



ELECTION OBSERVATION MISSION Republic of Azerbaijan – Early Presidential Election, 7 February 2024

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

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

The Constitution provides for fundamental freedoms, but numerous undue restrictions in law and practice continue to exist including with the recently adopted laws on Political Parties and on Media, and result in a legal framework further departing from international standards and OSCE commitments. The Election Code is detailed and regulates all aspects of the electoral process. Recent technical amendments to the Election Code left ODIHR recommendations unaddressed and judgements of the European Court of Human Rights have not been implemented.

All levels of the election administration managed the electoral preparations efficiently in line with the established deadlines and were professional. The Central Election Commission (CEC) held regular sessions open to observers and the media and published decisions promptly, contributing to transparency. While the election administration enjoyed some stakeholders' confidence it did not have a politically balanced composition in practice at all levels and some other stakeholders questioned its ability to act impartially and independently. The nationwide training program was positively assessed by the ODIHR EOM as interactive and comprehensive. The CEC undertook an extensive get-out-the-vote campaign throughout the country. The election administration has made significant efforts to secure the right to vote of internally displaced persons.

Some 6.5 million voters were registered. This is an increase of some 1.1 million since the 2020 parliamentary elections, which partially addresses the persisting significant difference between data from the CEC on the number of registered voters and data from the State Statistical Committee on the number of citizens of voting age. The lack of publicly available information to comprehensively explain the difference and the increase in the number of registered voters creates mistrust in the accuracy and inclusiveness of the voter register even though voter lists were available for public scrutiny. Restrictions on the right to vote for those with intellectual and psychosocial disabilities remain, contrary to international standards. Voters could be added to the voter lists on election day at polling stations without prior judicial oversight, not in line with international good practice; this was observed in practice.

The eligibility requirements for presidential candidates concerning education and residency are contrary to international standards. The CEC registered seven candidates, including the incumbent President. A

number of nominated candidates did not complete the signature collection process, some claiming lack of sufficient time and difficulties in accessing the CEC. The signature collection and verification process lacked transparency and several ODIHR EOM interlocutors questioned its authenticity. Recently introduced stringent requirements for political party registration and dissolution have negatively impacted pluralism and introduced further restrictions on freedom of association.

The low-key campaign generated limited public engagement and lacked a genuine competitive nature, including on social networks. It was conducted primarily through TV presentations by the candidates or their proxies, and the use of the 10,000 CEC-designated poster boards which systematically featured one poster per contender. The incumbent did not use official social media accounts for campaigning, however, the promotion of the President's activities on the government's websites persisted. None of the contestants convincingly challenged the incumbent's policies in their campaign messages, therefore not providing alternatives for voters. Messages related to the restoration of Azerbaijan's sovereignty and support for the President's foreign policy dominated the campaign discourse. No registered candidate raised concerns with respect to their ability to campaign freely although campaign regulations are overly restrictive. Some civil society and opposition representatives noted that the current legal framework and its implementation, overall, significantly impedes their ability to exercise their right to freedom of peaceful assembly and to hold public gatherings, including outside the campaign period.

While the legislation provides for equal treatment of women and men, including in political parties, there are no specific measures to promote women's participation and women remain underrepresented in all aspects of public and political life. No woman nominee or candidate has taken part in a presidential election since 2013 and none of the 26 registered political parties are led by women. None of the platforms of contestants directly addressed gender equality. Currently, 17 per cent of MPs are women, including the Speaker. At the same time, women are well represented among the lower-level election administration, including as chairpersons, and the proportion of elected municipal councilors who are women has risen from 4 per cent to 39 per cent over a 15-year period.

The legislation sets limits on the sources and amounts of campaign donations and expenditures. The CEC, as campaign finance oversight body, published aggregated information on candidates' reported campaign incomes and expenditures prior to election day. All candidates, including the incumbent, spent a nominal amount on their campaigns relative to the expenditure limits according to published reports. The reported combined campaign expenditure of the six contestants was about three times lower than the amount spent by the incumbent. The CEC conducts audits only of candidates' financial activities which are considered suspicious and there is no legal requirement for the CEC to publish the findings of its audits of campaign finance reports, thus limiting transparency and the effectiveness of campaign finance oversight.

An overly-restrictive legal framework related to the media, combined with a recent round of arrests of critical journalists, has fostered a significantly constrained environment for the media and resulted in widespread self-censorship, limiting the scope for independent journalism and critical discourse. Media monitored by the ODIHR EOM provided nominal coverage of the contestants throughout the campaign period, aside from free presentations on the public broadcaster, joint round tables in prime time and a few paid political advertisements. This significantly limited voters' opportunity to learn about the contestants and their programs, and to make an informed choice, and along with the almost complete absence of critical coverage of the President contributed to the lack of competitiveness in the campaign.

The law grants broad legal standing and provides for expedited timeframes for the resolution of electoral disputes. However, the lack of a politically balanced composition of election commissions, longstanding concerns over the independence of the judiciary and restrictions on legal professionals undermine the right to an effective remedy. The CEC established an Expert Group to consider election complaints. The CEC considered only one complaint in its session, but the ODIHR EOM observed that some other election-related issues were not qualified as complaints and were left without consideration by the CEC. The courts

heard nine appeals in hearings that were open to ODIHR observers and gave parties the opportunity to present their case but were not fully transparent to the public.

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

While the election day was calm and overall orderly in polling stations observed, throughout the day, the IEOM observed significant procedural shortcomings. The number of negative assessments from IEOM observers were largely due to issues of secrecy of the vote, the omission of safeguards against multiple voting, indications of ballot box stuffing and seemingly identical signatures on the voter lists. Meaningful observation was not always provided for, as both international and citizen observers in a number of instances were not able to observe important procedures without restrictions, undermining transparency. Almost 80 per cent of the polling stations observed did not provide independent access for persons with disabilities. The IEOM assessed counting negatively in more than half (61) of the 113 counts observed due to substantial procedural errors and omissions and indications of ballot box stuffing, raising serious questions about whether ballots were counted and reported honestly in line with Paragraph 7.4 of the 1990 OSCE Copenhagen Document. Throughout election day, the CEC shared updates about the polling, including voter turnout, which was announced at 76.7 per cent.

PRELIMINARY FINDINGS

Background and Political Context

On 7 December 2023, President Ilham Aliyev declared an early presidential election to be held on 7 February 2024, 14 months before the due expiration of his seven-year term of office. The declaration was made on the same day that Azerbaijan and Armenia publicly reaffirmed their intention to normalize relations and negotiate a peace treaty. This follows Azerbaijan's military action on 19 and 20 September and the displacement of more than 100,000 Karabakh Armenians.

This election was the first to be held across the entire territory of the Republic of Azerbaijan. While no official reason was given when the early election was called, on 10 January, the President argued in a televised interview that the election was required as the restoration of territorial sovereignty marked the end of an era. Echoing these sentiments, each of the candidates endorsed the necessity of holding an election early.¹

The ruling New Azerbaijan Party (YAP), chaired by President Aliyev, has 69 of the 116 currently occupied parliamentary seats in the parliament (*Milli Majlis*) and although other parties are represented, along with self-nominated Members of Parliament (MPs), in practice, in almost all cases there are no dissenting votes by MPs. Of the six presidential candidates standing in this election other than the incumbent, all have been supportive of the President in the recent past. Some opposition political parties decided not to take part in

¹ A [statement](#) on 16 October 2023 by 23 political parties, including the President's party and four others with candidates in this election addressed the President saying "the political parties operating in Azerbaijan once again express their political solidarity for the sake of the happy future of our country, and declare their support to Your Excellency in your successful domestic and foreign policy for the prosperity of our people and the eternal sovereignty of our state." Some of the candidates and other parties subsequently claimed that they had only agreed with the presidential administration to congratulate the President on the regaining of territory.

the election claiming *inter alia* a lack of adequate conditions for a genuine democratic process.² In addition, in what was described by many interlocutors as a recent clampdown, numerous arrests and detentions of critical journalists, civil society representatives and members of non-parliamentary opposition parties took place in the past three months, reinforcing local and international concerns over a pattern of arbitrary arrests and detentions.³ This challenges Paragraph 7.7 of the 1990 OSCE Copenhagen Document and compromises the rule of law inherent in OSCE commitments and international standards.⁴

While the Law on Equal Rights for Women and Men provides for equal treatment of women and men, including in political parties, there are no specific measures to promote women's participation and women remain underrepresented in all aspects of public life.⁵ No woman nominee or candidate has taken part in a presidential election since 2013 and none of the 26 registered political parties are led by women. There are currently 20 women MPs (17 per cent) including the Speaker.⁶ From 2004 to 2019, the proportion of elected municipal councillors who are women has risen from 4 per cent to 39 per cent.⁷

Electoral System and the Legal Framework

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

The presidential election is primarily regulated by the Constitution (last amended in 2016) and the Election Code.⁸ The Constitution provides for fundamental rights and freedoms but at the same time contains broad grounds for their limitation.⁹ Freedom of association has not been sufficiently protected by the legislation, and is now further restricted by the new Law on Political Parties; the new rules for media excessively restrict freedom of expression; the exercise of freedom of peaceful assembly is open to discretion by the executive authorities, and the right to an effective legal remedy is not ensured.¹⁰ These restrictions and

² The Azerbaijan Popular Front Party and *Musavat* both cited detentions of activists; the Republican Alternative Party (REAL) urged its members to vote for the candidate of their choice rather than boycott.

³ On 16 January, the OSCE RFOM [expressed](#) her deep concerns over these arrests. See, *inter alia*, the 2019 [Natig Jafarov v Azerbaijan](#), the 2020 [Ibrahimov and Mammadov v. Azerbaijan](#), the 2021 [Azizov and Novruzlu v. Azerbaijan](#) in which the ECtHR explicitly stated that “judgments in a series of similar cases involving the respondent State reflected a pattern of arbitrary arrest and detention of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of the criminal law in breach of Article 18”.

⁴ In Paragraph 7.7, the participating States committed to “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution”. See the preamble of the 1966 [International Covenant on Civil and Political Rights](#) (ICCPR), according to which “[...] freedom from fear can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights [...]”.

⁵ There is one woman in the 35-person Cabinet of Ministers, but none at ministerial rank. There are currently no women among the 87 presidentially appointed heads of Executive Committees in the regions and cities.

⁶ Two out of 15 parliamentary committees are chaired by women (13.3 per cent).

⁷ See Paragraph 27 of the sixth [report](#) of the Convention for the Elimination of All Forms of Discrimination against Women.

⁸ Other legislation related to fundamental freedoms and the electoral process includes the Law on Media, the Law on Freedom of Assembly, the Law on Non-Governmental Organizations, the Law on Political Parties, relevant provisions of the Criminal Code, the Code of Administrative Offences, and the Administrative Procedure Code.

⁹ In particular, in [the 2016 Opinion On the Draft Modifications to the Constitution](#), the Venice Commission commented, *inter alia*, on the broad grounds for the limitation of freedom of assembly that disrupts “public order” and “public morals” (Article 49), broad prohibitions on freedom of association (Article 58) which according to the Venice Commission is: “giving the legislator a *carte blanche* to define any activity as “criminal” and, hence, to prohibit any association which pursues it or even “carries an intention” to do so”.

¹⁰ For further details see other sections of this report. In Paragraph 4 of [the OSCE Copenhagen Document](#), the participating States confirmed that “they will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration on Principles and other CSCE commitment”. In Paragraph 5.7, the participating States reaffirmed that “human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law”.

other limitations on civil and political rights in legislation and practice are not in line with international standards and OSCE commitments pertaining to the holding of democratic elections.¹¹

The Election Code is detailed and regulates all aspects of the electoral process. Although the Election Code was amended twice since the last elections (May 2020 and July 2023) and some technical changes were introduced, these amendments did not address previous ODIHR and Venice Commission recommendations or implemented judgments of the European Court of Human Rights (ECtHR). Priority recommendations that remain unaddressed include those related to restrictions on fundamental freedoms, the composition of election commissions, limitations on voter and candidate eligibility, prohibition for voters to sign in support of more than one candidate, and the need to remove the possibility to add voters to the voter lists on election day.¹²

A new Law on Media and a new Law on Political Parties were recently adopted.¹³ The Law on Media introduced, *inter alia*, a register of media entities and requirements for their establishment, conditions for journalists to be registered, and prohibited foreign funding. The Law on Political Parties contains changes including those pertaining to party membership, rules on funding of political parties and party dissolution. The stated aim of both laws was to provide a conducive environment for media and political parties, but both laws impose a number of substantial undue restrictions, as well as provide the authorities with wide powers, both of which interfere with freedom of association and expression and do not safeguard against arbitrary decisions.¹⁴

The Constitution does not ensure the full separation of powers between the executive, legislative and judicial branches, explicitly entitling the president to settle any issue not regulated by the parliament or the judiciary. The president enjoys full discretion to call an early presidential election which is incompatible with democratic standards.¹⁵

Election Administration

The election was administered by the Central Election Commission (CEC), 125 Constituency Election Commissions (ConECs), and 6,319 Precinct Election Commissions (PECs) each appointed for a five-year term.¹⁶ CEC members, as well as chairpersons and secretaries of ConECs, work on a full-time basis. The CEC, ConECs and PECs consist of 18, 9 and 6 members, respectively.¹⁷ Women are underrepresented in the CEC with only 4 out of 18 members. At lower levels, however, 41 per cent of commissioners with full voting rights were women. Commissions were chaired by women in one-third of lower-level commissions.

¹¹ Paragraph 12 of [the General Comment 25](#) to the ICCPR states that “freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected”.

¹² See [all previous ODIHR reports](#) on elections in Azerbaijan.

¹³ The laws entered into force in February 2022 and January 2023 respectively.

¹⁴ For example, the powers of the Ministry of Justice with regard to the registration and internal activities of NGOs and political parties are far-reaching and intrusive (see Paragraph 58 of the 2023 [Joint Opinion](#) on the Law on Political Parties); Paragraph 23 of the 2022 [Joint Opinion on Media Law described](#) “the most restrictions on media content as too ambiguous leaving too much room for arbitrary interpretation”. As both laws were signed into force before pending joint legal opinions from the Venice Commission and ODIHR were issued, the recommendations were not considered and still stand.

¹⁵ Paragraph 55 of the 2016 [Opinion](#) on the Draft Modifications to the Constitution, the Venice Commission stated that granting a president the exclusive and discretionary power to call an extraordinary election is “incompatible with democratic standards” as it “may turn elections into plebiscites on the leadership of the country and provide legitimacy to authoritarian tendencies”. Paragraph 9 of [the General Comment No.25 to the ICCPR](#) states that “genuine periodic elections are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them”.

¹⁶ This included 26 new PECs which were established in regained territories for this election, and 218 special polling stations established in rest homes, hospitals, other medical centres, military units, oil platforms and ships at sea.

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

The parliament elects CEC members, ConEC members are appointed by the CEC, and PEC members are appointed by their respective ConECs. By law, the composition of commissions at all levels reflects the political make-up of the parliament: the parliamentary majority, the parliamentary minority, and parliamentarians elected as independent candidates each nominate one-third of the commission members.¹⁸ Nevertheless, as there is a lack of genuine political differentiation between the three groups in the parliament, in practice the composition of the election administration is not balanced or politically diverse.¹⁹ While the election administration enjoyed some stakeholders' confidence, some other IEOM interlocutors questioned the commissions' ability to conduct their duties independently and impartially, in particular on election day.

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

Technical preparations were conducted with a high level of efficiency and within the established deadlines despite a compressed timeframe. The CEC held regular sessions attended by representatives of the media and observers, contributing to transparency. Decisions were adopted unanimously, with limited debate and published promptly on the CEC website. Since the call of the election, the CEC issued 87 decisions, organized and co-organized several seminars and training sessions on a variety of topics,²⁰ and produced comprehensive manuals including on the responsibilities of observers, PEC members, law enforcement representatives, and on dispute resolution.

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

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

The CEC launched an extensive voter information program, which included an intensive get-out-the-vote campaign. It was conducted mostly through the widespread use of posters and online. Additionally, PEC members conducted door-to-door visits to provide voters with printed invitation cards for election day. Voter information videos were subtitled for the benefit of persons with hearing impairments.

Voter Registration

Citizens over 18 years of age have the right to vote, with the exception of those declared incapacitated by a court decision, including as a consequence of intellectual or psychological disability. Deprivation of the

¹⁸ By law, commissioners must be neutral and impartial and enjoy independence from state bodies, municipal institutions, political parties, and other legal and physical entities.

¹⁹ This is also evidenced by the case law of the ECtHR. See among others, Gahramanli and Others v. Azerbaijan, App no 36503/11 (ECtHR, 8 October 2015) Paragraph 78, Tahirov v. Azerbaijan, App no 31953/11 (ECtHR, 11 June 2015), Paragraph 60 and Annagi Hajibeyli v. Azerbaijan, App no 2204/11 (ECtHR, 22 October 2015), Paragraph 53.

²⁰ This included, among others, seminars targeting women and first-time voters, and media coverage of election day.

right to vote on the basis of mental disability is inconsistent with international obligations and standards.²¹ Stateless persons who have resided in the country for the last five years enjoy the right to vote.²²

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

According to the CEC, as of 3 February, some 6,476,721 voters were registered in the permanent voter register, including 396,939 internally displaced persons (IDPs). The election administration has made significant efforts to secure IDPs' right to vote by facilitating their access to the polls in 536 polling stations distributed among 10 ConECs across the country.

A longstanding significant difference between the data from the CEC on the number of registered voters, and the data from the State Statistical Committee on the number of citizens of voting age, persists.²³ Since the last parliamentary elections in 2020 the difference was reduced from two million to one million ahead of this election, resulting in a large increase in the number of registered voters.²⁴ The lack of publicly available information to comprehensively explain these recent changes and the remaining differences has created mistrust in the accuracy and inclusiveness of the voter register.

Importantly, voters had sufficient opportunity to review the voter lists. Preliminary extracts of voter lists were available for public scrutiny at polling stations and ConECs, on the CEC website and through its hotline and smart boards located in state service buildings.²⁵ The CEC published online the complete set of permanent voter lists, disaggregated by precincts.

Voters could request a de-registration voting card (DVC) up to three days before the election. A DVC allows voters to vote in any polling station in the country, enhancing the participation of demographic groups with high mobility, such as students and workers. According to the CEC, a total of 200,000 DVCs were printed in anticipation of voters' request.²⁶

On election day, through a decision of the PEC, eligible voters could be added to the supplementary voter list upon proof of residence within the precinct. Voter registration by PECs on election day without adequate administrative safeguards or judicial oversight, is not in line with international good practice.²⁷

²¹ See Articles 12 and 29 of the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD). Paragraph 24 of the 1990 OSCE Copenhagen Document provides that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law". Paragraph 14 of the CCPR General Comment No. 25 states that grounds for deprivation of voting rights should be "objective and reasonable".

²² The State Statistical Committee informed the ODIHR EOM that it does not collect and does not have data on stateless persons.

²³ The State Statistical Committee informed the ODIHR EOM that as of 1 January 2023, according to their data, 7,458,873 citizens are over the age of 18. The State Statistical Committee conducts a population census every 10 years through live interviews. The data is updated annually based on the number of births and deaths.

²⁴ The CEC and other interlocutors informed the ODIHR EOM that the increase of one million registered voters was due to an influx of citizens following the COVID-19 pandemic and the war in Ukraine.

²⁵ By law, PECs should decide on requests for corrections and inclusion in voter lists from voters and provide an answer within one day or immediately during election day.

²⁶ This equates to 3.2 per cent of the total number of voters.

²⁷ Paragraph 1.2 (iv) of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends: "There should be an administrative procedure subject to judicial control or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day."

Party and Candidate Registration

The right to stand for president is granted to voters who have permanently resided in Azerbaijan for at least 10 years, have a university degree, do not hold dual citizenship, any liabilities before other states, or a previous conviction for a serious crime.²⁸ The requirements to hold a university degree and be resident for 10 years are unreasonable and at odds with international standards.²⁹

Candidates can be nominated by registered political parties and their coalitions or stand independently. At odds with the ODIHR and Venice Commission recommendations, the 2023 Law on Political Parties tightened the regulation of registration, verification and activities of political parties, and provided already registered parties with 180 days to comply with the new requirements.³⁰ While the draft law on Political Parties was discussed and amended in the parliament, it was adopted in expedited procedure and without inclusive consultation. According to the Ministry of Justice, after the law entered into force, 33 parties ceased to exist, leaving 26 parties registered. Since the conclusion of the compliance process, the public have not had access to an updated list of political parties.³¹

According to the Ministry of Justice, the adoption of the new law followed the authorities' desire for a strong political party infrastructure. However, the stringent requirements for political party registration coupled with vague rules for dissolution and extensive state monitoring of internal party functioning, have negatively impacted pluralism and restricted freedom of association.³² Opposition parties pointed out that the powers of the Ministry of Justice to control their internal procedures and periodically verify their membership, supplemented by sanctions, condition their functioning and intimidate their members.³³ Some groups have not been able to register, or have chosen not to seek registration as political parties, including those led by currently detained activists, including in at least one case a potential candidate.³⁴

The CEC received and approved 17 requests for candidate nomination; there were no women among the nominees. The law requires prospective candidates to be supported by a minimum of 40,000 signatures, with at least 50 signatures collected in at least 60 of the 125 constituencies. Contrary to good practice,

²⁸ Those holding positions of military personnel, judges, state officials and religious clerics are also ineligible to stand.
²⁹ Paragraph 15 of the ICCPR General Comment No. 25 confirms that the “persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”.

³⁰ Among other requirements, the number of members required for the state registration of a political party increased five-fold from 1,000 to 5,000. In Paragraph 47, the 2023 [Joint Opinion](#) of ODIHR and the Venice Commission on the 2023 Law on Political Parties reiterated that “the new threshold seems to be formidably high and puts a burden on citizens trying to exercise their rights under Article 11 of the ECHR which is potentially restrictive and as such would be disproportionate and not necessary in a democratic society”.

³¹ The Ministry of Justice provided a list to the ODIHR EOM upon request.

³² The 2023 [Joint Opinion](#) of ODIHR and Venice Commission on the Law on Political Parties states that the new law has introduced a number of new highly problematic provisions which risk having further chilling effects on pluralism in the country. In Paragraph 3 of the 1990 OSCE Copenhagen Document, the OSCE participating States recognized “the importance of pluralism with regard to political organizations”. Paragraph 7.6 refers to “the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations”. See also articles 4 and 27 of the 1996 United Nations Human Rights Committee General Comment (General Comment) No. 25 to the 1966 International Covenant on Civil and Political Rights (ICCPR).

³³ The Ministry of Justice confirmed to the ODIHR EOM that the verification of party membership is done via telephone calls. Some political parties stated that their members found such calls intimidating. The [Joint Opinion](#) specifies that “political parties should control their own internal procedures; extensive state monitoring of the internal functioning of a political party, including the requirement for the party to provide the state with lists of its members, would appear to be an overly intrusive measure that is not compatible with the principles of necessity and proportionality; suspension and dissolution of political parties may only be applied in case of the most serious violations of normative legal acts and in last resort”.

³⁴ According to a July 2023 media [interview](#) with Gubad Ibadoghlu, the founder of the Azerbaijan Democracy and Welfare Party (ADR), the party has been denied registration six times. He was arrested later that month and remains in pre-trial detention. The ODIHR EOM met with a representative of his party, who confirmed that he would have sought to have been a presidential candidate if he was free to do so. Tofiq Yagublu, a leading member of the opposition party *Musavat* was arrested on 15 December 2023.

voters may sign in support of only one candidate, which can be seen as a limitation of freedom of association.³⁵

While the seven candidates who returned the signatures sheets and were registered did not raise issues about the process, several unsuccessful nominees informed the ODIHR EOM that they faced obstruction while collecting signatures, including by police and at universities.³⁶ The successful candidates did not publish any social media posts calling for signatures, nor was there any evidence found from internet searches, of the media having reported on the process. Some ODIHR EOM interlocutors expressed doubts over the authenticity of the entire signature collection and verification process and perceived it as a managed process. Citizen observer groups reported that the nomination and signature verification processes were not accessible to them as they lacked permission to observe the work of the election commissions. Overall, the lack of transparency negatively impacted trust in candidate registration process.

The registered candidate list comprised the incumbent President nominated by the ruling YAP party, four party leaders, of which three are MPs, a self-nominated MP, and the former leader of a party dissolved in 2023. Of the seven candidates, five had previously contested presidential elections.³⁷

Election Campaign

The 23-day election campaign period started on 15 January and ended on 6 February. All registered candidates were able to campaign freely within the confines of the Election Code, which requires advance notification to organize any outdoor campaign events, and in practice approval from the authorities to hold meetings outside of the 139 specified campaign locations throughout the country. In addition, the display of posters is limited to the 10,000 CEC-designated official poster-boards outside polling stations and in some other public spaces. The candidates mostly campaigned through the 10 television presentations provided free of charge, and held small-scale indoor meetings with voters. Whilst there was limited visibility of candidates' campaigns, there was an extensive get-out-the-vote campaign by the CEC which resulted in far larger numbers of posters placed on official buildings and private businesses throughout the country.³⁸

None of the candidates challenged the incumbent directly, though some did present platforms which called for parliamentary reforms, a strengthening of the rule of law, an end to corruption and greater social welfare measures. However, overall, the contenders did not present themselves as alternatives to the president, and in several respects, their platforms often echoed the YAP campaign.³⁹ During YAP-held events observed by the ODIHR EOM, speakers presented the election as an opportunity to thank the President for the restoration of the country's territorial integrity.

³⁵ Paragraph 196 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that “a requirement that a citizen be allowed to sign in support of only one party should be avoided, as such a regulation would affect his/her right to freedom of association”.

³⁶ Moreover, these nominees argued, that the timing of the signature collection phase, which coincided with a week-long national holiday period, limited their capacity to collect the required number of signatures. Some also reported difficulties in timely receiving signature sheets from the CEC that further impeded the signature collection process. The CEC refuted this, stating it had been fully available during the entire process.

³⁷ The candidates, in order of registration, were: President Ilham Aliyev (YAP), Zahid Oruj MP (self-nominated), Razi Nurullayev MP (National Front Party – MCP), Fazil Mustafa MP (Great Order Party - BQP), Gudrat Hasanguliyev MP (Whole Azerbaijan Popular Front Party – BAXCP), Fuad Aliyev (self-nominated, former chairman of the Azerbaijan Liberal Democrat Party which was dissolved in 2023), Elshad Musayev (Great Azerbaijan Party – BAP).

³⁸ Many of the posters had the word “President” in significantly larger type than the word “election”, and some had a dove of peace in the national colours, which was interpreted, including by a YAP regional representative, as referencing the President's key campaign theme of ending the long-lasting conflict.

³⁹ Zahid Oruj, who was appointed by the President to a state funded position following the last election, in which he was the runner-up, had as his campaign slogan “Yes to the victorious future!” which echoes YAP's “Victorious leader of victorious people.”

Overall, the campaign was barely visible, generating limited public engagement. The incumbent did not campaign in person, nor publicly reference the election at all during the campaign or engage with the other candidates.⁴⁰ The election lacked genuine competition.

The ODIHR EOM long-term observers observed 65 campaign events, of which 51 were by YAP. While the YAP informed the IEOM that the party held over 2,400 campaign events, the other six candidates said that they each held between 10 and 15 small meetings throughout the whole country in the campaign period. In 17 campaign events, ODIHR EOM noted evidence of pressure on voters to attend meetings – for instance students, teachers and healthcare workers indicated in some cases that they had been instructed to attend. There were a few large events observed during the campaign and there was a consistently low level of engagement with the audience during events. For the most part, the media did not cover the campaign events (see *Media*).

The topics of the television presentations by the presidential candidates, and in the case of the incumbent, his proxies,⁴¹ were chosen by consensus among the candidates. The restoration of Azerbaijan's sovereignty and the praising of the President's foreign policy dominated as topics and overshadowed other issues, such as economic, legal and constitutional reform.

The ODIHR EOM monitored the social networks of all of the candidates, their parties, and other selected institutions and organizations. The incumbent did not post about the election at any point during the campaign on either his official or personal accounts, nor was there evidence found of official government accounts undertaking explicit campaigning. However, government websites and social network accounts habitually promote the activities of the President, along with his predecessor, and continued to do so during the campaign. Other candidates had limited engagement with the public, some started campaigning late, or not at all on their personal social networks, but used their party accounts instead.⁴² There were some disparaging comments about the candidates made by influencers on social networks for their failure to criticize the incumbent, or provide an alternative to him. A few activists who posted content critical of the government online were detained and sentenced during the campaign which had a chilling effect on public discourse (see *Media*).⁴³

Campaign platforms directly addressing inequalities between women and men remained virtually absent. The ODIHR EOM long term observers noted that women appeared to be underrepresented in the campaign both as party officials and as attendees of campaign rallies. In 65 campaign events observed by the ODIHR EOM, there was a total of 248 speakers, of whom 60 were women (24 per cent).

Campaign Finance

The Election Code allows presidential candidates to finance their campaigns through their own sources, donations from individuals and legal entities, and contributions from nominating political parties.⁴⁴ The campaign expenditure limit is AZN 10 million.

By law, in addition to the initial financial report submitted concurrently with their registration documents, contestants are required to submit interim and final reports to the CEC on campaign income and

⁴⁰ The President's 150 minute [interview](#) on 10 January is the only known time when he spoke in public about the election.

⁴¹ Radio presentations on alternate days to the television presentations were made, but largely featured proxies for all of the candidates.

⁴² Zahid Oruj's main cover photo on his Facebook was of the President addressing parliament.

⁴³ Arzu Sayadoghlu, an activist was placed in pre-trial detention for four months on 18 January following criticism of the government. Ruslan Vahabov, an activist associated with the Talysh national minority was sentenced on 16 January to four years imprisonment on drugs charges he denies, after a post questioning the motives of the September 2023 military operation.

⁴⁴ The law limits campaign donations to AZN 3,000 from individuals and AZN 50,000 from legal entities. A candidate or a nominating entity may contribute up to AZN 250,000 to the campaign. 1 EUR equals 1.85 Azerbaijani *Manat* (AZN). For 2023 as well as for 2024, the total sum allocated to the parties from the state budget was AZN 5 million.

expenditures. Interim reports were submitted between 22 and 28 January and published by the CEC. The incumbent received a total of AZN 720,200 including the maximum permitted AZN 250,000 contribution from the nominating party, while all other candidates combined received AZN 144,900 from their own sources and donations. All candidates, including the incumbent, had spent a nominal amount on their campaigns relative to the expenditure limits according to published reports. The reported combined campaign expenditure of the six contestants was about three times lower than the amount spent by the incumbent.⁴⁵ The financial reports published by the CEC contain only aggregated data which do not disclose the amounts of individual contributions and sources of funds, limiting the information available to voters.⁴⁶

The CEC is responsible for oversight of campaign finance. The final report is to be submitted no later than 10 days after the publication of the final election results. Both the interim and final reports should be published by the CEC. The CEC can also audit the reports and request additional information from candidates or parties, but there is no legal obligation to publish the audit's findings. This, combined with the fact that the CEC informed the ODIHR EOM that it conducts the audit only if financial activities of candidates are considered suspicious does not ensure full transparency and effective oversight of campaign finance.⁴⁷

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

Media

Although the Constitution provides for freedom of information and freedom of expression, it also imposes vague grounds for their limitations, which allows for arbitrary and disproportionate restrictions both in the legislation as well as in practice, contrary to international commitments.⁴⁸ Despite previous ODIHR recommendations, defamation and libel, including on social networks, remain criminal offenses, punishable with up to three years imprisonment, or up to five, if targeted at the

⁴⁵ Fuad Aliyev spent AZN 1,500; Razi Nurullayev – AZN 2,999; Elshad Musayev – AZN 4,428; Gudrat Hasanguliyev – AZN 30,000; Zahid Oruj -AZN 43,000; Fazil Mustafa – AZN 59,000; and incumbent Ilham Aliyev AZN 481,776. The total amount of expenditures of the six candidates was AZN 142,727.

⁴⁶ According to Article 12.4 of [the 2002 CIS Convention](#), the signatory states “shall provide for an open and transparent nature of all money donations to candidates, political parties (coalitions), participating in elections, in order to avoid any prohibited donations”. Article 7.3 of [the 2003 UNCAC](#) recommends states “take appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office”. Paragraph 247 of [the 2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “voters must have relevant information as to the financial support given to political parties, as this influences decision making and is a means of holding parties accountable”.

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

⁴⁸ Paragraph 47.3 of the Constitution prohibits “agitation and propaganda inciting racial, national, religious, social discord and animosity or relying on any other criteria”. Paragraph 40 of the 2016 [Opinion](#) of the Venice Commission on Draft Modifications to the Constitution notes that such an open-ended clause may justify far reaching restrictions on freedom of expression, guaranteed by Article 10 of the ECHR. Paragraph 30 of the same document concludes that “[t]o-date the principle of proportionality to a legitimate aim is only recognised at the level of the constitutional law, and has not been constitutionalised”. Paragraph 25 of the 2011 UNHRC [General Comment No. 34 to the ICCPR](#) reads “Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not”.

president.⁴⁹ Furthermore, the Law on Information entitles the Ministry of Digital Development and Transport to block websites of media outlets based on their content prior to seeking a court decision, which has resulted in a number of local and international news websites being blocked in the country, including during the campaign.⁵⁰

The adoption of the new Law on Media, which entered into force in 2022, was met with strong criticism from local and international organizations including the OSCE Representative on Freedom of the Media (RFoM) and the Council of Europe.⁵¹ Despite international commitments for freedom of expression, that explicitly prohibit general state-managed systems of registration or licensing of journalists, the law introduced mandatory registration of media organizations and *de facto* mandatory registration of journalists with a wide range of requirements.⁵² Furthermore, the law prohibits foreign ownership and funding of the media and introduced licensing for platform broadcasters and on-demand service providers.

More than 10 critical journalists were arrested in the past 3 months drawing concerns of local and international civil society and professional organizations including the OSCE Representative on Freedom of the Media.⁵³ While these journalists were arrested mainly on charges of currency smuggling or other alleged criminal activity, the majority of ODIHR EOM interlocutors linked most of these arrests with the

⁴⁹ Paragraph 47 of the [General Comment No. 34 to the ICCPR](#) calls the States to “consider the decriminalization of defamation” while Paragraph 38 provides that “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition. [...] Laws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned”.

⁵⁰ Despite legal requirements, the consolidated list of blocked websites is not publicly available. During the campaign period, the ODIHR EOM noted that over 10 local and international websites that provide daily national political coverage were generally inaccessible in Baku and in the regions. Some ODIHR EOM interlocutors noted several cases of temporary blocking of TikTok on grounds of security, most recently between 19 September and 31 October 2023. Paragraph 43 of the [General Comment No. 34 to the ICCPR](#) suggests, that “Any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system” are only permissible to the extent they do not violate Article 19 of the ICCPR, clearly concluding, that generic bans on the operation of websites are not in line with Article 19 of the ICCPR. Paragraph 70 of the [2011 report of the UN Special Representative on Freedom of Expression](#) calls upon States “to provide lists of blocked websites and full details regarding the necessity and justification for blocking each website”.

⁵¹ See the 2022 [Legal Analysis](#) On the Law of the Republic of Azerbaijan “Law on Media” commissioned by the OSCE Representative on Freedom of the Media and the 2022 [Joint Opinion](#) of the Venice Commission and the Directorate General for Human Rights and Rule of Law of the Council of Europe on the Law On Media.

⁵² In order to qualify to register, online media *inter alia* are required to produce at least 20 original news items per day in at least 20 days of a month, which in the opinion of the ODIHR EOM interlocutors is a challenging requirement for investigative or regional media. To qualify for inclusion in the media register, and thus be legally recognised as a journalist, the latter must *inter alia* have a complete university degree, have three years of work or scientific experience connected to media, be employed by a registered media outlet, or be registered as a sole-proprietor, have no criminal convictions, and adhere to the code of professional ethics. Although the Law on Media entitles media to request their journalists to be included in the Media Register, while not obliging them to do so, only those included in the register are entitled to receive accreditation to public institutions and “access venues to seek, impart and disseminate information”. See Paragraph 44 of the [General Comment No. 34 to the ICCPR](#).

⁵³ Between 20 November 2023 and 13 January 2024, police arrested the director, editor-in-chief, deputy editor-in-chief and three journalists of a prominent investigative website *Absaz Media*. They were charged with bringing a combined total of some EUR 40,000, while custom [regulations](#) entitle residents and non-residents of Azerbaijan to bring into the country up to USD 10,000 upon oral and up to USD 50,000 upon written declaration. In the same period, three journalists working for Youtube *Kanal 13* were also arrested on different charges including illegal construction, currency smuggling and disobeying police orders. The journalist arrested for disobeying the police was released on 1 January, after he was reportedly extensively questioned about his work in *Kanal 13*. On 11 December, a journalist from Youtube *Kanal 11*, which is critical of the authorities was arrested on charges of extortion. On 13 January, the editor-in-chief of *Gundelik Baku* website was arrested on extortion charges. On 15 January, a Baku-based political reporter of the Caucasus regional Tbilisi-based website *JamNews* was arrested and charged with minor hooliganism and released the next day, with all charges being dropped. On 16 January, the OSCE RFoM [expressed](#) her deep concerns over these arrests.

professional activities of journalists.⁵⁴ The ODIHR EOM requested access to court hearings for cases against journalists and media managers, but the request was denied by the Court of Appeal.⁵⁵ Such arrests, combined with the overly-restrictive legal framework have created an environment significantly constrained for the media, leading to widespread self-censorship and severely limiting the scope for independent journalism and critical discourse.

The Election Code provides a broad definition of campaigning, which includes interviews, press conferences, open discussions, debates, round-table discussions, political advertising, as well as “TV and radio programs”. Such coverage can be either paid or free on the public broadcaster *ITV*. Positively, in line with the Election Code, *ITV* has provided free time in the form of 10 one-hour joint televised roundtable discussions, aired during prime-time.⁵⁶ In these programs, contestants, or their proxies, took turns, in an order determined by a lottery, to present their views on pre-agreed topics, but with extremely limited interaction among candidates. With the exception of one event, all contestants participated in person, except the incumbent who nominated proxies, thus reducing the value of such programs. Although 44 media outlets offered paid time or space, the contestants made limited use of these, mostly using online media, reportedly due to limited campaign budgets.

The Election Code obliges the broadcast media that choose to cover campaign activities of the contestants to do so on an equal basis and air the content only at the beginning of programs without any supplementary comments. However, ODIHR EOM media monitoring noted that the coverage of contestants in the news and current affairs programs was nominal.⁵⁷ During the official campaign period, *AzTV*, *ARB TV*, *ATV*, *ITV*, and *Xezer TV* dedicated to all contestants a total of less than two minutes of the informational coverage in the prime-time. While the news channel *Real TV* also generally dedicated scarce coverage to the candidates during the campaign, on the last day of the campaign it offered short profiles of every contestant in their evening news. At the same time, *AzTV*, *ATV*, *Real TV* and *Xezer TV* dedicated extensive positive news coverage, over six hours in total combined, to the incumbent President, providing daily formalistic coverage of his activities. Furthermore, during the campaign and the silence period, *AzTV*, *ATV*, and *Xezer TV* regularly included in their advertisement segments short videos produced in-house, of between 30 and 60 seconds in duration, that praised the role of the military and the incumbent President in the restoration of the country’s territorial sovereignty. Public *ITV* and private *ARB TV* made a clear effort to limit the coverage of the incumbent in the news; while he was covered on a daily basis it was to a significantly lesser extent, as compared to other broadcasters.⁵⁸

The coverage by the monitored online media largely mirrored that of the broadcast media, with *APA*, *Azertac*, *Qafqazinfo*, *Report* and *Trend* dedicating significant positive coverage to the incumbent in his capacity as President, while at the same time providing extremely limited coverage of the remaining six contestants. *Turan*, by contrast, while still significantly covering the incumbent, did so mainly in a factual and critical tone.

⁵⁴ A number of cases are currently pending before the ECtHR in which applicants allege harassment by authorities, and the opening of criminal proceedings in retaliation for their journalistic activities. The most recent examples include the 2018 case of [Mammadov v. Azerbaijan](#), the 2022 case of [Hajili v. Azerbaijan](#), and the 2023 case of [Hashimov v. Azerbaijan](#).

⁵⁵ Court decisions on imposing pre-trial detention as preventative measures reviewed by the ODIHR EOM were nearly identical and did not provide appropriate justification for the choice of this measure of last resort in each specific case. [General Comment 35 to ICCPR](#) states that [a]ny substantive grounds for arrest or detention [...] should be defined with sufficient precision to avoid overly broad or arbitrary interpretation or application.

⁵⁶ The *ITV* has also organized nine such programs on their main radio channel, where most candidates chose to be represented by their proxies. In addition, four state-owned national newspapers provided free space to all contestants.

⁵⁷ During the official campaign period the ODIHR EOM conducted a systematic media monitoring of the prime time of the following TV stations: *ITV* (public), *AzTV* (state), *ARB*, *ATV*, *Real TV* and *Xezer TV*. ODIHR EOM has also monitored the news coverage of the following websites: *apa.az*, *azertag.az*, *qafqazinfo.az*, *report.az*, *trend.az*, *turan.az*.

⁵⁸ However, the title and end sequence of the *ARB TV* daily newscasts also highlighted the role of the military and the President in the restoration of the country’s territorial integrity.

Overall, the negligible coverage of the contestants in the media during the entire campaign, with the exception of the free presentations on *ITV*, joint round-tables in prime time, and a few paid political advertisements, did not allow voters to learn about the contestants and their programs, and limited their opportunity to make an informed choice. Combined with an almost complete absence of critical coverage of the incumbent President and the government, this further reflected the uncompetitive nature of the campaign.

Election Dispute Resolution

Complaints against actions, inactions and decisions which violate electoral rights can be lodged with the higher election commission and appealed to the Court of Appeal, whose decisions can subsequently be challenged to the Supreme Court.

Despite previous ODIHR and Venice Commission recommendations, the legal framework does not ensure that complaints are handled by a fully impartial body, owing to the unaddressed structural problem with the composition of the election administration.⁵⁹ The Expert Group established by the CEC for the handling of complaints is comprised of CEC members and staff.⁶⁰ While the CEC considered only one complaint in its session,⁶¹ the ODIHR EOM observed that, at times, complaints were answered by the CEC through letters that merely cited the provisions of the law, without providing any reasoning.⁶² In addition, members of the Expert Group informed the ODIHR EOM that they were in receipt of “grievances” that were not considered to be relevant to elections. Some of such “grievances” amount to election-related complaints but were left without due consideration.⁶³

The Court of Appeal received nine appeals. Five of them were rejected, and four were dismissed including one due the non-exhaustion of administrative remedies.⁶⁴ In the decision on latter case, reviewed by the ODIHR EOM, the Court stated that the applicant had not submitted sufficient evidence of phone calls and communication with the CEC. In so doing, the Court placed the burden of proof on a citizen. The ODIHR EOM could not assess the grounds for other dismissals as none of the decisions of the Court of Appeal are publicly available, compromising transparency.⁶⁵ In the court sessions observed by the ODIHR EOM, the parties were provided with opportunity to present their positions. However, the information about timing of the hearings is not communicated to the public.⁶⁶

The opportunity for further appeals in election-related matters is limited for some appellants as appeals can only be filed with the Supreme Court if the legal representative is registered with the Bar Association.⁶⁷

⁵⁹ In the 2015 case of *Gahramanli and Others v. Azerbaijan*, the ECtHR stated that “[a]n effort by the respondent State envisioning a reform of the structural composition of the electoral commissions should therefore be encouraged with the aim of improving the effectiveness of examination of individual election related complaints.” To date, this judgment has not been implemented.

⁶⁰ Seven members of the group are CEC members, while two are staff members from the CEC Secretariat.

⁶¹ The complaint alleged that the police impeded the signature collection activity of a nominee. The CEC referred the case to the prosecutor’s office, which subsequently dismissed it stating that the evidence provided by the applicant was not sufficient to initiate a criminal proceeding.

⁶² During a court hearing attended by the ODIHR EOM, the applicant showed one such letter to the court.

⁶³ For instance, the information on the dates of signature collection coinciding with public holidays.

⁶⁴ They were filed with regard to the timeline for the signature collection where appellants found the time for signature collection too short or that its overlap with public holiday prevented them from standing in this election. In one instance, the appellant alleged early campaigning by the incumbent.

⁶⁵ The ODIHR EOM received four decisions from the Court only upon requests.

The ODIHR EOM requested information about the hearings from the Court of Appeal and the CEC; one notification was received from the Court shortly before the hearings began. For other hearings observed, the ODIHR EOM was notified of the hearing by the applicants.

⁶⁷ The two election-related appeals submitted to the Supreme Court were dismissed as they were not filed through the legal representative. In both cases, the request for the provision of a state appointed lawyer was denied with the Court stating that the applicant did not prove that he did not have sufficient fund to pay for the legal services.

A number of ODIHR EOM interlocutors raised concerns about their ability to obtain legal aid given the pressure exerted on legal professionals who express critical opinions or who take on human rights-related or politically sensitive cases. This includes the practice and threat of disbarment, disciplinary sanctions and non-admission to the Bar,⁶⁸ leaving the right of individuals to seek and receive legal assistance significantly reduced, at odds with OSCE commitments.⁶⁹

The authorities informed the ODIHR EOM about the measures taken to implement the 2019 presidential decree “On the deepening of reforms in the judicial system”.⁷⁰ Many ODIHR EOM interlocutors stated that they do not trust the election dispute resolution system as they find there to be a lack of judicial independence making judicial remedies in the handling of disputes against authorities ineffective and necessitating them bringing cases before the European Court of Human Rights.⁷¹ Overall the lack of impartiality of election commissions, longstanding concerns over the independence and effectiveness of the judiciary, and restrictions on legal professionals undermines the right to an effective remedy, at odds with Paragraph 5.10 of the 1990 Copenhagen Document.⁷²

Citizen and International Observers

The law provides for citizen and international election observation. To be accredited, an organization is required to work in the field of elections. While accredited observers can observe election day proceedings, including voting and counting, they can only attend commission meetings with the permission of the CEC. Permits to observe commission meetings are assigned by lottery; however, the list of organizations with this permit was not made public, negatively impacting transparency. Candidates and political parties are also entitled to accredit observers.

Several ODIHR EOM interlocutors raised concerns about the legal provisions which limit foreign funding for civil society. Moreover, some civil society organizations, including those previously engaged in observing electoral processes, informed the ODIHR EOM of administrative obstacles such as long delays in the registration process, or the lack of a possibility to rectify minor omissions in documents related to their registration and dissolution.⁷³

The lack of legal status as civil society organizations obliges these groups to accredit observers on an individual basis, which poses additional bureaucratic and operational hurdles.⁷⁴ These measures largely restrict the capacity of domestic organizations to prepare and deploy an observation activity and their

⁶⁸ See the 2018 [ICJ recommendations to the Azerbaijan Bar Association on the role and independence of lawyers](#) stating that “disciplinary measures or the threat of such measures continue the unfortunate pattern.” See also the 2020 case [Bagirov v. Azerbaijan](#), where the Court stated, *inter alia*, that “the disbarment could not but be regarded as a harsh sanction, capable of having a chilling effect on the performance by lawyers of their duties as defence counsel”.

⁶⁹ Paragraph 11.2 of [the 1990 OSCE Copenhagen Document](#) provides for the right of the individual to seek and receive assistance from others in defending human rights and fundamental freedoms, and to assist others in defending human rights and fundamental freedoms; Paragraph 11.3 states that the effective remedy includes the right of individuals or groups acting on their behalf to communicate with international bodies with competence to receive and consider information concerning allegations of human rights abuses.

⁷⁰ These measures include strengthening the social protection of judges, reforming of the judicial council, increase of their salaries, electronic publication of court decisions and the access of parties to the ‘Electronic Court’ system.

⁷¹ The ECtHR only starts looking into the matter after all domestic remedies have been exhausted.

⁷² Paragraph 5.10 of the OSCE Copenhagen document states that, “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

⁷³ For example, in the 2021 ECtHR judgment [Election Monitoring Centre and Others v. Azerbaijan](#), the Court stated that “neither the Ministry of Justice nor the domestic courts explained why they regarded that the alleged breaches were impossible to remedy and justified outright dissolution of the [Election Monitoring Centre] EMC”. The Court held that there had been a violation of Article 11 of the ECHR in respect of the delay in the registration of the EMC and its dissolution. To date, this judgment has still not been implemented.

⁷⁴ Non-registered organizations can not submit documents on behalf of their members, and each prospective observer has to physically go to the relevant commission twice to receive accreditation. Additionally, non-registered organizations can not apply for the special permit to observe commission meetings and are ineligible for national funds.

ability to seek, secure and have autonomy in the use of resources.⁷⁵ A number of ODIHR EOM interlocutors raised concerns that the space for independent observers is shrinking and government-affiliated organizations are becoming more prominent. Additionally, some interlocutors reported cases of pressure on observers accredited at the ConEC level who were called by law enforcement bodies and asked not to observe the election.

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

Election Day

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

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

The process was overall orderly and smooth in polling stations observed. However, the voting procedure was assessed negatively by IEOM observers in 7.7 per cent of 1,226 polling stations observed, which is a high number and of serious concern. The number of negative assessments, indicative of serious procedural shortcomings, was largely due to issues of secrecy of the vote, and important safeguards against multiple voting being omitted, as voters were often not consistently inked or checked for traces of ink in 11 and 16 per cent of observations respectively. A number of voters were added to the supplementary voter list on election day (see *Voter Registration* section).

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

IEOM observers reported a number of indications of serious violations, including of ballot box stuffing (29 polling stations), seemingly identical signatures on the voter lists in 5 per cent of observations as well as group voting in 4 per cent of observations. Ballot boxes were not sealed properly in almost 4 per cent of observed polling stations. Complaints were submitted in only 56 polling stations observed.

⁷⁵ In the Paragraph 34 of the 2013 [Report of the UN Special Rapporteur](#) on the rights to freedom of peaceful assembly and association, the Special Rapporteur expressed a concern over the states that “restrict or stigmatize foreign funding under the guise of preservation of sovereignty” and recalled that “governments must allow access by NGOs to foreign funding as a part of international cooperation to which civil society is entitled, to the same extent as Governments”.

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

Observers did not have a clear view of the voting procedures in 10 per cent of the observed polling stations, largely due to overcrowding and layout. IEOM observers were not able to observe the voting procedures without restrictions in 4 per cent of observations. A few independent media outlets informed the ODIHR EOM that their journalists were prevented from entering some polling stations, despite having a valid identification issued by their respective media organizations.⁷⁶ Combined, this had a negative impact on the transparency of the process.

The IEOM assessed counting negatively in more than half (61) of the 113 counts observed due to substantial procedural errors and omissions both before and after the opening of the ballot boxes, raising serious questions about whether ballots were counted and reported honestly in line with Paragraph 7.4 of the 1990 OSCE Copenhagen Document. Important numerical cross checks were not performed, as the signatures on the voter lists were not counted in almost half (52) of the observations, nor did the PECs determine the number of signed requests for mobile voting in 37 out of 107 observations, which prevented the correct reconciliation of the number of ballots found in the boxes with the number of voters who signed the voter lists. PECs did not announce figures recorded in the draft protocol in approximately three out of five of observations (68).

Following the opening of the ballot boxes, IEOM observers noted indications of ballot box stuffing, including clumps or stacks of ballots in 13 cases and in 12 instances the number of ballots in the ballot box was higher than the number of voters who had voted. The number of ballots in the ballot box was not determined and recorded in the draft protocol in 34 observations. In 15 instances, IEOM observers noted indications of deliberate falsification of voter list entries, results or protocols. In one quarter of polling stations observed, the validity of ballots was not determined in a reasonable manner or consistent manner (26 and 22 cases respectively). Furthermore, in the vast majority of cases (72), the validity of disputed ballots was not decided by a vote of commission members. Only 7 complaints were filed in the 113 polling stations observed for the count.

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

The IEOM assessed the tabulation process positively in 81 out of 89 ConECs observed. Citizen and candidate or party observers were present in 26 ConECs observed. Negative assessments were mainly due

⁷⁶ On election day, the Media Development Agency released a statement that journalists ought to have unimpeded access to polling stations.

to poor organization of the receipt of protocols and other materials, insufficient space, and procedures not consistently followed, as well as observers not having a clear view of the procedures. The IEOM observers were denied access to the tabulation in four ConECs, and in six ConECs where they were allowed access, they were unable to observe the procedures without restrictions.

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

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Baku, 8 February 2024 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly (OSCE PA). The assessment was made to determine whether the election complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Artur Gerasymov was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Daniela De Ridder headed the OSCE PA delegation. Eoghan Murphy is the Head of the ODIHR EOM, deployed from 28 December.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some months after the completion of the electoral process. The OSCE PA will present its report at its upcoming Winter meeting.

The ODIHR EOM includes 11 experts in the capital and 26 long-term observers deployed throughout the country. On election day, 335 observers from 42 countries were deployed, including 26 long-term and 207 short-term observers deployed by ODIHR, as well as a 79-member delegation from the OSCE PA. Opening was observed in 132 polling stations and voting was observed in 1,181 polling stations across the country. Counting was observed in 113 polling stations, and the tabulation in 81 ConECs.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Electoral Commission and the Ministry of Foreign Affairs of the Republic of Azerbaijan for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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