalov and Others v. Azerbaijan](#), paragraph 103.

## XII. ELECTION OBSERVATION

The Election Code provides for citizen and international election observation, in line with OSCE commitments. Citizens can register to observe individually or as representatives of non-governmental organizations working in the field of elections or as representatives of candidates and political parties.<sup>97</sup>

Of 89,676 domestic observers accredited by the CEC and ConECs, over 62 per cent were representative of contestants, 34 per cent were individual observers, and only 4 per cent were nominated by civil society organizations. The CEC accredited 883 international observers. The CEC did not publish a detailed overview of the organizations which nominated citizen and international observers, which reduced the transparency of the observer accreditation process.

While accredited observers have the right to observe all election related activities, including sessions of election commissions, prior to and on election day, citizen observers have limited opportunities to observe commissions' sessions. The Election Code stipulates that the CEC decides by drawing lots which observers shall have the right to be present at sessions. According to the CEC, only one YAP observer applied and was accredited to observe the CEC sessions, and no citizen observers applied to observe ConEC sessions.<sup>98</sup>

Some ODIHR EOM interlocutors reiterated that restrictive legal provisions related to receiving foreign funding limit the possibility of civil society organizations to function, train and deploy observers.<sup>99</sup> Some civil society organizations, including the Election Monitoring and Democracy Studies Center (EMDS), the Institute for Democratic Initiatives (IDI) and the Association for Civil Society Development in Azerbaijan (ACSDA), conducted long and short-term observation, and several other organizations fielded short-term observers on election day. The EMDS and the IDI remain unregistered as organizations, thus without legal status. Therefore, volunteers of both groups were accredited as individual observers. The EMDS, the IDI and the ACSDA published interim reports on the pre-election environment and issued post-election statements.

A considerable number of ODIHR EOM interlocutors raised concerns about the political affiliation or lack of independence of some citizen observer groups whose active participation on election day was observed by the IEOM.<sup>100</sup> This practice contradicts internationally recognized principles governing non-partisan citizen election observation.<sup>101</sup>

*Political parties and candidates should refrain from registering their activists as citizen observers, while citizen observer groups should respect the principle of non-partisan election observation.*

---

<sup>97</sup> By law, the CEC accredits all international observers as well as citizen observers who may observe in any polling station throughout the country. In addition, ConECs accredit citizens who may observe within the respective constituency. The deadline for accreditation by the CEC is 10 days before election day, and by the ConECs – 5 days.

<sup>98</sup> A maximum of 10 observers at a time can be present during a session of the election commission.

<sup>99</sup> According to ODIHR EOM interlocutors from civil society, any foreign funds cannot be sent directly to NGOs but should initially be accumulated at a special state fund. It is within the purview of the state to further allocate money. For example, the ACSDA (headed by an outgoing MP), the Azerbaijani Public Union of Persons with Disabilities, Veterans, and Families of Karabakh War (headed by a contestant) and the *Azerbaijani Red Crescent Society* (also headed by an incumbent MP) together accredited some 75 per cent of all citizen observers.

<sup>101</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."

### XIII. ELECTION DAY

Election day was conducted in a generally calm environment but was characterized by widespread disregard for mandatory safeguard procedures, numerous serious irregularities of which some were committed intentionally, and a lack of transparency manifested in restricting activities of both citizen and international observers.

#### A. OPENING AND VOTING

Polling stations observed generally opened on time; in 16 cases with minor delays and in 10 before 8:00, the official opening time. The opening of polling stations was assessed by the IEOM negatively in 19 out of 128 observations. This was primarily due to procedural shortcomings, such as omitting to count and record the number of ballots received (36 and 55 observations, respectively) or to record the serial number of ballot box seals (39 cases). Contrary to legal requirements, the counting and cancelling of DVCs did not take place in 21 cases observed. The presence of party or candidate representatives and citizen observers was noted in 973 (87 per cent of observations) and 962 (77 per cent) instances, respectively, which contributed to the transparency of the process. However, in 10 polling stations where opening was observed, not everybody present had a clear view of the process, and the IEOM faced restrictions in observing opening procedures in 5 polling stations.

While the voting process was overall orderly and smooth in most polling stations observed, the IEOM observed that the PECs often failed to follow key procedures, lacked transparency and hindered observers' work. The voting process was assessed negatively in seven per cent of 1,296 polling stations observed, a significant value which is indicative of serious procedural shortcomings. Voters were often not inked (8 per cent of observations) or checked for traces of ink (13 per cent), both of which are important safeguards against multiple voting.<sup>102</sup> The IEOM observed ballot box stuffing or indications of it in 16 polling stations.

*The election administration should undertake measures to ensure the integrity of the electoral process, in particular by ensuring secrecy of the vote, preventing ballot box stuffing and implementing safeguard procedures, such as inking and securing the ballot boxes.*

The IEOM observed seemingly identical signatures in voter lists in 2 per cent of observations. Additionally, group voting was observed in 5 per cent and violations of secrecy of voting in 7 per cent of polling stations observed. In 9 per cent of observations, one or more voters were turned away and not allowed to vote for failure to present a valid ID or for not being on the relevant voter list. In 2 per cent of polling stations, the IEOM noted persons influencing the choice of the voter.

Party and candidate observers remained present in large numbers throughout the voting at 87 per cent of polling stations observed, and citizen observers – in 77 per cent of observations. In about a quarter of observations the IEOM noted that those accredited as citizen observers *de facto* represented the interests of parties or candidates. In 3 per cent of the IEOM observations, contestants or citizen observers interfered in the process or directed PECs. In 7 per cent of observed polling stations, not all phases of the voting process were visible to the IEOM. Furthermore, in 17 per cent of observations the IEOM noted restrictions for other observers' activities. This reduced the transparency of the process.

Tension inside the polling stations noted in 5 per cent of observations was often caused by disagreements between the PEC members and citizen observers. In 4 per cent of observations, the PECs were not fully cooperative with observers and in 6 cases party or citizen observers were expelled from polling stations. Unauthorized people, including police, security and military personnel as well as state

---

<sup>102</sup> The IEOM noted that in 21 polling stations the wrong hand was checked for ink, and in 29 observations, these checks were deliberately omitted. These occurrences constituted 4 per cent of all cases observed.

officials, were noted in 4 per cent of observations. This contributed to the overcrowding of polling stations, which was noted in 8 per cent of observations. In 5 per cent of observations the layout of polling stations was assessed as inadequate to guarantee the secrecy of the vote.

## **B. CLOSING AND COUNTING**

The vote count was assessed negatively in over half of polling stations observed (71 of 119 counting observations), mostly due to a blatant disregard of important reconciliation procedures both before and after opening the ballot boxes.

Serious procedural errors or omissions were noted in 68 counts observed. Important numerical cross checks intended to safeguard against manipulations during the count were not carried out. Specifically, cross-checks were bypassed and figures were not recorded in the draft protocol in 67 and 73 cases, respectively. In 23 cases observed, commissioners did not cancel unused ballots. In nearly two thirds of the counts observed, the ballots were not stamped on the back, as prescribed by law. Importantly, in 54 cases (almost half of observations) the PECs did not count the number of signatures in the voter lists. This made it impossible to reconcile the number of ballots found in the box with the number of people who signed the voter list and thereby eliminated a safeguard against manipulations during the count.

Following the opening of the ballot boxes, the IEOM noted indications of ballot box stuffing, including clumps or stacks of ballots in 15 stationary and 2 mobile ballot boxes. In an additional 10 cases observed, the number of ballots found was higher than the number of voters' signatures on the voter lists, but the counts went on, in full disregard of the legal requirement to invalidate results in such a case. The IEOM observed that the number of ballots in 53 stationary and 45 mobile ballot boxes was not recorded during the drafting the protocols. In 17 cases, the IEOM noted evidence of deliberate falsification of voter list entries, results, or protocols.

In 44 count observations, not all observers present had a clear view of the counting process. In 49 cases, observers were not able to clearly see voters' marks on ballots, and results were not announced before being entered in the draft protocol in 51 observations. A copy of the voting results protocol was not posted in over half (68) of the polling stations observed, and in 22 cases observers were not provided a copy of the voting results protocol. In approximately one quarter of observations, the IEOM was restricted in its observation. The combined effect of the above significantly diminished transparency of the counting process.

*Measures should be taken to ensure unhindered access of observers to the entire electoral process, including a clear view of all procedures during voting, counting and tabulation.*

## **C. TABULATION AND ANNOUNCEMENT OF RESULTS**

The start of the tabulation process was delayed in a number of constituencies due to a malfunction of the data entry system. The process was assessed negatively in 25 of 99 ConECs observed mainly due to the poor organization of receipt of protocols and other materials, and, in some instances, limited understanding of the tabulation procedures by the ConEC members, despite repeated training by the CEC.<sup>103</sup> In 38 ConECs, the lack of space negatively affected the process.

In over one quarter of the observations (32 cases out of 117), not everyone present had a clear view of procedures or was able to observe without impediments due to the strictly designated seating areas for observers, which limited transparency of the process. The IEOM observed that ConEC chairpersons did not always announce entries in the computer in close to half of the observations (60 cases), and in 37

---

<sup>103</sup> In addition, there was a CEC instruction on the receipt and review of PEC protocols as well as a handbook for ConECs. Of note, most ConEC members had already served at least one term in this capacity.

cases, PEC chairpersons did not always sign the printouts of the protocol entered. The IEOM noted that in 9 cases PEC members either changed protocol figures or filled out new protocols, in violation of the law. Citizen and candidate observers were present in one third of ConECs observed. In 32 cases observed, printouts of electronic copy of PEC voting results protocols were not always given to those entitled to receive them.

The CEC announced final turnout of 47.8 per cent. The preliminary data on voter turnout as announced during the election day was removed from the CEC website on the morning of 10 February. According to ODIHR EOM analysis, the turnout figures officially announced during the election day in 18 constituencies significantly deviated from the data in voting results protocols posted on the CEC website.

The CEC started announcing preliminary results on 10 February at 06:00.<sup>104</sup> On the same day, the CEC published on its website the preliminary results and other information from the voting results protocols per constituency and precinct, contributing to transparency.

#### **XIV. POST-ELECTION DEVELOPMENTS**

A number of candidates made requests to annul the election results of particular polling stations within 101 ConECs. An array of grave irregularities were cited during deliberations, including cases of ballot box stuffing, multiple voting, voter turnout adjustments, broken ballot box seals, voting results protocols not filled out in PEC premises, non-reconciliation of figures in official voting results protocols, copies of voting results protocols not distributed to observers on election night and restrictions imposed against meaningful observation. Requests were made to annul the election results of particular polling stations. Election-day-related complaints were considered by the CEC over the course of 11 sessions. Complainants were not always present during the consideration of complaints. The CEC unanimously and in a non-deliberative manner annulled results in the entirety of 4 constituencies: 33 (Khatai), 35 (Khatai 3), 74 (Lankaran village) and 80 (Imishli-Beylagan), and in a further 167 polling stations within 50 constituencies.<sup>105</sup>

While at the beginning of the process, the CEC granted time for candidates to express their position and submit additional evidence to support their claims, at a later stage and due to time constraints, the CEC encouraged complainants to appeal their decisions and submit additional supporting documentation to the court. The high number of complaints and the severity of the violations alleged did not allow for a substantial, comprehensive and consistent review by the CEC of all post-election day complaints. Accordingly, many complaints were either not or only partially investigated by the CEC.

When criminal malpractice is suspected, the law obliges the CEC to proactively forward relevant materials to the prosecutor's office. Despite this requirement and the repeated statements by the CEC chairperson that individuals and commissions responsible for electoral offences will be sanctioned, no materials were forwarded by the CEC to the prosecutor's office before the finalization of the election results. Instead, the CEC limited its actions to dismissing commissions, with no consistent reasoning.<sup>106</sup>

---

<sup>104</sup> The CEC announced preliminary results of 118 ConECs stating that the materials from the remaining ConECs (17, 35, 42, 44, 77, 123 and 125) required additional review before the results could be established.

<sup>105</sup> The Election Code provides for invalidation of elections in a single-mandate constituency by ConEC or the CEC, if the violations occurred make it impossible to determine the voters' will or if results in more than two-fifths of all polling stations comprising jointly more than one quarter of voters within the constituency are invalidated.

<sup>106</sup> The CEC dismissed 87 PECs in 40 constituencies for defects in their activities during the conduct of elections and determination of the elections results. For example, in constituency 33, serious violations were acknowledged in at least 16 polling stations; however, only 4 PECs were dismissed; in constituency 35, violations were recognized in at least 13 polling stations, but only 3 PECs were dismissed; in constituency 74, violations were recognised in at

In addition, despite a number of cases in which the rights of observers and proxies were violated, including denial of the right to receive copies of the voting results protocols, no administrative violation protocols were compiled.<sup>107</sup>

Overall, the manner in which complaints challenging election results were handled by the CEC was inconsistent. In a number of cases, the process lacked genuine and comprehensive investigation of the substance of the case, leaving misconduct unsanctioned and electoral rights unrestored. This compromised the right to effective remedy and undermined integrity of and public confidence in the electoral process.

*In cases of irregularities during the count, a thorough and impartial investigation of election-day materials should be conducted, including PEC voting results protocols, signed voter lists, ballots and web camera footage, where available. Perpetrators, including election commission members who participate or tolerate such practices, should be prosecuted.*

The ODIHR EOM is aware of 11 complaints submitted before election day to the offices of regional prosecutor offices but was not informed of any investigations.<sup>108</sup> The office of the prosecutor informed the ODIHR EOM that it requested the opinion of the CEC on election related complaints prior to taking any action. Several complainants informed the ODIHR EOM that, as of 22 February, they had not received any response from the prosecutor's office.

In the aftermath of the elections, some complaints submitted to the CEC were also copied to the Prosecutor General's office by complainants. Yet, the ODIHR EOM was not aware of any investigations initiated in this regard by this office, despite the legal requirement to do so. Inactions of law enforcement bodies contributed to an atmosphere of impunity for electoral crimes.

*The office of the prosecutor should consistently and independently apply the law and fulfil its mandate to expeditiously investigate and prosecute election related crimes, to protect citizens from electoral fraud and uphold the integrity of the electoral process.*

On 11 February, some parties and independent candidates denounced the preliminary results as fraudulent and called for their cancellation. A protest outside the CEC building, which some ODIHR EOM interlocutors described as spontaneous, ended in violent clashes, with riot police detaining some of the candidates and journalists.<sup>109</sup> The ODIHR EOM observed riot police loading protesters onto buses in a disproportionately forceful way, and some of protesters were beaten while inside the buses. The OSCE RFoM deplored the detentions, violent incidents and mistreatment of journalists.<sup>110</sup> On 21 February, the Baku police informed the ODIHR EOM that the police, on 11 February, had taken preventive measures by persuading participants to leave the area outside the CEC building.

Subsequently, on 11 February, representatives of the D18 Movement, *Musavat* and REAL notified the Baku City Authority of their intention to hold a mass event on 16 February and provided options for six venues close to the city centre.<sup>111</sup> All requested locations were rejected and the authorities instead offered for the event to be held at a stadium in Lokhbatan, some 18 km from the city centre. Nevertheless

---

least 15 polling stations, but only 5 PECs were dismissed; and in constituency 80, violations were recognised in at least 19 polling stations, and only 5 PECs were dismissed.

<sup>107</sup> In line with Articles 167 and 178 of the Code of Administrative Offences and presidential decree No 1361 of 3 May 2017, the CEC is authorized to compile protocols on administrative violations.

<sup>108</sup> These cases pertained to pressure on candidates to withdraw and property ownership documents allegedly falsified by state authorities. The Election Code prescribes a three day deadline for prosecutor offices to consider election related violations.

<sup>109</sup> The Law on Freedom of Assembly provides that a notification is not required in case of a spontaneous rally.

<sup>110</sup> See the OSCE RFoM [statement](#) from 12 February.

<sup>111</sup> Two of the six locations were outdoor campaign venues designated by the CEC for the last parliamentary elections.

the protest was organized in front of the CEC building on 16 February. The ODIHR EOM observed the significant presence of the police and some 200 protesters, including members of parties and candidates, being driven away by buses from the protest site. Some of the organizers of the protest informed the ODIHR EOM that on the morning of 16 February, they were driven by the police outside of the capital, and considered this a form of an arbitrary detention.<sup>112</sup> According to ODIHR EOM interlocutors, even though people were detained no procedural documents, such as protocols on administrative violations or detention protocols, were issued and no further legal measures were taken against the protesters.<sup>113</sup>

*Authorities should fully respect the right to peaceful assembly and act with the presumption in favour of holding such assemblies. Law enforcement agencies should implement a human rights-based approach to policing assemblies, and all measures applied should be legal and proportionate.*

The CEC is obliged to verify ConEC results protocols together with other materials, prepare the protocol on general results, and send them to the Constitutional Court, within 20 days following election day (by 29 February). The Constitutional Court validates election results within 10 days with the possibility of an extension.<sup>114</sup> Despite a previous ODIHR recommendation, there is no legal requirement that final results be announced by the Constitutional Court only after the process of resolving complaints is finalised, including in courts. On 25 February, the CEC announced that all complaints had been reviewed and forwarded the election results to the Constitutional Court.

On 4 March, according to the media, 236 candidates from 11 political parties and two blocs, which contested elections in 94 constituencies, signed a joint statement expressing their disagreement with the results and called on the Constitutional Court to cancel the results. There was no official response to the statement and the Constitutional Court approved the final results on 5 March, even though several complaints reportedly remained under consideration in courts.

## **XV. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in Azerbaijan and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed. ODIHR stands ready to assist the authorities of Azerbaijan to further improve the electoral process and to address the recommendations contained in this and previous reports.<sup>115</sup>

### **A. PRIORITY RECOMMENDATIONS**

1. Electoral and political contestants should be able reach out to voters and organize political rallies at any time and under equal conditions. To this extent, the Law on Freedom of Assembly should

---

<sup>112</sup> Several organizers of the protest informed the ODIHR EOM that they had submitted complaints to the prosecutor's office on their arbitrary detention, but reportedly no official reaction to the complaints was made as of 30 March.

<sup>113</sup> The Baku police informed the ODIHR EOM that such protocols were not required given that no serious incident or violation of the law had occurred.

<sup>114</sup> The Constitutional Court based on an internal decision can prolong the validation of results. The Election Code does not prescribe the maximum time for such an extension.

<sup>115</sup> According to paragraph 25 of the 1999 OSCE Istanbul Document, all 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: recommendations 5 and 9 from the [ODIHR final report on the 2010 parliamentary elections](#) (2010 Final Report) are fully implemented; recommendations 1, 2 and 10 from the 2010 Final Report and 14 from the [ODIHR final report on 2018 presidential election](#) (2018 Final Report) are mostly implemented; recommendations a, f, 8, 15 and 17 from the 2010 Final Report and 12, 16, 22 and 29 from the 2018 Final Report are partially implemented.

be amended in line with the constitutionally guaranteed notification mechanism for holding peaceful assemblies. In addition, the restrictive approach of the CEC regarding the number and accessibility of venues for the conduct of the campaign should be reviewed.

2. The legal framework for media should be amended to ensure full protection of the principle of freedom of speech and the press and the right of access to information, as enshrined in the Constitution. Journalists should be able to carry out their work freely, and not be subject to pressure or intimidation.
3. The electoral legal framework should be revised sufficiently in advance of the next elections and through a genuine participatory and consultative process, to bring it in line with international obligations and standards for democratic elections, guarantee fundamental rights and freedoms, eliminate gaps and address previous ODIHR and Venice Commission recommendations as well as rulings of the ECtHR.
4. The election administration should undertake measures to ensure the integrity of the electoral process, in particular by ensuring secrecy of the vote, preventing ballot box stuffing and implementing safeguard procedures, such as inking and securing the ballot boxes.
5. The authorities should ensure the election campaign is conducted in an atmosphere free from intimidation and fear of retribution. The authorities and political parties should refrain from coercing candidates, public-sector employees, students and others to participate in campaigning.
6. The legal framework should set precise and exhaustive grounds for blocking the websites in order to clearly distinguish prohibited materials from political and other information of public interest and provide guarantees against its arbitrary application. The power to restrict access to websites should rest exclusively with the judiciary. Court hearings and decisions on blockage should be public, and a registry of any blocked websites should be publicly available.
7. The Election Code should be amended to revise the composition of election commissions at all levels, with the aim of enhancing the impartiality of election commissions and public confidence in their work.
8. In cases of irregularities during the count, a thorough and impartial investigation of election-day materials should be conducted, including PEC voting results protocols, signed voter lists, ballots and web camera footage, where available. Perpetrators, including election commission members who participate or tolerate such practices, should be prosecuted.

## **B. OTHER RECOMMENDATIONS**

### **Electoral System**

9. The CEC should redraw the boundaries of electoral constituencies in a timely manner and in line with the law and international commitments and standards in order to respect the principle of equal suffrage. To enhance confidence and transparency in the revision process, it should be open to public scrutiny.

### **Election Administration**

10. Further steps should be taken to ensure that military personnel as a rule vote in regular polling stations, with exceptions strictly limited.

11. Measures and mechanisms to increase the number of women as chairpersons and members of election commissions should be considered.
12. To further increase transparency of the electoral process, including with regard to registration of voters, candidates and observers, the CEC could publish relevant aggregated and disaggregated electoral data on its website in a timely manner. The CEC, in consultation with organisations representing persons with disabilities, should also publish the information in formats accessible to different categories of persons with disabilities.
13. To increase transparency and accountability, election commissions should conduct all substantive work in an open manner and ensure effective access of observers to their decision-making process. The Election Code should be amended to require all decisions and the minutes of sessions of the CEC and ConECs be published online in a timely manner.

### **Voter Registration**

14. Additional safeguards for strengthening the integrity of the voter registration could be provided, such as judicial control of or alternatives to election-day registration by precinct election commissions.
15. The denial of voting rights of people based on the intellectual or psychosocial disability should be removed.
16. To increase transparency and contribute to building trust in the accuracy of the voter registration process, relevant institutions should consider publishing regular detailed disaggregated updates on verification of population and voter registers

### **Candidate Registration**

17. The CEC and ConECs should apply reasonable criteria for denial of candidate registration. In case of omissions or other technical mistakes in registration documents, commissions should provide the candidates with an effective opportunity to correct mistakes.

### **Campaign Environment**

18. Authorities should fully respect the right to peaceful assembly and act with the presumption in favour of holding such assemblies. Law enforcement agencies should implement a human rights-based approach to policing assemblies, and all measures applied should be legal and proportionate.
19. Political parties should consider internal measures to promote equal participation of women and men in senior positions within party structures and integrate gender issues into their platforms. The authorities should consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life, especially at the senior and decision-making levels.

### **Campaign Finance**

20. Consideration could be given to publishing preliminary and final financial reports of all candidates on the CEC website in order to enhance the public's right of access to information of public interest. In order to increase transparency and ensure informed choice of voters,

consideration could be given to also requiring publication of income and asset declarations of all registered candidates prior to election day.

21. Relevant authorities should ensure effective oversight of contestants' compliance with campaign finance legislation and that proportionate and dissuasive sanctions be applied for non-compliance.

## **Media**

22. The independence of public ITV should be further strengthened, including by ensuring impartial editorial practices, especially in news programmes. The introduction of a broadcast fee, as prescribed by the Law on Public Broadcaster, should be implemented.
23. Media outlets should be free to establish their own editorial policies, without interference by the authorities.
24. Information on ownership and sources of funding of media outlets should be publicly disclosed.
25. Consideration could be given to amend the Election Code and broaden the eligibility criteria for receiving free airtime with a view to create a more level-playing field and ensure equitable access of political parties to public media.
26. The Election Code should provide for impartial election campaign coverage by the media, while preserving the balance between the principle of equitable opportunities among contestants, pluralism of views and journalistic freedom. The law should be amended to ensure the right of the media to report on the campaign without undue limitations and the right of voters to receive fair, impartial and balanced coverage, also outside the news broadcasts.
27. In line with international standards, criminal provisions for defamation and insult should be repealed in favour of civil sanctions strictly proportionate to the harm caused.

## **Complaints and Appeals**

28. The timeframe for resolving candidate registration disputes should be reviewed to ensure timely remedy and equal opportunities to campaign. Decisions on all election-related complaints should be reasoned and indicate the further remedy available. All parties involved should have an effective opportunity to be present during hearings.
29. The office of the prosecutor should consistently and independently apply the law and fulfil its mandate to expeditiously investigate and prosecute election related crimes, to protect citizens from electoral fraud and uphold the integrity of the electoral process.

## **Election Observation**

30. Political parties and candidates should refrain from registering their activists as citizen observers, while citizen observer groups should respect the principle of non-partisan election observation.
31. Measures should be taken to ensure unhindered access of observers to the entire electoral process, including a clear view of all procedures during voting, counting and tabulation.

## ANNEX I – FINAL ELECTION RESULTS

Aggregated data from ConEC results protocols <sup>116</sup>	Number/per cent
Total number of ConECs	125
Total number of constituencies where election results were annulled	4
Total number of regular PECs	5,573
Total number of the PECs established in military units and prisons	131
Total number of polling stations where results were invalidated	328
Total number of voters	5,359,015
Number of voters included in supplementary voter lists	32,147
Number of voters who were issued de-registration voter cards	1,311
Number of voters who voted with de-registration voter cards	1,081
Number of ballots provided to the PECs by ConECs	5,285,080
Number of voters who were issued ballots	2, 510,135
Number of cancelled/unused ballots	2,772,967
Number of spoiled ballots	1,698
Number of ballot papers found in ballot boxes	2,506,445
Number of invalid votes	30,248 (1.2 per cent)
Voter turnout	46.84 per cent

Party that nominated candidates	Number of Standing Candidates	Number of Mandates Received
New Azerbaijan Party (YAP)	123	70
<i>Musavat</i> (Equality) Party	23	-
<i>Umid</i> (Hope) Party	19	-
Citizen Unity Party (VBP)	18	-
Whole Azerbaijan Popular Front Party (BAXCP)	13	1
United Azerbaijan Party (VAP)	12	-
Civil Solidarity Party (VHP)	10	3
Azerbaijan National Independence Party (AMIP)	9	-
<i>Ana Vetən</i> (Motherland) Party (AVP)	8	1
Azerbaijan Democratic Party	7	-
National Revival Movement Party (MDHP)	7	-
Modern <i>Musavat</i> Party (MMP)	5	-
Party for Democratic Reforms (DIP)	3	1
Great Creation Party (BQP)	2	1
Azerbaijan Democratic Education Party (ADMP)	1	1
Azerbaijan Liberal Democratic Party (ALDP)	1	-
Azerbaijan Social Welfare Party (ASRP)	1	-
Citizen and Development Party (VIP)	1	-
Great Azerbaijan Party (BAP)	1	-
<i>Vahdat</i> (Unity) Party (VP)	1	1
Self-nominated Candidates	1,067	42
<b>Total</b>	<b>1,314</b>	<b>121</b>

<sup>116</sup> These figures are based on the ConEC protocols and [CEC aggregated results protocol](#).

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

### OSCE Parliamentary Assembly

Artur	Gerasymov	Special Co-ordinator	Ukraine
Elona	Hoxha	Head of Delegation	Albania
Elisabeth	Grossmann	MP	Austria
Christian	Hafenecker	MP	Austria
Ahmed	Ahmedov	MP	Bulgaria
Stijn	Bex	MP	Belgium
Imren	Mehmedova	MP	Bulgaria
Jan	Bauer	MP	Czech Republic
Josef	Hajek	MP	Czech Republic
Karla	Marikova	MP	Czech Republic
Zdenek	Ondracek	MP	Czech Republic
Ladislav	Vaclavec	MP	Czech Republic
Jan	Zaloudik	MP	Czech Republic
Soren	Sondergaard	MP	Denmark
Kimmo	Kiljunen	MP	Finland
Christoph	Neumann	MP	Germany
Paul Viktor	Podolay	MP	Germany
Evangelos	Syrigos	MP	Greece
Georgios	Varemenos	MP	Greece
Luigi	Augussori	MP	Italy
Mauro	Del Barba	MP	Italy
Paolo	Grimoldi	MP	Italy
Francesco	Mollame	MP	Italy
Vito	Vattuone	MP	Italy
Kenes	Absatirov	MP	Kazakhstan
Romans	Naudins	MP	Latvia
Gustave	Graas	MP	Luxembourg
Barbara	Bartus	MP	Poland
Joanna	Lichocka	MP	Poland
Dariusz	Rosati	MP	Poland
Agnieszka	Soin	MP	Poland
Catalin-Daniel	Fenechiu	MP	Romania
Lucian	Romascanu	MP	Romania
Aleksei	Kornienko	MP	Russian Federation
Artem	Turov	MP	Russian Federation
Margareta	Cederfelt	MP	Sweden
Dag	Larsson	MP	Sweden
Ahmet	Arslan	MP	Turkey
Mehmet Sait	Kirazoglu	MP	Turkey
Antonela	Veshi	Staff of Delegation	Albania
Silvia	Andrisova	Staff of Delegation	Czech Republic
Katerina	Kosarikova	Staff of Delegation	Czech Republic
Pia	Califano	Staff of Delegation	Italy
Massimiliano	Ferrari	Staff of Delegation	Italy
Laura	Lai	Staff of Delegation	Italy

Giuseppe	Trezza	Staff of Delegation	Italy
Igorss	Aizstrauts	Staff of Delegation	Latvia
Sergey	Karseka	Staff of Delegation	Russian Federation
Yuksel	Atahan	Staff of Delegation	Turkey
Konur Alp	Kocak	Staff of Delegation	Turkey
Zeki Hakan	Sidali	Staff of Delegation	Turkey
Everett	Price	US Helsinki Commission Staff	United States of America
Mark	Toner	US Helsinki Commission Staff	United States of America
Tim	Knoblau	OSCE PA Secretariat	Germany
Andreas	Nothelle	OSCE PA Secretariat	Germany
Guido	Almerigogna	OSCE PA Secretariat	Italy
Roberto	Ferrari	OSCE PA Secretariat	Italy
Iryna	Sabashuk	OSCE PA Secretariat	Ukraine
Nathaniel	Parry	OSCE PA Secretariat	United States of America

### Parliamentary Assembly of the Council of Europe

Frank	Schwabe	Head of Delegation	Germany
Petra	Bayr	MP	Austria
Stefan	Schennach	MP	Austria
Christophe	Lacroix	MP	Belgium
Ravio	Tamm	MP	Estonia
Maryvonne	Blondin	MP	France
Bernard	Cazeau	MP	France
Jacques	Le Nay	MP	France
Urlich	Oehme	MP	Germany
Sokratis	Famellos	MP	Greece
Georgios	Katrougkalos	MP	Greece
Thorhildur			
Sunna	Aevarsdottir	MP	Iceland
Roberto	Rampi	MP	Italy
Alberto	Ribolla	MP	Italy
Edite	Estrela	MP	Portugal
Viorel	Badea	MP	Romania
Alina-Stefania	Gorghiu	MP	Romania
Pierre-Alain	Fridez	MP	Switzerland
Alfred	Heer	MP	Switzerland
Ian	Liddell-Grainger	MP	United Kingdom
Lord Simon	Russell	MP	United Kingdom
Oliver	Kask	Venice Commission	Estonia
Gael	Martin-Micallef	Venice Commission	France
Daniele	Gastl	PACE Secretariat	France
Bogdan	Torcatoriu	PACE Secretariat	Romania
Anne	Godfrey	PACE Secretariat	United Kingdom

### ODIHR EOM Short-term Observers

Alfred	Bratranek	Austria
Hanna	Grininger	Austria
Charlotte	Helletzgruber	Austria

Rainer	Ruge	Austria
Maksim	Sapsai	Belarus
Ivan	Zharkou	Belarus
Kiril	Apostolov	Bulgaria
Katerina	Kramesova	Czech Republic
Miroslav	Kvasnak	Czech Republic
Emanuela	Mackova	Czech Republic
Martin	Nekola	Czech Republic
Petra	Netuková	Czech Republic
Pavel	Neuberg	Czech Republic
Marek	Pavlik	Czech Republic
Tomas	Vlach	Czech Republic
Bo	Jensen	Denmark
Christian	Jepsen	Denmark
Hans Jørgen	Lauritzen	Denmark
Lise	Olsen	Denmark
Jan	Schunck	Denmark
Gitte	Snefstrup	Denmark
Peeter	Pals	Estonia
Elina	Dakash	Finland
Sven	Kilemet	Finland
Mikko	Palonkorpi	Finland
Anu	Virtanen	Finland
Julien	Arnoult	France
Gwenola	Braud	France
Melissa	Diagne	France
Clément	Mondamert-Chartron	France
Rémi	Pellerin	France
Vanessa	Rizk	France
Nadia	Yakhlaf-Lallemand	France
Heike	Baddenhausen	Germany
Axel	Bayer	Germany
Ulrike	Bickel	Germany
Petra	Bornhoeft	Germany
Christoph	Bürk	Germany
Elmar	Eberhardt	Germany
Frank	Fischer	Germany
Oliver	Fritz	Germany
Ann-Sophie	Gast	Germany
Katharina	Glöckler-Fuchs	Germany
Michael	Jelonek	Germany
Jürgen	Klimke	Germany
Stefan	Koeppe	Germany
Dirk	Neumeister	Germany
Martin	Ohlsen	Germany
Detlev	Palluch	Germany
Karl	Pammer	Germany
Luiz	Ramalho	Germany
Yuna	Rault-D'Inca	Germany

Norbert Hermann	Reiner	Germany
Eckart	Rohde	Germany
Ingo	Schiermeyer	Germany
Claudia	Schulze	Germany
Ursula	Schulze-Aboubacar	Germany
Christian	Seiler	Germany
Benjamin	Smale	Germany
Christine	Smers	Germany
Sabine	Smolka-Gunsam	Germany
Barbara	Staib	Germany
Karsten	Steinig	Germany
Jan-Marius	Tillmanns	Germany
Marie Luise	von Halem	Germany
Rebecca	Wagner	Germany
Istvan	Bakk	Hungary
Nóra	Balogh	Hungary
Alexandra	Dobolyi	Hungary
György László	Erdős	Hungary
Zsolt Istvánné	Hejcser	Hungary
Hildur	Hjordisardottir Sigurdardottir	Iceland
Terence	Fleming	Ireland
Patrice	Lucid	Ireland
Guido	Almerigogna	Italy
Andrea	Benedini	Italy
Mike	Daldossi	Italy
Matilde	Fruncillo	Italy
Gabriele	Pedrini	Italy
Debora	Pinzana	Italy
Maria Laura	Salich Di Francesca	Italy
Yermek	Baizhanov	Kazakhstan
Ilyas	Kurmanov	Kazakhstan
Kaspars	Mekons	Latvia
Vytaute	Stankaitiene	Lithuania
Valdas	Steponavičius	Lithuania
Dorjsuren	Bat-Erdene	Mongolia
Unurtsetseg	Tsedev	Mongolia
Tamara	Ivanovic	Montenegro
Eduard	De Bouter	Netherlands
Peter	Hendriks	Netherlands
Josefa	Lucas	Netherlands
Johanna	Van Sambeek	Netherlands
Hans	Dieset	Norway
Maren	Garberg Bredesen	Norway
Mari	Hagen	Norway
Bard	Thorheim	Norway
Cristian	Besliu	Romania
Mihaela	Besliu	Romania
Luminita	Ciobanu	Romania
Bogdan	Nedea	Romania

Loredana	Olarean	Romania
Gorincioi	Radu	Romania
Enver	Akhmedov	Russian Federation
Svetlana	Arkipova	Russian Federation
Sergey	Baburkin	Russian Federation
Karina	Bagieva	Russian Federation
Elena	Balandina	Russian Federation
Alexander	Bedritskiy	Russian Federation
Anna	Belova	Russian Federation
Artem	Bobrov	Russian Federation
Boris	Bodrov	Russian Federation
Kristina	Bogdanova	Russian Federation
Andrei	Borodin	Russian Federation
Natalia	Bronnikova	Russian Federation
Boris	Diakonov	Russian Federation
Igor	Ermolenko	Russian Federation
Arif	Gadzhiev	Russian Federation
Yury	Gorbatyuk	Russian Federation
Anna	Gozhina	Russian Federation
Alexander	Ignatov	Russian Federation
Olga	Karsanova	Russian Federation
Sergei	Khalizov	Russian Federation
Alesya	Khalyapina	Russian Federation
Aleksandr	Khlopianov	Russian Federation
Iuliia	Korotun	Russian Federation
Irina	Kulbanova	Russian Federation
Pavel	Kuznetsov	Russian Federation
Alexander	Lankevich	Russian Federation
Evgeny	Loginov	Russian Federation
Anna	Lysenina	Russian Federation
Anna	Makarenkova	Russian Federation
Dmitry	Makarov	Russian Federation
Andrei	Molochkov	Russian Federation
Anatoly	Odintsov	Russian Federation
Andrey	Ostvald	Russian Federation
Sergey	Overchenko	Russian Federation
Ivan	Perevertov	Russian Federation
Aleksei	Pogonin	Russian Federation
Vladimir	Ponomarev	Russian Federation
Aleksandr	Prusov	Russian Federation
Inna	Romanchenko	Russian Federation
Aleksandr	Savinov	Russian Federation
Valerii	Shageev	Russian Federation
Raisa	Shumskaya	Russian Federation
Lev	Tarskikh	Russian Federation
Konstantin	Tasitc	Russian Federation
Sviatoslav	Terentev	Russian Federation
Dmitry	Trofimov	Russian Federation
Kudina	Tuaeva	Russian Federation
Maria	Vilkova	Russian Federation

Alexander	Vladychenko	Russian Federation
Petr	Volokovykh	Russian Federation
Igor	Zakharov	Russian Federation
Andrei	Ziuzin	Russian Federation
Vladislav	Fintor	Slovakia
Ivana	Ruttkayová	Slovakia
Gerardo	Arroyo Herranz	Spain
Olga	Martin Gonzalez	Spain
Luis	Ponte	Spain
Claes Johan	Alexandersson	Sweden
Marcus	Anderbrant	Sweden
Eva Christina	Bergman	Sweden
Ruth Martina	Bourke Berglund	Sweden
Elof	Dahmén	Sweden
Linda	Eriksson Baca	Sweden
Lars	Hols	Sweden
Arvid Anders	Liden	Sweden
Kajsa	Ljungberg	Sweden
Aasa	Ljusenius	Sweden
Marie Anna	Persson	Sweden
Eleonora	Stenvall	Sweden
Lott	Törngren	Sweden
Peter	Wällberg	Sweden
Sascha	Alderisi	Switzerland
Sibel	Arslan	Switzerland
Raphaël Fabrizio	Berger	Switzerland
Giuseppe	Comandini	Switzerland
Hans-Peter	Portmann	Switzerland
Jasmin	Rubin	Switzerland
Natascia	Zullino	Switzerland
Aygün	Attar	Turkey
Mehmet Zeki	Gunay	Turkey
Muhammed	Okumuş	Turkey
Giray	Sadik	Turkey
Merve	Seren Yeşiltaş	Turkey
Akinola	Akinsanya	United Kingdom
Derek	Chappell	United Kingdom
Madeleine	Cowley	United Kingdom
Anthony	Crombie	United Kingdom
Jayne	Flannery	United Kingdom
David	Godfrey	United Kingdom
Peter	Hurrell	United Kingdom
Shaama	Malik	United Kingdom
Charles	Merritt	United Kingdom
Peter	Palmer	United Kingdom
Kenneth	Pickles	United Kingdom
Bernard	Quoroll	United Kingdom
Bujar	Ajdari	United States of America
Syeda Sameera	Ali	United States of America
Jorge	Amador	United States of America

David	Ballard	United States of America
Christopher	Barber	United States of America
Philip	Bednarczyk	United States of America
Kristen	Bomengen	United States of America
Samuel	Burgess	United States of America
Karolis	Butkevicius	United States of America
David	Darrin	United States of America
Joseph	Dozier	United States of America
Miles	Dudley	United States of America
Blanche	Fawell	United States of America
Nina Louise	Frankel	United States of America
Timothy	Garille	United States of America
Jeffrey	Gregerson	United States of America
Kelsey	Harris-Smith	United States of America
Robert	Hyams	United States of America
Marsha	Kennedy	United States of America
Kaye	Lee	United States of America
Evelyn	Lennon	United States of America
Lesia	Lozowy	United States of America
Michael	Martin	United States of America
Aubrey	Menarndt	United States of America
Michael	Misko	United States of America
Mark	Morrison	United States of America
Thomas	Osorio	United States of America
Julie	Peer	United States of America
Kevin	Rejent	United States of America
Genevieve	Shea	United States of America
Daniel	Simon	United States of America
Jordan	Smellie	United States of America
Jenny	Sowry	United States of America
Amanda	Van Duynhoven	United States of America
Katherine	Long	United States of America

### ODIHR EOM Long-term Observers

Rigers	Bena	Albania
Ivana	Kratka	Czech Republic
Zaneta	Vencourova	Czech Republic
Mads	Jorgensen	Denmark
Véronique	Lasserre-Fy	France
Ingo Susanne	Buettner	Germany
Rosemarie	Greiter	Germany
Hubert	Strobel	Germany
Suhail	Ahmad	Ireland
Domenico	Castellani	Italy
Monica	Luongo	Italy
Linda	Beijlsmit	Netherlands
Toril	Lund	Norway
Astrid Elisabeth	Moen	Norway
Elizaveta	Borisova	Russian Federation

Andrey	Karbovskiy	Russian Federation
Iurii	Shapovalov	Russian Federation
Astrid	Nunez	Sweden
Lars	Tollemark	Sweden
Sigrid Marie	Utterman	Sweden
Diana	Ferrari	Switzerland
Andreas	Speiser	Switzerland
Caner	Mustafa	Turkey
Alexander	Anderson	United Kingdom
Dominic	Howell	United Kingdom
Julian	Nundy	United Kingdom

### ODIHR EOM Core Team

Ambassador Peter	Tejler	Head of Mission	Sweden
Enira	Bronitskaya		Belarus
Lela	Tsaava		Georgia
Marcell	Nagy		Hungary
Valeriu	Mija		Moldova
Aleksandra	Pajevic		Montenegro
Jane	Kareski		North Macedonia
Roman	Railean		Romania
Kira	Kalinina		Russian Federation
Maša	Janjušević		Serbia
Saša	Pokrajac		Serbia
Polyna	Lemos		United Kingdom

## 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)).