

INTERIM REPORT
9–24 March 2018

29 March 2018

I. EXECUTIVE SUMMARY

- The president of Azerbaijan called an early presidential election for 11 April 2018. The president is elected for a seven-year term by popular vote. If no candidate receives more than one half of votes cast, a second round is held between the two candidates with the most votes. The Central Election Commission (CEC) has registered eight candidates, all men.
- Constitutional amendments adopted by referendum in 2016 further increased the powers of the president. The comprehensive Election Code regulates all types of elections and referenda. It was last amended in December 2017 to harmonize it with the 2016 constitutional amendments. Azerbaijan is a party to major international and regional instruments related to democratic elections.
- The official 22-day election campaign period started on 19 March. It is generally low-key to date. Many ODIHR Election Observation Mission (EOM) interlocutors stated that they do not expect the election to be genuinely competitive. Several opposition parties are either calling for a boycott or are not participating in the election.
- The election is administered by the CEC, 125 Constituency Election Commissions (ConECs) and around 5,400 Precinct Election Commissions (PECs). By law, the composition of commissions reflects the representation of political forces in parliament. Some ODIHR EOM interlocutors opined that this may limit the impartiality and independence of the election administration. Election commissions appear professional and well-resourced. PECs have been trained.
- There are some 5.2 million registered voters. Voter lists are available online and were also displayed for public scrutiny. Voters can request corrections. While election officials informed the ODIHR EOM that their efforts led to accurate voter lists, other interlocutors noted a large discrepancy between the number of registered voters and the number of citizens of voting age.
- Candidates must open a bank account for all campaign-related transactions and submit three financial reports to the CEC over the course of the election period. As of 24 March, no campaign-finance reports submitted by candidates were available on the CEC website. There is no requirement for the CEC to publish the findings of its audits of campaign finance reports.
- Freedom of expression, media freedom and the right of access to information are guaranteed in the Constitution. Defamation and libel remain criminal offenses, from 2016 also applicable to online content. The honour and dignity of the president are protected by Criminal Code and Constitution. Free time allocated to candidates will be used exclusively for debates broadcast by the public broadcaster. Many ODIHR EOM interlocutors noted that traditional media lack impartiality and independence.
- The Election Code provides for citizen and international election observation, in line with OSCE commitments. In addition, candidates can have their authorized representatives and observers.

- No complaints have been submitted so far to the courts, the CEC or the ConECs visited during the reporting period. ODIHR EOM interlocutors expect very few complaints to be filed in this election.

II. INTRODUCTION

Following an invitation from the Government of the Republic of Azerbaijan to observe the 11 April early presidential election, and based on the findings of a Needs Assessment Mission conducted from 21 to 22 February, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 9 March.¹ The EOM, led by Corien Jonker, consists of an 11-member core team based in Baku and 28 long-term observers (LTOs) deployed on 15 March to 13 locations throughout the country. Mission members are drawn from 20 OSCE participating States. The ODIHR has requested participating States to second 280 short-term observers to observe election-day proceedings, including voting, counting, and the tabulation of results.

III. BACKGROUND AND POLITICAL CONTEXT

The upcoming early presidential election takes place within a political environment dominated by the ruling New Azerbaijan Party (YAP), which holds a majority of seats in parliament. YAP chairperson and incumbent President Ilham Aliyev is standing for a fourth consecutive term in office.

Azerbaijan has a presidential system of government, under which the president exercises wide constitutional powers relative to the parliament. The president appoints and chairs the cabinet of ministers and appoints the vice presidents as well as the central and local executive authorities. The president also nominates the judges of the Constitutional Court, Supreme Court and courts of appeal, and the Prosecutor General, who are formally appointed by parliament.

Constitutional changes initiated by the president and adopted by referendum in 2016, among other things, extended the presidential term of office from five to seven years, granted the president the right to call early presidential elections and to dissolve parliament, introduced the posts of the first vice president and vice presidents, and removed the minimum age requirement for presidential candidates.

The United Nations Human Rights Committee and the Council of Europe's European Commission for Democracy through Law (Venice Commission) expressed serious concerns about the process in which these amendments were agreed, as well as about the extension of presidential powers that resulted from these changes.² In February 2017, Mehriban Aliyeva was appointed the First Vice President.

On 5 February 2018, the president declared early presidential election for 11 April.³ The authorities informed the ODIHR EOM that early elections were necessary to avoid an overlap of presidential and parliamentary elections in 2025. A number of ODIHR EOM interlocutors sharply criticized the president's decision to advance the election by six months.

Many ODIHR EOM interlocutors said they do not expect the election to be genuinely competitive, claiming that those who stand against the incumbent in this election either do not present a political alternative or even actively support him. Several opposition parties are calling for a boycott of the

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

² See UN Human Rights Committee [Concluding observations on the fourth periodic report of Azerbaijan](#) (16 November 2016), CCPR/C/AZE/CO/4, paragraph 6, and Venice Commission [Opinion on the Draft Modifications to the Constitution Submitted to the Referendum of 26 September 2016](#) (18 October 2016).

³ The regular date for holding the presidential election was 17 October 2018.

election, saying that they will not participate in an election that takes place in what they consider a non-competitive environment. Other parties do not participate in the election arguing that the early election date gives them insufficient time to participate in a meaningful way. ODIHR EOM interlocutors from YAP criticized the reasons provided by the opposition, noting that they would have known that elections would take place at some point in 2018.

One political movement also noted that Ilgar Mammadov is prevented from running in the election despite judgments of the European Court of Human Rights (ECtHR).⁴ Several interlocutors informed the ODIHR EOM about restrictions they face in terms of freedom of assembly and association, and some of them shared that they are under continuous police surveillance.

Women are underrepresented in public life, holding 21 of the 125 seats in the current parliament, 1 out of 14 chairs of state committees, and no ministers are women.⁵ All eight presidential candidates are men. A state committee on women's affairs was established in 1998 (its mandate was expanded in 2006 to also include issues relating to the family and children) with the main task of ensuring that the human and civil rights and fundamental freedoms of these groups are protected.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Presidential elections are primarily regulated by the 1995 Constitution (amended in 2009 and most recently in 2016), the 2003 Election Code (most recently amended in 2017) and other related legislation.⁶ In order to implement the Election Code, the Central Election Commission (CEC) issues regulations and instructions regarding different aspects of the electoral process.⁷ Azerbaijan is a party to major international and regional instruments related to the holding of democratic elections.⁸

The Constitution provides for fundamental rights and freedom, including the freedoms of assembly, expression, association, and access to information, as well as the right to take part in the political life. The Constitution also guarantees universal, equal and direct suffrage by secret ballot. The Election Code is a comprehensive document which regulates the conduct of referenda and elections at all levels in Azerbaijan. It was amended on several occasions since the last presidential election. The most recent amendments enacted on 15 December 2017, mainly aimed at harmonizing the Election Code with the 2016 constitutional changes.⁹

⁴ See [Ilgar Mammadov v. Azerbaijan](#), No. 919/15 (ECtHR 16 November 2017). The movement has also informed the ODIHR EOM that it has not been able to hold its constituent congress due to obstacles it continues to face in finding a venue.

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

⁶ The Law on Political Parties, the Law on Freedom of Assembly, the Law on Non-governmental Organizations, the Law on State Registration and the State Register of Legal Entities, the Law on Radio and Television Broadcasting, the Law on Access to Information, and relevant provisions of the Criminal Code, the Code of Administrative Procedures, and the Civil Procedures Code.

⁷ Regulations are registered with the Ministry of Justice as normative legal acts. The CEC had informed the ODIHR EOM that it has so far issued approximately 60 regulations and instructions, of which 10 specifically relate to presidential elections.

⁸ Including the 1966 International Covenant on Civil and Political Rights, 1979 Convention on the Elimination of All Forms of Discrimination Against Women, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 2003 Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities, the 1950 European Convention on Human Rights, and the 2002 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States. Azerbaijan is also a member of the Venice Commission and of the Group of States against Corruption (GRECO).

⁹ Other changes to the Election Code modified some polling procedures, such as removing the use of envelopes for polling, and removed the obligation for candidates to compensate the cost of free airtime.

Several ODIHR EOM interlocutors stated that the current legal framework and its implementation impede free election campaigning, noting previously voiced concerns over limitations to fundamental freedoms of expression, assembly and association.¹⁰

The president is directly elected by popular vote for a seven-year term by an absolute majority of votes cast, with no turnout requirement. If no candidate receives the required majority, a second round will take place between the two candidates who received the most votes, on the second Sunday after the first round.

V. ELECTION ADMINISTRATION

The presidential election is administered by a three-tiered election administration comprising the CEC, 125 Constituency Election Commissions (ConECs) and 5,426 Precinct Election Commissions (PECs).¹¹ All election commissions are permanent bodies appointed for a five-year term, with current composition established in April 2016. The 18 members of the CEC are elected by parliament, ConECs (9 members each) are appointed by the CEC, and PECs (6 members each) by the respective ConECs. Three of the 18 CEC members are women, including one of the two secretaries. At ConEC and PEC levels, 17 and 36 per cent of members, respectively, are women. The Ministry of Foreign Affairs (MFA) co-ordinates out-of-country voting in 41 polling stations established abroad.

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 minority (defined as the remaining political parties represented in parliament), and parliamentarians elected as independent candidates. Some ODIHR EOM interlocutors stated that, while in theory this formula is good, in practice it limits the independence and impartiality of the election administration, given that there is no political differentiation between majority, minority and independents in the parliament.¹² Moreover, the chairpersons of all commissions are, by law, nominees of the parliamentary majority.

The CEC is responsible for the overall conduct of the election.¹³ The CEC holds sessions when required, to which the ODIHR EOM is regularly invited and which are well-attended by the media and some candidate representatives. During the sessions attended by the ODIHR EOM, the CEC adopted decisions unanimously, and the large majority of CEC members did not engage in discussions on the relevant topics.

The ConECs and PECs that ODIHR EOM observers met with appeared professional and well-resourced and reported that they were generally prepared for the election, even though it had been called at short notice.¹⁴ Most ConECs publish their decisions on their noticeboards. While the CEC maintains a comprehensive website and publishes online all its decisions and regulations, ConECs do not have websites. All ConECs met with informed the ODIHR EOM that they had held trainings for PEC members, which were reportedly well attended and assessed positively by ConEC members.

¹⁰ See the [UN Human Rights Committee “Concluding observations on the fourth periodic report of Azerbaijan” \(16 November 2016\)](#), CCPR/C/AZE/CO/4, paragraphs 38, 40 and 42. See also the Resolution of the Parliamentary Assembly of Council of Europe “[The functioning of democratic institutions in Azerbaijan](#)” (11 October 2017), paragraphs 6, 7 and 8.

¹¹ Out of 125 ConECs, 10 are designated for some 335,000 internally displaced persons (IDPs). An additional 215 PECs were formed for voting at hospitals, other inpatient institutions, prisons and detention centers, and military units.

¹² See [stenographs](#) of the parliament.

¹³ This includes the registration of candidates, maintenance of the voter register, and review of complaints against ConEC decisions. The CEC is also in charge of campaign finance and media oversight during the campaign.

¹⁴ The Election Code allows the CEC to reduce deadlines in case of early elections. However, the election calendar adopted by the CEC for this election keeps the same legal deadlines as for regular presidential elections.

As in previous elections, the CEC issued a regulation to install web cameras in some 1,000 polling stations in order to stream and record voting and the vote count, with the stated aim to increase transparency.¹⁵ The CEC has launched an extensive voter information campaign aimed at increasing voter turnout and has prepared information posters, as well as spots aired on television and radio, including public and state broadcasters. Currently, PECs are sending out voter notification cards to voters.

The Election Code obliges the election administration to facilitate voting for persons with disabilities.¹⁶ There is no legal requirement in the Election Code to produce election material in minority languages. Consequently, ballots, protocols and other official election materials, as well as voter education material, will only be produced in the Azeri language.

VI. VOTER REGISTRATION

By law, all citizens who are 18 years or older by election day have the right to vote, except those declared incapacitated by a court decision.¹⁷ Voter registration is passive, and voter lists are extracted from the integrated nationwide voter register maintained by the CEC. By law, PECs update the lists by 30 May each year, as well as 25 days before election day.

Voters can check voter lists online or by using a CEC hotline.¹⁸ In addition, preliminary extracts of voter lists prepared by the CEC were displayed at PECs for public scrutiny from 7 to 17 March, when voters could also check their data in person and request corrections. ConECs that ODIHR EOM observers met with reported only minor changes during this period. Citizens can register to vote on election day through a decision of the PEC, in case they can prove their residence. Until 8 April, voters can request voter de-registration cards (DVC), which allow them to vote in any polling station in the country.¹⁹

On 21 March, the CEC reported there were 5,192,063 registered voters, including 13,828 temporarily registered to vote abroad, and 119,827 registered to vote in special polling stations in the country. The CEC and a number of ConECs reported to the ODIHR EOM that the significant efforts of the election administration were made to improve accuracy of voter lists. Other ODIHR EOM interlocutors, however, questioned this, noting that the number of voters in the lists is substantially lower than the number of citizens of voting age, according to data maintained by the State Statistics Committee.²⁰

VII. CANDIDATE NOMINATION AND REGISTRATION

In addition to being registered voters, presidential candidates are required to have permanently resided in Azerbaijan for at least 10 years and have a university degree, not hold dual citizenship, and not

¹⁵ The CEC explained that there will be control measures in place not to have polling booths in the cameras' field of view.

¹⁶ The CEC informed the ODIHR EOM that it has provided Braille voting sleeves for visually impaired voters and installed ramps at all 1,455 polling stations where voters with physical disabilities will vote.

¹⁷ The UN Committee on the Rights of Persons with Disabilities (CRPD) has recommended Azerbaijan to "remove restrictions and immediately restore the right to vote for persons deprived of legal capacity". See: CRPD "[Concluding Observations on Azerbaijan](#)" (12 May 2014), CRPD/C/AZE/CO/1, paragraph 45.

¹⁸ The CEC published online the [complete set of permanent voter lists](#), disaggregated by precincts.

¹⁹ While the CEC has printed and distributed some 150,000 DVCs, 1,103 voters had obtained them as of 18 March.

²⁰ The [population information](#) of the State Statistics Committee from 2017 indicates that there are more than 7.1 million individuals of voting age.

have any liabilities before other states or a previous conviction for a serious crime.²¹

Candidates may be self-nominated or be nominated by registered political parties (or coalitions) or groups of voters. Fifteen prospective candidates were nominated.²² To be registered, the nominated candidates had to collect at least 40,000 support signatures of registered voters, with a minimum of 50 signatures from at least 60 of the 125 constituencies. By law, each voter can support only one candidate. The CEC explained to the ODIHR EOM observers that in case a voter signs for more than one prospective candidate, only the first signature submitted to the CEC is considered valid. Ten nominated candidates submitted signatures sheets by the deadline of 12 March.

Verification of the submitted signatures was conducted by the CEC's working group (WG) and formed the basis for the respective CEC decisions.²³ The CEC reported that it provided access to nominated candidates and their representatives to observe the verification process, as required by law. In case identified errors reduce the number of valid signatures below the required number, there is no possibility to address shortcomings.²⁴

Even though the WG experts explained to the ODIHR EOM that they can spot duplicate entries or same-hand signatures across multiple signature sheets, concerns were also voiced to the ODIHR EOM by several interlocutors that the sheer volume of work and the potential for human error may have led to a variable or inconsistent approach during the signature verification process.²⁵

The CEC had seven days from the submission of support signatures and other required documents to decide on a candidacy. It eventually registered eight candidates.²⁶ The CEC denied registration of two nominees, with the argument that they submitted a considerable number of duplicate or invalid signatures, leading to less than 40,000 valid signatures in both cases.²⁷ Neither of them appealed the CEC decision to court.

²¹ Paragraph 15 of the 1996 [UN Human Rights Committee General Comment No 25](#) states that "...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". 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".

²² The CEC had five days to review and decide whether to approve or deny each nomination.

²³ The WG included CEC members, authorized graphologists, and representatives from the Ministry of Interior and the Ministry of Justice, among others.

²⁴ Paragraph 77 of the joint ODIHR and Venice Commission [Guidelines on Political Party Regulation](#) states that "...Parties must be provided with clear deadlines and a reasonable amount of time for the collection of such signatures, as well as an opportunity to submit additional signatures if necessary." Furthermore, it stipulates that "In order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party."

²⁵ The WG members further explained to the ODIHR EOM that the verification of signatures is done entirely by visual checks of personal data of each entry, without any computer-based aid, and without maintaining a complete list of those who already signed in support of more than one candidate or had signed more than once in support of the same candidate.

²⁶ Six candidates were nominated by political parties, one is self-nominated, and one was nominated by a group of voters. The eight candidates are Ilham Aliyev (New Azerbaijan Party), Araz Alizadeh (Social Democratic Party), Faraj Guliyev (National Revival Movement Party), Hafiz Hajiyev (Modern Equality Party), Gudrat Hasanguliyev (Whole Popular Front Party), Sardar Jalaloglu Mammadov (Democratic Party), Razi Nurullayev (Frontiers' Initiative Group), Zahid Oruj (self-nominated).

²⁷ Ali Aliyev and Tural Feyruz Abbasli.

VIII. CAMPAIGN ENVIRONMENT

The official campaign period commenced on 19 March and will last until 24 hours before the start of voting, in accordance with the law. The CEC has designated 168 indoor and outdoor venues throughout the country for campaign purposes.

Some opposition parties decided to protest against the early presidential election and to organize public events and rallies in that respect. An opposition rally took place in Baku on 10 March. Following the event, the police issued a press statement stating that the rally had been organized according to the law. Organizers of the rally claimed that a number of activists had either been questioned or detained, but the Ministry of Interior informed the ODIHR EOM that these allegations were untrue. Extensive police attention to this rally, which the ODIHR EOM observed directly and was informed of, falls within the existing legal framework regulating public events and the use of law enforcement and surveillance.

Some opposition parties object to the short campaign period of 22 days, which, they contend, limits their media access and provides the incumbent president with a disproportional electoral advantage. YAP launched its election campaign with a public event in Baku on 21 March. The party informed the ODIHR EOM that its campaign will include public meetings, door-to-door canvassing, dissemination of campaign materials and use of social media. By contrast, several presidential candidates informed the ODIHR EOM that their campaigns will likely only be able to conduct small-scale meetings with voters and canvassing, due to lack of financial and human resources.

IX. CAMPAIGN FINANCE

Nominated candidates must open a special account for financing their campaign, with a bank determined by the CEC and at least 24 hours before they start collecting support signatures. Every candidate and nominating political party can open only one such account. All funding and expenditures related to candidacy and campaign must be paid into and from this account. All financial transactions shall be stopped within three days after election day.

Presidential candidates can finance their campaigns exclusively from private funds and donations. The maximum amount a candidate can spend for campaign purposes is up to AZN 10 million (around EUR 4.79 million). The ceiling for contributions is set at AZN 3,000 from individuals, AZN 50,000 from legal entities, and AZN 250,000 from the nominating party or group of voters.²⁸ The law prohibits contributions from foreign countries and citizens, international organizations, state bodies and municipalities, charitable organizations, religious associations and anonymous donors.

The CEC oversees campaign finance. Candidates or parties participating in the election are required to submit three financial reports on their campaign contributions and expenditures to the CEC: an initial report at the time of registration, an interim report between 20 and 10 days prior to election day, and a final report within 10 days from the publication of final results.²⁹ The reports should be posted on the CEC website within five days.³⁰ The CEC can audit the reports and request additional information from candidates or parties, which must be provided within 10 days or immediately if the request comes within five days prior to election day. The law does not require the CEC to publish the findings of the audits.

²⁸ AZN 1 is approximately EUR 0.48.

²⁹ Registered parties not participating in an election are only required to submit annual financial reports to the CEC.

³⁰ After the 2014 amendments of the Election Code, candidates and parties must submit their reports to the CEC instead of the Ministry of Finance. As of 24 March, no campaign finance reports submitted by candidates were available on the CEC website.

X. MEDIA

Freedom of expression, media freedom and the right of access to information are guaranteed in the Constitution. Yet, defamation and libel remain criminal offenses, from 2016 also applicable to online content, with a penalty of up to three years in prison.³¹ In addition, the honour and dignity of the president are protected by Criminal Code and Constitution, extended in 2016 to online content and punishable with up to five years imprisonment.³² ODIHR EOM interlocutors have expressed concerns about the number of journalists and bloggers who are currently serving prison sentences on charges that are seemingly unrelated to their professional activities.³³

The 11 television stations with nationwide coverage remain the main source of political information in Azerbaijan, while the circulation of the print media continues to decline. Some 80 per cent of population have access to the internet. A number of ODIHR EOM interlocutors expressed a lack of trust in the independence and impartiality of traditional media, claiming that websites and social media are the only sources of critical information. However, since March 2017, amendments to the Law on Information, Information Provision and Protection of Information entitle the Ministry of Transportation, Communications and High Technologies to block websites of media outlets based on their content, without any court decision. The ODIHR EOM noted that a number of websites that provide daily political coverage are generally inaccessible in Baku and the regions.

The Election Code defines campaigning in the media as speeches, interviews, press conferences, open discussions, debates, round-table discussions, political advertising, and TV and radio programs. Such coverage can be free (only in public broadcasters) or paid (in public and private broadcasters). The prices for political advertisements must be equal for all contestants.³⁴ The Election Code requires broadcast media to cover campaign activities at the beginning of programs, without commentary.

In line with legal requirements, the public broadcaster has allocated free airtime to all contestants. The ODIHR EOM was informed that this time will be used exclusively for one-hour long roundtables among the contestants, which are aired on both TV and radio, three times per week. The first such debate was aired on 19 March. The incumbent president chose not to participate in the three debates televised during the reporting period and was represented by YAP Deputy Chairperson and Executive Secretary Ali Ahmadov. On 19 March, the ODIHR EOM commenced quantitative and qualitative monitoring of six TV channels, four newspapers, and two online media.³⁵

XI. COMPLAINTS AND APPEALS

According to the Election Code, complaints can be lodged by voters, candidates, political parties and blocs of parties, agents of registered candidates, and observers. A complaint can be filed against a decision or an action (or lack of action) which violate electoral rights. Complaints should be filed to the election commission superior to the one whose decisions, actions or inactions are challenged. CEC decisions can be challenged to the one of the five Courts of Appeal, according to the permanent or

³¹ See statements of the OSCE Representative on Freedom of the Media (RFoM) from [15 May 2013](#) and [6 March 2017](#).

³² See the statement of the OSCE RFoM from [17 November 2016](#).

³³ See also, for example, statements of the OSCE RFoM from [18 December 2017](#) and [12 January 2018](#) and the UN Human Rights Committee "[Concluding observations on the fourth periodic report of Azerbaijan](#)" (16 November 2016), CCPR/C/AZE/CO/4, paragraph 36.

³⁴ The CEC has [reported](#) that 6 TV stations, 9 newspapers and 19 websites chose to offer paid political advertisement.

³⁵ TV stations: ITV (public), AzTV (state), ATV, Lider TV, Space and Khazar TV; state-owned newspapers: *Azerbaijan, Xalq gazetesi*; private newspapers: *Kaspi, Yeni Musavat*. The ODIHR EOM also follows election-related coverage in the Azerbaijani versions of the following online outlets www.trend.az and www.turan.az.

temporary residence of the appellant. Court of Appeal decisions can be challenged to the Supreme Court. The law provides for short deadlines for filing and adjudicating complaints.³⁶

Complaints submitted to election commissions are processed by expert groups established within the CEC and ConECs.³⁷ These expert groups should investigate the substance of complaints and present an opinion to the respective election commission, which can order an additional investigation. The expert opinion will form the basis of the commission's decision and must be posted on the CEC website within 18 hours.

No complaints have been submitted so far to the CEC or the 46 ConECs visited by ODIHR EOM observers during the reporting period, and therefore these expert groups have yet to commence their work. ODIHR EOM interlocutors generally expect very few complaints in this election.

Election results must be announced by the Constitutional Court within 14 days from election day. The Election Code provides for the possibility for the CEC to annul the election in case results have been cancelled in more than two fifths of all PECs and if the number of voters registered in these polling stations exceeds 25 per cent of all voters registered in the constituency. Presidential election results can also be annulled by a Court of Appeal decision based on a challenge of the CEC results tabulation. However, the relevant procedures and provisions for a further right to redress are not covered by the legislation.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code provides for citizen and international election observation, in line with OSCE commitments. Domestic observers can register to observe individually, or as representatives of candidates, political parties or non-governmental organizations. In addition to observers, candidates can have their own authorized representatives registered by the CEC. The CEC reported that as of 21 March, a total of 48,484 domestic observers had been registered by the ConECs, and 822 by the CEC.³⁸

While candidates' authorized representatives can by law observe all CEC and ConEC sessions, including before election day, observers need to obtain special authorization from the CEC to do so.³⁹ Some civil-society representatives informed the ODIHR EOM that this legal provision may be used to curb their access to sessions. The CEC stated that it would let all interested subjects observe its work.

Some ODIHR EOM interlocutors stressed that restrictive legal provisions related to foreign funding limit the possibility of civil-society organizations to function and to train and deploy observers. The Election Monitoring and Democracy Studies Center (EMDS) has significant experience in conducting independent and professional observation, both in Azerbaijan and abroad, but remains unregistered and thus without legal status. Therefore, its volunteer observers plan to be accredited individually. Several civil society organizations will engage in election observation and will conduct exit polls.

³⁶ The timeframe for submitting a complaint or appeal is three days from the day a violation occurred, or a decision was adopted or published, or the day the plaintiff was informed of the decision. Complaints and appeals lodged less than 30 days before election day must be decided upon within two days (those submitted on or after election day, immediately). If the infringement claimed might constitute a criminal offence, the election commission should forward the case to the prosecutor's office, which should render a decision within three days.

³⁷ Expert groups are composed of nine experts at the CEC and three experts at each ConEC.

³⁸ These figures include all categories of domestic observers. Those registered by ConECs may observe in any polling station within the respective constituency, while those registered by the CEC can observe anywhere in the country. The registration deadlines are five and ten days prior to election day, respectively. The CEC also registered four organizations for conducting exit polls.

³⁹ Article 40.13 of the Election Code stipulates that the CEC decides by drawing lots which observers shall have the right to be present at election commission sessions, up to a maximum of ten observers for each commission.

XIII. ODIHR EOM ACTIVITIES

The ODIHR EOM opened with a press conference in Baku on 9 March. The Head of Mission has met with the Deputy Minister of Foreign Affairs, the CEC Chairperson, candidates and their representatives, representatives of political parties, media, civil society, and members of the diplomatic community.

The OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe have announced that they will deploy observer delegations for election-day observation. The OSCE Chairperson-in-Office has appointed Nilza de Sena as Special Co-ordinator and leader of the short-term OSCE observer mission for this election.

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