



Office for Democratic Institutions and Human Rights

# REPUBLIC OF AZERBAIJAN

EARLY PRESIDENTIAL ELECTION

7 February 2024

ODIHR NEEDS ASSESSMENT MISSION REPORT

18-20 December 2023



Warsaw  
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**REPUBLIC OF AZERBAIJAN**  
**EARLY PRESIDENTIAL ELECTION**  
**7 February 2024**  
**ODIHR Needs Assessment Mission Report**

## **I. INTRODUCTION**

Following an invitation from the Government of the Republic of Azerbaijan to observe the 7 February 2024 early presidential election, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Baku from 18 to 20 December 2023. The NAM included Martina Barker-Ciganikova, ODIHR Election Adviser and Goran Petrov, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the election. Based on this assessment, the NAM recommends whether to deploy an ODIHR election-related activity for the forthcoming election, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as representatives of political parties, media, civil society and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs, including its Delegation to the OSCE, for their assistance in organizing the visit. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

## **II. EXECUTIVE SUMMARY**

On 7 December, President Ilham Aliyev called for an early presidential election to be held on 7 February. According to the Constitution, the president is directly elected by an absolute majority of votes cast in a single nationwide constituency. The election takes place following a ceasefire agreement reached in September 2023, and ongoing talks to end a long-lasting conflict with Armenia. The authorities that ODIHR NAM met with underlined the country's commitment to conduct elections in line with the principles of openness, transparency and competitiveness.

The Constitution and the Election Code, which form the primary regulatory framework for the presidential election, have not been amended since the last election. This leaves a number of long-standing electoral shortcomings, decisions of the European Court of Human Rights and prior ODIHR recommendations unaddressed. These relate primarily to the exercise of freedoms of peaceful assembly and expression, composition of the election administration, candidate registration, the media environment, and the conduct of election day procedures. Recently adopted laws on Media and on Political Parties were criticized by some international human rights organizations and several ODIHR NAM interlocutors for imposing additional restrictions on freedoms of association and expression. On the other hand, the authorities stressed the consultative and inclusive nature of the adoption process for these new laws and informed the ODIHR NAM that the adoption was based on the need to modernize and consolidate the existing legislation and that both laws further contribute to providing for a conducive environment for relevant stakeholders.

The Central Election Commission (CEC) together with lower-level commissions administer the election. The CEC informed the ODIHR NAM that it is well prepared and resourced despite the election being

called early. Nevertheless, many ODIHR NAM interlocutors expressed concerns about malpractices, including on election day as well as lack of transparency, based on experience from previous elections. A number of interlocutors opined that the legally prescribed appointment formula for commissioners at all levels in effect gives the ruling party a controlling majority in all commissions. The CEC is planning to implement a comprehensive training program for lower-level commissions and other institutions and a voter information program aimed at increasing voter participation.

Citizens of at least 18 years of age are eligible to vote, unless explicitly revoked of this right by a court decision due to declared legal incapacity. According to the CEC, the permanent voter register it maintains contains some 6.3 million voters, which is one million more than during the last elections in 2020; the CEC did not provide the ODIHR NAM with a comprehensive explanation for the significant increase. Some ODIHR NAM interlocutors questioned the accuracy of the voter register. Voter lists are available for public scrutiny, and voters can request correction of their data.

Candidates can be nominated by parties and coalitions or stand independently. To be eligible, candidates need to fulfil a number of requirements and collect signatures from at least 40,000 voters. In accordance with the legal provisions, the CEC established a working group of experts to check the accuracy of the signatures. So far, seven candidate applications have been received by the CEC. Some opposition parties publicly declared their intention to abstain from participation in the election and decided not to nominate candidates. In line with the recently passed Law on Political Parties, already registered political parties need to undergo de facto re-registration and fulfil a number of other administrative requirements.

The election campaign will last from 15 January until 6 February. Campaign events can be held only at specifically assigned venues throughout the country. The Law on Freedom of Assembly requires an advance notification submitted to local authorities. Contestants highlighted that besides small-scale door-to-door campaigning, and field visits, campaigning online and on social networks is becoming the most effective campaign method. Many interlocutors opined to the ODIHR NAM that the current legal framework and its implementation significantly impede the ability of most political parties to conduct campaign events and public gatherings.

The campaign finance legislation sets individual donation and expenditure limits; only private funds are allowed. Contestants are obliged to open dedicated bank accounts and submit three financial reports to the CEC, which oversees campaign finances and audits the financial reports. Some ODIHR NAM interlocutors opined that the absence of public funding for campaign reduces the chances of most political parties to be competitive.

Fundamental freedoms of expression and media, and the right of access to information are guaranteed by the Constitution. Nevertheless, international human rights organizations repeatedly expressed their concerns regarding measures that curb media freedoms in practice and negatively impact work of journalists, most recently in the context of the adoption of the new Law on Media in 2022. A number of ODIHR NAM interlocutors raised concerns about the ability of broadcast media to operate independently from government influence, noted there has been an increase in the number of detentions of independent journalists lately, and claimed independent voices are confined exclusively to the online space. The Election Code provides for free and paid airtime for candidates, under equal conditions and television remains the main source of political information.

The electoral legal framework provides for the timely resolution of disputes by the election administration and courts. A broad range of electoral stakeholders may file complaints against the decisions and actions of election commissions with the higher election commission. CEC decisions can be appealed to the Court of Appeal, whose decisions can be subsequently challenged at the Supreme

Court. Several ODIHR NAM interlocutors raised concerns the independence of the judiciary and for the impact that could have on the effective electoral dispute resolution.

The CEC is in charge of the accreditation of both citizen and international observers. Domestic observers can register to observe individually or as representatives of candidates, political parties or non-governmental organizations. A number of organizations informed the ODIHR NAM that the restrictions on receiving foreign funding and the short timeframe to conduct training will hamper their activities during this election.

All ODIHR NAM interlocutors emphasized the value of an ODIHR election observation activity for this election. Representatives of state institutions stressed their intention to conduct the electoral process transparently, in line with international standards for democratic elections, and welcomed observation by ODIHR and any potential recommendations to improve the electoral process. Based on the findings of the ODIHR NAM, a number of electoral issues would benefit from specific attention. These include the implementation of electoral legislation, the functioning of the election administration, the conduct of the campaign and respect for fundamental freedoms, media coverage of the elections, and the administration of election day procedures, including the vote count and tabulation of results.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the upcoming early presidential election. In addition to a core team of experts, the ODIHR NAM will request the secondment by OSCE participating States of 30 long-term observers, as well as 280 short-term observers for the observation of election day procedures. In line with the ODIHR's standard methodology, the EOM will include a media monitoring element.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

On 7 December, President Ilham Aliyev declared an early presidential election to be held on 7 February.<sup>1</sup> No reason for calling the election early was officially stated. President Aliyev has been holding office since 2003. The last presidential election took place in 2018 and was also called early; President Aliyev was elected with some 86 per cent of the votes. The 2009 constitutional amendments removed presidential term limits, and President Aliyev will stand for his fifth term in office.

The election takes place following a ceasefire agreement reached in September 2023, and ongoing talks to end a long-lasting conflict with Armenia. All Azerbaijani authorities and parliamentary political parties stressed the importance of this election given that for the first time since independence, an election will be held in all 125 constituencies of the territory of the Republic of Azerbaijan. On the same day of announcing the election, the presidential administration of Azerbaijan and the Office of the Prime Minister of Armenia have released a joint statement reconfirming "their intention to normalize relations and to reach the peace treaty on the basis of respect for the principles of sovereignty and territorial integrity".<sup>2</sup> The spokesman for the Secretary-General of the UN expressed their "concern about the displacement of people to Armenia as a result of the recent events in the region".<sup>3</sup>

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<sup>1</sup> See the presidential decree [here](#). Regular term for the presidential election was in April 2025.

<sup>2</sup> See the joint statement [here](#).

<sup>3</sup> See the statement [here](#). According to the [report](#) by the UN Resident Co-ordinator in Azerbaijan, from 19 September until 2 October 2023, more than 100,000 ethnic Armenians have left.

Azerbaijan has a presidential system in which the executive branch exercises wide constitutional powers relative to the parliament.<sup>4</sup> The presidential powers were further strengthened through the 2016 constitutional referendum which among others extended the presidential term from five to seven years, granted the president a right to call early presidential elections without defining specific conditions, introduced the offices of vice presidents, appointed and dismissed by the president, who can substitute for the president in case of resignation or inability to exercise his office.<sup>5</sup> A number of international organizations expressed concerns over the extension of presidential powers and the process of constitutional amendments.<sup>6</sup>

The political landscape is dominated by the ruling New Azerbaijani Party (YAP) led by the President. A majority of ODIHR NAM interlocutors were of the opinion that the incumbent would not face a significant challenge in this election despite several other candidates declaring their intention to stand. In this light, some parties informed the ODIHR NAM they have already started preparations for the parliamentary elections expected to be called in 2024. A number of ODIHR NAM interlocutors raised concerns about the exercise of fundamental freedoms of association, peaceful assembly and expression and noted that elections in Azerbaijan have not been genuinely competitive for a long time.<sup>7</sup> At the time of releasing the NAM report, a number of non-parliamentary political parties publicly declared their intention not to participate in or to boycott the election.<sup>8</sup>

The last parliamentary elections took place in February 2020. YAP obtained 70 out of 125 seats, self-nominated candidates 42 seats, Civil Solidarity Party 3 seats, and 6 other parties 1 seat each. Previous ODIHR reports noted that both the self-nominated candidates, as well as those parties which formally constitute the parliamentary opposition largely supported the ruling party.

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<sup>4</sup> The president appoints and chairs the Cabinet of Ministers, and appoints the executive authorities at central and regional level, as well as the vice presidents. The president also proposes the judges of the Constitutional Court, Supreme Court, Economic Court, and other courts, as well as the Prosecutor General, to be appointed by the parliament.

<sup>5</sup> In February 2017, the President appointed his spouse, and member of parliament from the ruling party at the time, Mehriban Aliyeva, as first Vice President.

<sup>6</sup> See, for example, the UN Human Rights Committee “[Concluding observations on the fourth periodic report of Azerbaijan](#)” (16 November 2016), CCPR/C/AZE/CO/4, paragraph 6, and Council of Europe’s European Commission for Democracy through Law (Venice Commission) “[Opinion on the Draft Modifications to the Constitution Submitted to the Referendum of 26 September 2016](#)”. The opinion stated that granting a president the exclusive and discretionary power to call an extraordinary election is “incompatible with democratic standards” as it “may turn elections into plebiscites on the leadership of the country and provide legitimacy to authoritarian tendencies”.

<sup>7</sup> See among others the UN Human Rights Committee “[Concluding observations on the fourth periodic report of Azerbaijan](#)” (16 November 2016), CCPR/C/AZE/CO/4, paragraphs 36, 38, 40 and 42. With respect to undue restrictions on freedom of association see European Court of Human Rights judgments: ECtHR, Jafarov and Others v. Azerbaijan, no. 27309/14, 25 July 2019; ECtHR, Tebieti Mühafize Cemiyeti and Israfilov v. Azerbaijan, no. 37083/03, 8 October 2009; ECtHR, Ramazanova and Others v. Azerbaijan, no. 44363/02, 1 February 2007. See also the 2023 ODIHR and Venice Commission [Joint Opinion on the Law on Political Parties](#), Paragraphs 116 and 117. On restrictions to freedom of expression see inter alia the [2022 Joint Opinion](#) of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Law on Media. For more details see also *Party and Candidate Registration* and *Media* sections.

<sup>8</sup> In its brief [statement](#) posted online, *Musavat* stated that the decision not to participate in the election was “based on political arrests before the election and the fact that the election would not be democratic”. The party informed the ODIHR NAM that they intend to deploy party observers on election day. The Popular Front [decided](#) not to participate in the election following a vote on the matter by the party’s council on 16 December. The Popular Front informed the ODIHR NAM that it will call upon its supporters not to cast their vote on election day. REAL political party informed the ODIHR NAM that they are yet to decide whether they would nominate a candidate but they would encourage voters to go and vote in big numbers.

Women remain under-represented in political and public life. Women currently hold 21 out of 116 seats in the parliament (18 per cent),<sup>9</sup> 1 out of 14 posts of the chairpersons of state committees and no ministerial posts. The Speaker of the Parliament is a woman. The UN Committee on the Elimination of Discrimination against Women recently expressed concerns about the low representation of women in decision-making positions. The Committee noted in particular lack of clear anti-discriminatory legislation, pending adoption of the draft national action plan on gender equality for the period 2022–2025 and lack of targeted measures, including temporary special measures such as quotas to advance women’s participation in political and public life.<sup>10</sup> On the other hand, the Committee positively noted the notable increase in women who were elected during the municipal elections in December 2019 (38.8 per cent).

The ODIHR has previously observed 12 elections in Azerbaijan. The most recent ODIHR Election Observation Mission deployed for the 11 April 2018 early presidential election concluded that the election “took place within a restrictive political environment and under a legal framework that curtails fundamental rights and freedoms, which are pre-requisites for genuine democratic elections. Against this background and in the absence of pluralism, including in the media, this election lacked genuine competition. Other candidates refrained from directly challenging or criticizing the incumbent, and distinction was not made between his campaign and official activities. At the same time, authorities were co-operative and international observers were able to operate freely in the pre-election period. The election administration was well-resourced and prepared the election efficiently. On election day, international observers reported widespread disregard for mandatory procedures, lack of transparency, and numerous serious irregularities, such as ballot box stuffing”.<sup>11</sup>

## **B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK**

The president is directly elected by popular vote for a seven-year term 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 on the second Sunday after the first round between the two candidates with the highest number of votes.

Presidential elections are primarily regulated by the Constitution (last amended in 2016) and the Election Code.<sup>12</sup> The Central Election Commission (CEC) issues resolutions to provide further details on legal provisions. Azerbaijan is a party to major international and regional instruments related to the holding of democratic elections.<sup>13</sup>

The Constitution guarantees fundamental freedoms and universal, equal and direct suffrage by secret ballot. Since the last election, there have been no substantive changes to the Election Code and a number of decisions of the European Court of Human Rights as well as previous ODIHR recommendations remain unaddressed, including those related to freedoms of peaceful assembly and expression, composition of the

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<sup>9</sup> Nine seats are currently empty due to various reasons including invalidation of election results, death, and revoking of candidate’s immunity.

<sup>10</sup> See UN Committee on the Elimination of Discrimination against Women (CEDAW), [2022 Concluding observations on the sixth periodic report of Azerbaijan](#), Paragraphs 9, 15, 19 and 27.

<sup>11</sup> See all previous [ODIHR election-related reports on Azerbaijan](#).

<sup>12</sup> Other legislation related to parts of electoral process include the Law on Media, the Law on Peaceful Assembly, relevant provisions of the Criminal Code, the Code of Administrative Offences, and the Civil Procedure Code.

<sup>13</sup> Including the 1966 International Covenant on Civil and Political Rights, 1979 Convention for 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, 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 Council of Europe’s Venice Commission and member of Group of States against corruption (GRECO).

election administration, inclusiveness of candidate registration, media environment, and the conduct of election day procedures.

A new Law on Media and a new law on Political Parties have entered into force in 2022 and January 2023 respectively. The authorities informed the ODIHR NAM that the adoption of the new laws was based on the need to modernize and consolidate the existing legislation. Both laws were criticized by some international organizations as well as independent civil society organizations and journalists to have a further “chilling effect” on fundamental freedoms of expression and association.<sup>14</sup> On the other hand, the authorities stressed the consultative and inclusive nature of the adoption process for these new laws and informed the ODIHR NAM that the adoption was based on the need to modernize and consolidate the existing legislation and that both laws further contribute to providing for a conducive environment for relevant stakeholders.

### C. ELECTION ADMINISTRATION

The election is administered by the CEC, 125 Constituency Election Commissions (ConECs) and some 6,319 Precinct Election Commissions (PECs).<sup>15</sup> Commissions at all levels are appointed for a five-year term and consist of 18, 9 and 6 members respectively. The composition of election commissions at all levels reflects the representation of political forces in the parliament. The parliamentary majority, the parliamentary minority, and parliamentarians elected as independent candidates each nominate one third of the commission members. In addition, chairpersons of all commissions represent the parliamentary majority. The ODIHR has previously recommended that the formula be revised in a manner which would ensure that election commissions are not dominated by the ruling party.

The CEC is responsible for the overall conduct of the election, issues regulations, maintains the voter register, registers candidates, reviews complaints against ConEC decisions, and establishes the results. It is also in charge of campaign finance and media oversight during the campaign. The parliament appoints all 18 CEC members, who subsequently appoint the ConECs and ConECs appoint the PEC members. Four out of 18 members of the CEC are women. At the ConEC and PEC levels, 20 and 41 per cent of members, respectively, are women.

The ConECs are responsible for the organization of the election in their territory, including providing organizational and technical assistance to PECs, ensuring equal campaign conditions for presidential candidates within their territory, considering complaints against relevant PECs and determining the results within their territory. The PECs notify voters about voting locations, approve and update voter lists, conduct voting and counting of votes and handle election day complaints.

Preparations for the election are ongoing and the CEC has adopted a calendar plan of its activities. The CEC sessions are opened to the public and decisions posted online. The CEC informed the ODIHR NAM about a range of education seminars with other electoral stakeholders, including courts, media representatives, and police. The cascade training of ConEC and PEC members is scheduled to begin as of 10 January. The CEC also conducts voter education activities, mostly in form of posters and videoclips.

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<sup>14</sup> See the [2022 Joint Opinion](#) of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Law on Media, Paragraph 52 and the ODIHR and Venice Commission [2023 joint opinion on the Law on Political Parties](#), in particular Paragraph 116. See also *Party and Candidate Registration* and *Media* sections.

<sup>15</sup> The CEC informed the ODIHR NAM that 26 PECs with more than 23,000 voters will be established in regained territories. There are some 397,000 internally displaced persons (IDPs) registered voters in the country.



Measures to facilitate participation of persons with disabilities in the electoral process include a braille stencil distributed to each PEC, assisted voting by a person of choice, mobile voting for those unable to vote at the PECs in-person on election day as well as ramps to enable physical access of persons with reduced mobility.

While no ODIHR NAM interlocutors raised concerns about the administration of technical aspects of the election, many had concerns that the malpractices and lack of transparency observed in previous elections, in particular on election days might be repeated. The CEC informed the ODIHR NAM that it is well prepared and resourced to conduct the election, despite the election being called early.

#### **D. VOTER REGISTRATION**

Citizens aged 18 or older have the right to vote, except for those who have been declared legally incapable by a court decision, including on the basis of intellectual or psychosocial disability, which is at odds with OSCE commitments and international standards.<sup>16</sup>

Voter registration is regulated by the Election Law and is passive, based on extracts of local permanent residency data.<sup>17</sup> The CEC maintains an integrated nationwide voter register from which voter lists are extracted. By law, PECs are in charge of updating the voter lists annually, as well as 25 days before election day (13 January for this election) and provide the data to the CEC via the ConECs.<sup>18</sup> From this date until and including on election day, voters can be added to supplementary voter lists at the PECs upon presenting a proof of residency and without judicial or administrative oversight. ODIHR has previously recommended that additional safeguards for strengthening the integrity of the voter registration should be provided. The CEC crosschecks the data and sends the preliminary voter lists to ConECs to be distributed to PECs for public scrutiny 35 days before the election (3 January for this election). Mistakes in the lists may be appealed by citizens to election commissions.

The CEC informed the ODIHR NAM that, as of 19 December, some 6.3 million voters were eligible to vote in the forthcoming election, which is over one million voters more than during the last election. To the ODIHR NAM, the CEC explained the difference with an influx of citizens to the country following the COVID-19 pandemic.<sup>19</sup> The CEC did not provide the ODIHR NAM with a comprehensive explanation for the significant increase. Several ODIHR NAM interlocutors raised concerns about the accuracy of the voter register.

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<sup>16</sup> Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) states that the participating States will “guarantee universal and equal suffrage to adult citizens”. Deprivation of the right to vote on the basis of mental disability is inconsistent with Articles 12 and 29 of the UN Convention on Rights of Persons with Disabilities (UN CRPD). Paragraph 48 of the CRPD Committee’s 2014 General Comment No. 1 to Article 12 of the CRPD states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote [and] the right to stand for election”.

<sup>17</sup> A voter is included in the voter list of the relevant PEC on the basis of the permanent place of residence at the place where the voter has resided for at least 6 out of the last 12 months before the calling of the elections.

<sup>18</sup> Different deadlines apply to voters in special polling stations including military units, hospitals, sanatoriums, sailing ships etc.

<sup>19</sup> Previous ODIHR reports noted that the number of voters in the lists was substantially lower than the number of citizens of voting age, according to the data maintained by the State Statistics Committee.

## E. PARTY AND CANDIDATE REGISTRATION

Prospective presidential candidates must meet all voter eligibility requirements, be permanently resident in Azerbaijan for at least 10 years and have a university degree.<sup>20</sup> In addition, they cannot have dual citizenship, any liabilities before other states or a previous conviction for a serious crime.

Registered political parties and their coalitions may nominate candidates or candidates may stand independently, based on a nomination by a group of voters or through self-nomination. In 2022, a new Law on Political Parties came into force, which some international organizations criticized as further restricting freedom of association.<sup>21</sup> Opposition political parties informed the ODIHR NAM that they consider the new requirements too burdensome and intended to discourage competition.<sup>22</sup> According to the new law, already registered political parties need to undergo de-facto re-registration. In 2021, there were 59 political parties registered in Azerbaijan. Under the new legislation, 26 political parties were registered so far.<sup>23</sup>

The CEC informed the ODIHR NAM that by 19 December, 7 prospective candidates submitted their nominations. Any eligible voter may collect signatures on behalf of a prospective candidate and misuse of administrative resources during the nomination period, in particular when it comes to signature collection, is prohibited. The signature sheets with not less than 40,000 signatures of registered voters in 60 out of 125 constituencies need to be submitted to the CEC latest 30 days before the election day (8 January for this election). The CEC established a working group of experts, headed by a commission member and comprising specialists from relevant state institutions. The law allows for the presence of prospective candidates or their authorized representatives during the verification process. Many ODIHR NAM interlocutors shared their concerns regarding the accuracy of the signature verification process. The full list of registered candidates shall be published by the CEC by 18 January at the latest.

## F. ELECTION CAMPAIGN

The election campaign will last from 15 January until 6 February. By law, the campaign may be conducted by registered candidates or parties or coalitions that nominated them via media, meetings with citizens and distribution of campaign materials. Campaign events can be held only at specifically assigned venues throughout the country, indoors and outdoors. Local executive authorities, together with municipalities and ConECs shall allocate spaces for posting of materials by 8 January and assign campaign venues by 15 January. The Law on Freedom of Assembly requires a notice to be submitted to the local authorities not less than five days prior to an outdoor event.<sup>24</sup>

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<sup>20</sup> 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".

<sup>21</sup> The ODIHR and Venice Commission [2023 joint opinion on the Law on Political Parties](#), in particular Paragraph 116 assessed the following requirements as the most problematic: the increase of the minimum number of members of the party from 1,000 to 5,000; the need for the already registered political parties to undergo a re-registration; the lengthy terms and cumbersome procedure foreseen for the establishment and registration of political parties; the prohibition to operate a political party without state registration; the overregulation of internal party structures and operations and others; the excessive control exercised by the Ministry of Justice over party activities and over the registers of members of political parties; and the possibility to suspend the activities of a political party or even dissolve a party in cases not involving serious violations of the legal acts by such a party.

<sup>22</sup> According to the new legal provisions, the registered parties must update the list of members on an annual basis and collect and submit accurate personal and contact information of all party members to the Ministry of Justice.

<sup>23</sup> The 26 registered entities, include the opposition political parties Popular Front, *Musavat* and Republican Alternative (REAL), all registered in September 2023.

<sup>24</sup> See also the Venice Commission [opinion](#) on the Law on Freedom of Assembly.

Many ODIHR NAM interlocutors noted that although guaranteed by the Constitution, the exercise of the fundamental freedom of peaceful assembly is considerably limited by the legal framework and its implementation thus impeding free campaigning.<sup>25</sup> They also noted difficulties experienced in organizing public gatherings in between elections and cited multiple refusals by local authorities to grant such events. Some ODIHR NAM interlocutors expressed concerns about the potential misuse of administrative resources and pointed to previous practices of pressuring voters, in particular public sector employees, students and pensioners, to campaign and vote for the ruling party.

All ODIHR NAM interlocutors expect that the dominant campaign narrative will be the end of the long-lasting conflict with Armenia and the territorial integrity and sovereignty of Azerbaijan. Political parties highlighted that besides small-scale door-to-door campaigning and field visits, campaigning online and on social networks is becoming the most effective campaign method, in particular for smaller parties with lesser resources. Opposition parties stated that given the limited space to exercise their freedom of assembly in practice, their campaign takes place almost exclusively online.

## G. CAMPAIGN FINANCE

According to the Election Code, presidential candidates are only allowed to finance their campaigns from private funds and donations. ODIHR previously recommended that consideration could be given to reintroducing provisions for public campaign funding, in order to level the playing field. Several ODIHR NAM interlocutors opined that the absence of public funding reduces the chances of some candidates to stand for the election.

Prospective candidates have to open a special bank account designated by the CEC at least 24 hours before starting to collect voters' signatures. Contributions from foreign countries and citizens, international organizations, state bodies and municipalities, charitable organizations, religious associations and anonymous donors are not allowed. The maximum amount for donations is set at AZN 3,000 from individuals, AZN 50,000 from legal entities, and AZN 250,000 from the nominating entity or a candidate herself/himself.<sup>26</sup> A presidential candidate may not spend more than AZN 10 million.

By law, contestants are required to submit three financial reports to the CEC, which is in charge of overseeing campaign finance, including an initial report at the time of registration, an interim report between 10 and 20 days prior to election day and a final report no later than 10 days after the publication of the final election results.<sup>27</sup> The CEC can audit the reports and request additional information from candidates or parties, but there is no legal obligation to publish the audit's findings.

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<sup>25</sup> In addition, see also the UN Human Rights Committee "[Concluding observations on the fourth periodic report of Azerbaijan](#)" (16 November 2016), CCPR/C/AZE/CO/4, Paragraph 38 stating that "the Committee remains concerned about restrictions on the exercise of the right to peaceful assembly in practice. While noting that legislation only requires advance notification of a peaceful assembly, it is concerned about reports that it frequently requires permission in practice. The Committee is further concerned about allegations of frequent use of excessive force and/or detention and about the imposition of administrative and criminal penalties against persons participating in planned or spontaneous peaceful protests [...] Finally, the Committee is concerned about the use of a variety of tactics to prevent and deter individuals from joining and participating in peaceful assemblies, including the practices of preventive detention and of "prophylactic conversations" on police premises aimed at intimidating activists and discouraging them from participating in assemblies".

<sup>26</sup> One Azeri *Manat* (AZN) is approximately EUR 0.55.

<sup>27</sup> In addition, annual party financial reports are to be submitted by 1 April to the CEC; the CEC should publish these reports.

## H. MEDIA

Fundamental freedoms of expression and media, and the right of access to information are guaranteed by the Constitution. Nevertheless, previous ODIHR recommendations related to the effective exercise of freedom of expression, including with regard to defamation and the blocking of websites, remain unaddressed. Defamation and libel remain a criminal offence with a penalty of up to three years imprisonment, or up to five years imprisonment if it targets the president;<sup>28</sup> the penalties extend to online content as well.

Alongside the Constitution, the election-related media legal framework is primarily regulated by the Election Code, the Law on Public Television and Radio, and the new Law on Media, adopted in 2022.<sup>29</sup> The Election Code provides regulations for the allocation of free and paid airtime in the broadcast media, and of space in the print media, during the official campaign period.<sup>30</sup> Public broadcasters funded by the state budget are legally obliged to create equal campaign conditions for all contestants. Media outlets are obliged to inform the CEC if they intend to offer paid airtime to candidates, and to publish the conditions and price list for these services. Some contestants informed the ODIHR NAM they would refrain from using paid airtime due to its high cost. The public television (ITV) plans to provide the free airtime in the form of debates as it is considered the most interesting tool to attract viewers. The legislation also stipulates that all broadcasters should be impartial, comprehensive and accurate in their programmes.

Over the past years, a number of international bodies repeatedly expressed their concerns regarding measures that curb media freedoms in practice and negatively impact work of journalists, most recently in the context of the adoption of the new Law on Media in 2022.<sup>31</sup> A number of ODIHR NAM interlocutors raised concerns about the ability of broadcast media to operate independently from

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<sup>28</sup> The honour and dignity of the president are protected by Criminal Law and Constitution.

<sup>29</sup> A January 2021 presidential decree “On deepening media reforms in the Republic of Azerbaijan”, called for the creation of a new media agency, the Media Development Agency, replacing the existing government institution, the State Support Fund for Mass Media Development. The Media Development Agency was subsequently tasked with drafting the new Law on Media. The Law on Mass Media and the Law on Television and Radio Broadcasting applicable till then ceased to exist as they did not regulate online media and were perceived as outdated. The Agency informed the ODIHR NAM that apart maintaining the registry of media outlets, including online ones, it organizes trainings and seminars for journalists and awards financial grants to support both print and online media as the advertisement market is very small.

<sup>30</sup> For this election, the total free airtime shall be three hours a week for public TV and radio respectively, and for state-funded newspapers, 10 per cent of their space on a weekly basis, equally distributed among registered candidates.

<sup>31</sup> See the [legal analysis conducted by the OSCE Representative for Freedom of Media](#) on the Law on Media and the accompanying [statement](#) which notes that the new law “poses significant limitations and restrictions on the right to freedom of expression and freedom of the media, as well as challenges on the work of media and journalists”. See also the [2022 Joint Opinion](#) of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Law on Media; Paragraph 52 concluded “that in the context of an already extremely confined space for independent journalism and media in Azerbaijan, the Law will have a further “chilling effect”. Many provisions are not in line with European standards on freedom of expression and media freedom and do not allow the media to effectively exercise its role as a “public watchdog””. See also the January 2022 [letter sent by the Commissioner for Human Rights of the Council of Europe](#) which she states that “the newly adopted law further deteriorates the situation as concerns freedom of expression and media freedom in the country by granting discretionary powers to state authorities regulating the media sector, including through licensing, excessively restricting journalists’ work, and introducing several limitations to the financial, legal and operational activities of media companies and entities”. See here the [response](#) of the Media Development Agency to the Commissioner. For a general assessment with respect to freedom of expression see the UN Human Rights Committee “[Concluding observations on the fourth periodic report of Azerbaijan](#)” (16 November 2016), CCPR/C/AZE/CO/4, paragraph 36.

government influence, noted there has been an increase in the number of detentions of independent journalists lately, and claimed independent voices are confined exclusively to the online space.<sup>32</sup>

Television remains the main source of political information, with social networks increasing on prominence. The Audiovisual Council (previously National Television and Radio Council) issues broadcasting licenses and regulates broadcast media, and a working group formed by the CEC oversees the compliance of media coverage of the election with the legislation.<sup>33</sup> The Audiovisual Council informed the ODIHR NAM that they monitor all audiovisual nationwide broadcasters on a daily basis, including for compliance with general media and advertisement regulation. In case of violations, the CEC-established media working group may request the Council to issue a warning to the media outlet. If the violation is not rectified, the relevant program might be suspended or the broadcasting license can be withdrawn upon a court decision.

The public broadcaster (ITV), informed the ODIHR NAM that as of 18 December it started to air voter education and awareness-raising information, including on voter registration and election day procedures prepared in co-operation with the CEC. The ITV informed the ODIHR NAM that it is challenging to distinguish coverage of the incumbent president in his official capacity from reporting on his activities as a candidate.

## I. ELECTION DISPUTE RESOLUTION

The electoral legal framework provides for the resolution of disputes by the election administration and courts. Voters, candidates and their agents, political parties, coalitions and their representatives, as well as observers and election commissions are all entitled to lodge complaints against actions, inactions and decisions which violate electoral rights. Cases are reviewed by the higher election commission. CEC decisions can be appealed to the Court of Appeal, whose decisions can be subsequently challenged to the Supreme Court.

Complaints and appeals shall be submitted within three days from the violation/decision or the day the plaintiff was informed of the decision. Complaints and appeals lodged before election day should be reviewed and decided upon within three days; complaints and appeals submitted on or after election day should be reviewed and decided upon immediately. In accordance with the law, on 8 December, the CEC established an expert group comprising nine people for adjudication of electoral disputes.<sup>34</sup> The expert groups investigate the substance of complaints, present their opinion to the respective election commission, which can order an additional investigation if needed. The CEC informed the ODIHR NAM that all received complaints as well as respective decisions are published on the CEC website.

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<sup>32</sup> On 13 December, Hafiz Babali, an investigative journalist and editor at the independent Turan news agency, was [detained](#) and the following day placed in pretrial detention for three months. Many of the detentions concern individuals linked to [AbzasMedia](#) (including its [director](#), [deputy-director](#), editor-in-chief and a [reporter](#)), an online outlet which conducts investigative journalism into high profile corruption. Abzas faces criminal charges for smuggling foreign currency into the country. Journalists from [Channel 13](#) have also been detained.

<sup>33</sup> The Audiovisual Council informed the ODIHR NAM there are 11 nationwide TV broadcasters, 15 platform broadcasters, with the right to transmit also by internet, 16 radio stations with nationwide coverage and 52 operators for transmission of foreign and domestic channels.

<sup>34</sup> Commissioners with legal background are entitled to be included in the expert group. Other than that, there are no specific appointment criteria provided for by the law. The ConECs shall form their own expert groups composed of three people each.

Several ODIHR NAM interlocutors do not expect many complaints, citing a lack of confidence in the independence of the judiciary as well as the ability of the election dispute resolution mechanism to provide effective remedy.<sup>35</sup>

## J. ELECTION OBSERVATION

The Election Code provides for citizen and international election observation. Domestic observers can register to observe individually, or as representatives of candidates, political parties or non-governmental organizations (NGOs). The CEC is in charge of the accreditation of both citizen and international observers. A number of organizations informed the ODIHR NAM that the restrictions on receiving foreign funding as well as the short timeframe to conduct trainings will hamper their activities during this election.<sup>36</sup> Some political parties, including those not nominating a candidate, stated their intention to deploy observers on election day.

## IV. CONCLUSION AND RECOMMENDATION

All ODIHR NAM interlocutors emphasized the value of an ODIHR election observation activity for this election. Representatives of state institutions stressed their intention to conduct the electoral process transparently, in line with international standards for democratic elections, and welcomed observation by ODIHR and any potential recommendations to improve the electoral process. Based on the findings of the ODIHR NAM, a number of electoral issues would benefit from specific attention. These include the implementation of electoral legislation, the functioning of the election administration, the conduct of the campaign and respect for fundamental freedoms, media coverage of the elections, and the administration of election day procedures, including the vote count and tabulation of results.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the upcoming early presidential election. In addition to a core team of experts, the ODIHR NAM will request the secondment by OSCE participating States of 30 long-term observers, as well as 280 short-term observers for the observation of election day procedures. In line with the ODIHR's standard methodology, the EOM will include a media monitoring element.

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<sup>35</sup> No formal complaints were filed at any level of the election administration or the courts, before or after election day during the 2018 presidential election.

<sup>36</sup> The UN Human Rights Committee "[Concluding observations on the fourth periodic report of Azerbaijan](#)" (16 November 2016), CCPR/C/AZE/CO/4, in Paragraph 40, the Committee expressed concerns "about restrictive legislation negatively affecting the exercise of freedom of association, including stringent registration requirements for public associations and NGOs, broad grounds for denial of registration and temporary suspension or permanent closure of NGOs, restrictive regulations on grants and donations received by public associations and NGOs, including the ban on foreign funding, and heavy penalties for violations of the relevant legislation".

## **ANNEXE: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Elnur Mammadov, Deputy Minister

### **Presidential Administration**

Habib Mikayilli, Head of Section, Foreign Policy Affairs Department

### **Ministry of Justice**

Ilgar Mammadov, Chairperson, General Department of Services

### **Parliamentary Committee for Legal Policy and State Building**

Ali Huseynli, Chairperson

### **Baku Court of Appeal**

Mubariz Akbarov, Chairperson

### **Central Election Commission**

Mazahir Panahov, Chairperson

Rovzat Gasimov, Deputy Chairperson

Rashid Yusifbayli, Head, International Relations Department

Mikayil Rahimov, Secretary

### **Political Parties**

Ali Kerimli, Chairperson, Azerbaijan Popular Front Party

Sabir Rustamkhanli, Chairman, Civil Solidarity Party

Fazail Ibrahimli, Civil Solidarity Party

Asim Mollazade, Chairman, Democratic Reforms Party of Azerbaijan

Fazil Mustafa, Chairman, Great Creation Party

Arif Hajili, Chairperson, Musavat Party

Razi Nurullayev, Chairman, National Front Party

Gudrat Hasanguliyev, Chairman, National Front of United Azerbaijan Party

Hikmet Mammadov, Member, New Azerbaijan Party

Elshan Musayev, Chairman, Party of Democratic Enlightenment of Azerbaijan

Ilgar Mammadov, Chair, REAL Political Party

Erkin Gadirli MP, REAL Political Party

Tahir Karimli, Chairman, Vahdat Party

### **Media**

Balakishi Gasimov, Head, Director's Council, Public Broadcaster (ITV)

Murad Huseynov, Deputy Director, Public Broadcaster (ITV)

Ismat Sattarov, Chairperson, Audiovisual Council

Ahmad Ismayilov, Executive Director, Media Development Agency

Khadija Ismayilova, Investigative journalist, Editor-in-chief, Toplum TV

Mehman Aliyev, Head, Turan News Agency

Alasgar Mammadli, Media Law Expert

Khalid Aghaliyev, Media Law Expert

### **Civil Society**

Arzu Abdullayeva, Azerbaijan Office of Helsinki Citizens' Assembly,

Novella Jafarova, Society for Protection of Women's Rights  
Saida Gojamanly, Bureau on Human Rights and Rule of Law  
Saadat Bananyarli, Azerbaijan National Group of the International Society of Human Rights  
Mireli Huseynov, Democracy Learning Public Association  
Anar Mammadli, Election Monitoring and Democracy Studies Centre  
Bashir Suleymanli, Institute for Citizens Rights  
Hafiz Hasanov, Law and Development Public Association  
Akif Gurbanov, Institute of Democratic Initiatives

**International Community**

Representatives of embassies of OSCE participating States