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Observation of the early parliamentary elections in Azerbaijan (9 February 2020)

Election observation report
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1. Introduction

1. On 5 December 2019, following the appeal of the parliament to dissolve it, and with the consent of the Constitutional Court, the President of Azerbaijan dissolved the parliament and set early parliamentary elections to be held on 9 February 2020.

2. On 10 December 2019, Mr Ogtay Asadov, Speaker of the Parliament of Azerbaijan (Milli Mejlis) invited the Parliamentary Assembly to observe the early parliamentary elections. On 13 December, the Bureau decided to observe these elections and constituted an ad hoc committee for this purpose composed of 30 members (EPP/CD: 10; SOC: 9; ALDE: 5; EC/DA: 4; UEL: 2 - in accordance with the D'Hondt system), as well as of the co-rapporteurs of the Monitoring Committee and authorised the conduct of a pre-electoral mission. On 27 January 2020, the Bureau took note of the press release of the pre-electoral mission and approved the list of members of the ad hoc committee to observe these elections. On 31 January the Bureau approved the updated list of members of the ad hoc committee to observe these elections (Appendix 1).

3. In accordance with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative from the Venice Commission was invited to join the ad hoc committee as an adviser.

4. A pre-electoral delegation visited Baku on 22 and 23 January 2020. Its programme, statement and composition appear in Appendices 2 and 3.

5. The ad hoc committee (Assembly delegation) was in Azerbaijan from 7 to 10 February 2020. It operated as part of an International Election Observation Mission (IEOM) together with a delegation from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE-PA) and the electoral observation mission of the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ ODIHR EOM). The programme of the delegation's meetings is set out in Appendix 4.

6. On polling day, the Assembly delegation split into 14 teams which observed the elections in Baku and the surrounding area, as well as in Guba, Kachmaz, Sheki, Shamakhy, Sumgayit, Masally, Astara and Lenkeran.

7. The Assembly delegation concluded that despite some appearance of progress in the preparation for the elections, the widespread violations of counting procedures raised serious concerns about the results of the voting in general. It reminded that, in contradiction to the judgements of the European Court of Human Rights and repeated requests from the Council of Europe in the cases of *Ilgar Mammadov and others*, a number of potential candidates were prevented from running.

8. The press release by the IEOM is set out in Appendix 5.

9. The ad hoc committee wishes to thank the heads and members of the parliamentary delegation of the OSCE-PA and of the OSCE/ODIHR EOM for their excellent co-operation within the IEOM. It also wishes to thank the Council of Europe Office in Baku for the cooperation and support.

2. Political context

10. On 5 December 2019, following the appeal of the parliament, and with the consent of the Constitutional Court, the president dissolved the parliament and set early parliamentary elections to be held on 9 February 2020 (the regular term was 1 November 2020). In its appeal to the president, the parliament justified the call for early elections by the need to harmonise legislative work with the pace of economic, judicial and social reforms set by the president. The elections took place within a political environment dominated by the ruling New Azerbaijan Party (YAP), which holds a majority of 65 seats in the outgoing parliament. Parties that formally constituted the parliamentary opposition but largely supported YAP hold 12 seats, while 38 seats are held by members elected as independent candidates, who typically have also voted in line with the ruling party.

11. All 12 parties represented in the outgoing parliament contested these elections in addition to a further 7 parties.

12. The authorities positioned these elections as a chance for new people to enter the political arena, but some political parties maintained that the mandates would just be reallocated among current ruling elites (almost 70% of outgoing MPs contested the elections). Over the course of the past few years and most recently, several long-standing senior executives within the presidential administration and the cabinet of ministers have been replaced or moved to different positions.

13. The Assembly delegation was informed by different interlocutors that while the authorities stated that there is a political will to organise elections in a free and fair atmosphere, serious concerns have been expressed regarding respect of fundamental rights and freedoms in Azerbaijan. There were reports of systematic harassment and criminal prosecution of some of those who express views that are critical of the government. Some opposition parties, including those gathered around the National Council of Democratic Forces (NCDF), boycotted the elections due to the restrictive environment, in particular related to access to media, and restrictions on freedom of assembly during the campaign. The last authorised political rally was held in Baku in January 2019. On the event of the unauthorised rally of the opposition on 19 October 2019 in Baku, authorities used physical force to disperse it, arresting many activists and opposition leaders.

14. With few exceptions, women are under-represented in public and political life, holding 20 seats in the outgoing parliament (16%), 2 out of 15 posts of a chairperson of State committees, and no ministerial posts. Out of 55 registered political parties none is headed by a woman. Concerns about women's political participation have been raised by the UN Committee on the Elimination of Discrimination against Women (CEDAW).

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

3. Legal framework and electoral system

16. The ad hoc committee recalls that Azerbaijan signed and ratified the European Convention on Human Rights and its Additional Protocol, which enshrine a number of principles crucial for an effective and meaningful democracy, such as the right to free elections (Article 3 of the Additional Protocol), freedom of expression, freedom of assembly and association, as well as prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

17. Members of parliament are elected by a one-round simple majority system in 125 single-mandate constituencies for a five-year term. Following international good practice, the Election Code stipulates that the number of voters registered in each constituency should not deviate by more than 5% and in exceptional circumstances by not more than 10% from the average number of voters per constituency. However, deviations exceeding these limits currently occur in 75 of the constituencies. This undermines the equality of the vote.

18. Parliamentary elections are primarily regulated by the Constitution (last amended in 2016), and the Election Code (amended 21 times since its adoption, most recently in February 2019). Although the Constitution provides for fundamental rights and freedoms, including the freedoms of assembly, expression, association, and access to information, as well as the right to take part in the political life, these rights and freedoms remain severely limited by the legal framework and its implementation.

19. The Election Code is detailed but at times repetitive and lacks clarity on several issues, including on media coverage of elections, campaign finance and complaints. In addition, supplementary legislation, such as CEC acts, in many cases does not further elaborate on provisions contained in the law. Revisions to the Election Code in 2018 and 2019 were of a technical nature. Many long-standing recommendations of the Venice Commission and the ODIHR, including those related to freedoms of assembly and expression, independence and impartiality of the election administration, campaign finance, media environment, and candidate registration, remain unaddressed.

20. Azerbaijan being party to major international and regional instruments related to the holding of democratic elections, including the European Convention on Human Rights (ECHR), is obliged to execute the judgments of the European Court of Human Rights (ECtHR). However, Azerbaijan has executed only 37 out of 225 decisions adopted by the ECtHR. Violations of the right to free elections have occurred in 23 cases, for which none of the judgments is executed.

4. Election administration

21. The elections were administered by the CEC, 125 Constituency Election Commissions (ConECs) and 5 573 Precinct Election Commissions (PECs), with 18, 9 and 6 commission members respectively. The CEC made the necessary arrangements to facilitate the exercise of voting rights for IDPs from territories affected by the ongoing conflict with Armenia. Voting did not take place in the entirety of 7 and in parts of 3 out of 125 constituencies. Polling stations within constituencies not under or only partially under government control have since 1993 been relocated to constituencies across the country where IDPs reside, and 14 ConECs with 523 polling stations served them. Additionally, 131 polling stations were established in military units in exceptional cases and in prisons and detention centres.

22. All election commissions are permanent bodies appointed for a five-year term, with the current composition established in 2016. CEC members are elected by parliament, ConECs are appointed by the CEC, and PECs by the respective ConECs. Three out of 17 CEC members are women, including one of two CEC secretaries. According to the CEC, at the ConEC and PEC levels 17 and 37% of members respectively were women who chair 2 and 25% of the total number of corresponding commissions.

23. By law, the composition of all election commissions reflects the representation of political forces in the parliament: three equal quotas are reserved for members nominated by the parliamentary majority, the parliamentary minority (defined as the other political parties represented in the parliament), and independent MPs. Given that there is no genuine political differentiation between the three groups in the parliament, as

evidenced by the voting patterns, the formula for nominating commissioners does not in practice safeguard an impartial and independent election administration, as noted by case law of the ECtHR. Moreover, chairpersons of all commissions are, by law, nominees of the parliamentary majority. Parties and blocs of parties that registered candidates in more than 60 constituencies may appoint a member with consultative rights to each commission. For these elections, only YAP fielded members with consultative voting rights in election commissions at all levels. A number of candidates noted that the election administration lacked independence and impartiality, particularly at the lower levels.

24. Overall, the election administration at all levels was well resourced and administrated the elections mostly within legal deadlines despite the short timeframe. The CEC held regular sessions open to accredited observers and media. Sessions were well attended by media, international observers and a YAP representative. During the sessions observed, most commission members engaged in discussions which featured concurring opinions. Decisions were in general adopted unanimously. In addition to relevant instructions and regulations of 2010 and 2015, the CEC adopted eight instructions and regulations for these elections as well as over 90 decisions which were published in a timely manner. Additionally, the CEC website was regularly updated with information on the activities of the commission. However, the CEC's approach to publishing data was not consistent.

25. The reform of the composition of the electoral administration remains unaddressed, despite recurrent recommendations from the Venice Commission and OSCE/ODIHR. Indeed, both institutions repeatedly recommended that the system of electoral administration should be revised to ensure that the election commissions are not dominated by pro-government party members. Their composition therefore still lacks independence and impartiality. Reforming their composition would assure public confidence in the electoral administration and in particular confidence of political parties competing. This key issue about the formula for composition of the CEC and of territorial election commissions has not been addressed in the amendments to the Election Code.

26. Most ConECs held sessions on an ad hoc basis which did not allow for continuity in observation of their decision making. ConECs visited by ODIHR EOM continued to publish decisions on noticeboards and some general information related to their work was posted on the CEC website.

27. The CEC informed international observation delegations that it produced manuals and videos for election commissions and conducted cascade trainings for members of ConECs and PECs on election day procedures. The CEC also undertook trainings for ConECs on electoral dispute resolution, and also trained the police and employees of institutions in charge of overseeing the vote in prisons and military units. While CEC trainings for ConECs and executive authorities were informative, practically oriented, interactive and well attended, trainings for PEC members appeared to be optional, and at times poorly attended. In general, PEC trainings did not have a consistent set of topics covered and only some of the trainings were interactive. The CEC conducted a voter information campaign that included posters and video spots aired on public and State broadcasters in the pre-election period.

28. The authorities remained committed to facilitating voting by persons with disabilities. The CEC provided a Braille kit for visually impaired voters and installed ramps at polling stations where persons with physical disabilities were registered to vote. In line with the previous practice and with a view to increase transparency, 1,000 web-cameras were installed in pre-selected polling stations throughout the country. Voting and the vote count were streamed from pre-selected polling stations.

5. Voter lists and candidate registration

29. By law, citizens of 18 years of age or older by election day are eligible to vote, unless deprived of their legal capacity by a court decision. The blanket denial of voting rights of persons recognised by a court as incapacitated on grounds of intellectual or psychosocial disability is at odds with international obligations and standards.

30. Stateless persons who have resided in Azerbaijan for at least the last five years have the right to vote.

31. There is no out of country voting in parliamentary elections.

32. Voter lists are drawn from the integrated nationwide voter register maintained by the CEC. PECs provide an update of the lists to the CEC through ConECs annually by 30 May. The lists are again updated at least 25 days prior to election day. The CEC and ConECs maintained the practice of obtaining monthly updates on

citizens' data from various local branches of executive authorities. While this practice contributes to the accuracy of the voter register, it is not elaborated in the existing regulations, which limits accountability and transparency of this process.

33. Voters were given ample opportunity to verify and request corrections of their registration and query other voters' data. Preliminary extracts of voter lists were available for public review at polling stations and ConECs, on the CEC website and through its hotline, between 5 and 15 January. Between the two updates, the number of voters increased by 25 098. Until 6 February, over 1 700 of printed deregistration voting certificates were issued to voters to grant them the possibility to vote at any precinct within the constituency where they are registered. The number of registered voters as of 15 January was some 5 238 000 of whom 340,689 are IDPs. The CEC printed 5 387 600 ballots.

34. Following the update, voters residing in the constituency can be added by PECs to a supplementary voter list upon presenting a proof of residency, including on the election day. Although inclusive, voter registration by PECs on election day is at odds with Council of Europe Venice Commission's standards.

35. According to different interlocutors of the Assembly delegation, a long-standing 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, with the latter being almost two million higher, and lack of public information to explain this difference creates mistrust in the accuracy of the voter register.

36. The right to stand for parliament is granted to eligible voters, without dual citizenship or obligations before other States and without prior conviction for a serious crime. Four political and civil society activists were denied nomination due to previous convictions and a non-expunged criminal record, despite the rulings of the ECtHR. The Committee of Ministers has regularly urged Azerbaijan to revoke the convictions and delete the criminal records of eight applicants before the ECtHR known collectively as the "Ilgar Mammadov group"; however, on 6 January 2020, the government maintained its non-execution of the ECtHR decision.

37. Candidates can be self-nominated or nominated by a registered political party, a coalition of parties, or a group of voters. To be nominated, each candidate had to submit their notification and nominating party documents to the respective ConEC, including endorsement by at least 450 supporting signatures of voters, declarations on income and property, and their first campaign finance report. In line with the international good practice a voter can sign in support of more than one candidate in the constituency where the former resides.

38. ConECs had five days to examine the documents and certify nominations and seven days to check the accuracy of declarations, verify signatures and decide on the registration of a candidate. The two-step process of candidate registration was handled by ConECs with the CEC's working group participating in the verification of signatures only upon a candidate's appeal against a ConEC's decision to deny registration. While IEOM interlocutors described the candidate registration process as accessible overall, several candidates experienced discriminatory treatment by ConECs as illustrated by delays in processing their documentation, which, in turn, had a negative impact on their campaign preparations.

39. Candidate registration took place from 5 December until 10 January. Nomination status was granted to the vast majority of those who had applied for it. The majority of nominated candidates and their representatives were invited to the sessions of ConECs where their registration was discussed and decided upon. The property and income declarations as a requirement to qualify for registration appeared to be prioritised over signature requirement. Out of 794 prospective candidates (33% of those who applied for nomination and subsequent registration), 35 challenged the ConECs' decisions not to register them, to the CEC (See Complaint and Appeals). A total of 1 637 candidates were registered.

40. By law, candidates can withdraw their participation up until 10 days prior to election day. After 323 (20%) withdrawals, and three cancellations of registration, 1 314 candidates contested the elections. Of them, 1 057 (80%) were self-nominated, 246 were candidates nominated by 19 political parties and 11 by a voter initiative group. A total of 80 current MPs (close to 70%) sought re-election. Several IEOM interlocutors questioned the genuine intention of some candidates to participate. Over half of withdrawals came from self-nominated candidates who are public sector workers. ConECs and some of those candidates who withdrew informed the Assembly's delegation that reasons for withdrawals included agreements made between parties, a lack of finances, financial incentives and pressure by authorities at the local level, the latter being contrary to the ECtHR case-law.

41. The Election Code provides that if a candidate who indicated a political party affiliation has been excluded from the party, then the party name may not be used by the candidate. Musavat informed the ODIHR EOM that it strategically nominated candidates through the party but also encouraged self-nominations. YAP requested self-nominated candidates affiliated to the party to withdraw their candidacy or face expulsion. Of

the total number of 323 withdrawals, 250 were made upon request from the YAP. In addition, the ConECs, upon the YAP's request, removed the party affiliation of 24 candidates and instructed PECs to manually cross out the affiliation of those self-nominated candidates on the ballot paper.

42. Of the candidates who contested the elections, 21% were women. There are no legal requirements to promote women candidates and a gender equality programme has not been developed to date.

6. Election campaign, funding and the media

43. The official campaign period commenced on 17 January and lasted for 22 days. Despite a high number of candidates, the campaign was largely indiscernible as a result of a politically controlled environment, and the ruling party was the most visible. Overall the campaign was devoid of political engagement that is essential to a competitive campaign environment in which voters are provided with a genuine choice.

44. Fundamental freedoms of assembly, association, and movement are guaranteed by the Constitution, but restricted by the legislation. The Election Code regulates that political parties and candidates must submit a request to the relevant ConEC specifying the venue and the time slot for campaign events. The holding of an event in a non-designated venue is regulated by the Law on Freedom of Assembly. Accordingly, a notification must be sent to the local authorities at least five days before the event. While the legislation prescribes advance notification of a peaceful assembly, in practice a permission is required.

45. As required by law, 136 outdoor and 136 indoor venues were designated by the CEC based on the recommendations of the local authorities and in co-operation with the ConECs. Several contestants complained about the limited number of indoor venues and also noted that some were small and difficult to reach. Although in some areas venues were fully booked, this was not reflected in the actual number of rallies and/or campaign meetings held. The approach adopted by ConECs regarding the organisation of meetings outside of designated venues, including in courtyards and parks, was not consistent.

46. During campaign events observed, local community issues and candidates' personalities took primacy over broader party platforms and policies. Campaign messages by YAP candidates focused on the continuation of reforms and importance of engaging youth in public life, endorsing the programme of the president in their events, while other candidates appealed for systemic change, better opportunities for youth and a decrease of monopolies in the economy. Some of the independent candidates also promoted the president's programme. One block focused its campaign exclusively on promoting turnout in order to address what they described as general apathy among the electorate. Political forces that decided to boycott the elections actively disseminated campaign materials containing the names of candidates whom they believed would enter the new parliament. The composition of the new parliament was, according to them, a foregone conclusion. The IEOM received credible information and directly observed pressure, including on State employees, to attend rallies or not to leave the venue. In the last days of the campaign Musavat, REAL-supported candidates and independent candidates informed that they were summoned to the police stations and warned against organising protests on election day and after. Two candidates were warned against committing electoral fraud.

47. Due to limited opportunities for assembly and lack of access to traditional media, many candidates campaigned through Facebook, including paid services, and other social media platforms. Visual materials like photos and videos were widely used, including to document violations of the campaign regulations. There were indications of campaigning against other candidates, and pro-government bots and trolls were active in comment sections. Other campaign tools were door-to-door canvassing, leaflets and posters.

48. There is no public funding of electoral campaigns, which, in view of a number of IEOM interlocutors, negatively affects a level playing field for all electoral contestants. The legal framework for campaign finance is generally in place but many key provisions including on donations, oversight and sanctions are not implemented, thereby limiting transparency and the effectiveness of campaign finance system.

49. Each candidate can spend a maximum of AZN 500 000 (some EUR 265 000). Candidates can fund their campaigns from their own resources and donations from individuals and legal entities. Foreign, State, charitable and anonymous donations, as well as in-kind donations, are prohibited. Supporters can work for candidates free of charge and this practice was widely used. All candidates opened dedicated bank accounts at the State-owned International Bank of Azerbaijan, as determined by the CEC, for all campaign related transactions. Parties can use up to AZN 150 000 of their own finances to fund their nominees. YAP, having registered candidates in more than 60 constituencies, formed a unified campaign fund. The Election Code is unclear on the maximum permitted amount that a party can contribute to each candidate in cases of a unified account.

50. The Election Code stipulates that candidates must report to the ConEC on their campaign finance on three occasions. Reports should be posted on the respective commission board within five days of receiving the report. If figures reported are above a certain amount, they must also be published in the local media. The law is unclear as to whether this obligation rests with the media or with the ConEC. The International Bank of Azerbaijan is required to provide the relevant ConEC with a weekly update of individual candidates' accounts. As of ten days before election day, information must be provided at least every three days and ConECs are obliged to provide the media with information on amounts received and spent by the candidates on a bi-weekly basis. Reports submitted by candidates were for the most part posted on ConECs boards but the fields pertaining to donations and expenditures were mostly left blank. In light of the fact that YAP had a unified account, the CEC published on 3 February YAP's second report indicating the total amount of income received. Several ConECs noted that the International Bank of Azerbaijan did not provide them with the relevant information.

51. Violation of campaign finance regulations, including non-submission and non-publication of reports, may result in financial penalties. The IEOM received multiple reports both from ConECs and candidates, that some candidates received cash donations, thereby circumventing the law and the oversight mechanism. Some interlocutors noted that potential benefactors refrained from donating, in particular to the opposition, for fear of reprisals.

52. The CEC and ConECs oversee campaign finance via the control and audit services created within each commission. However, the law does not require them to pro-actively conduct an audit, undermining the effectiveness of oversight.

53. While the Constitution guarantees freedom of expression, the right of access to information, and prohibits censorship, these rights are severely restricted by primary legislation. Slander and public insult, including in social networks, are criminal offences and are punishable by up to three years of imprisonment, or up to five years if targeting the president.

54. According to a number of the Assembly delegation interlocutors, State-affiliated media enjoy free access to information while independent journalists do not. Interlocutors noted that official information has been withheld even in instances when a court has ruled in favour of a journalist's right to such information. Furthermore, both journalists and bloggers are subject to arbitrary arrests and detentions and charged for crimes that are seemingly unrelated to their professional activities but are viewed as retaliation for reporting that is critical of the government.

55. The National Television and Radio Council (NTRC) oversees broadcast media and is empowered to grant and withdraw broadcasting licenses. Despite the law providing for a public funding mechanism, the public ITV is funded from the State budget which potentially undermines the editorial independence of the channel. Several interlocutors informed about harassment of advertisers who sponsor private media. The NTRC informed that some private broadcasters face closure due to financial unsustainability and accumulated debts. Traditional media outlets are often dependent on State funding. The presidential State Support Fund for Mass Media Development funds 25 print media monthly. Nevertheless, the circulation of the most popular newspapers is not higher than 8 000 copies per day. The Ministry of Transportation, Communications and High Technologies is entitled to provisionally block websites based on their content before a court decision.

56. Due to persecution of journalists and bloggers, most of the websites critical of the authorities and pages in social media platforms are managed from abroad.

57. The combined effect of all these factors severely limits pluralism in public discourse. In spite of the fact that television remains the most accessible media across the country, many interlocutors opined that it is mostly a source of entertainment, while social media platforms are used for seeking alternative political information, particularly during the pre-election campaign period.

58. The Election Code provides for the allocation of free airtime in the public broadcaster and of space in the print media during the official campaign period only for those parties with candidates registered in more than 60 constituencies. For these elections, only YAP qualified for free airtime and space in newspapers with national coverage. On 17 January, YAP announced that it does not intend to use free airtime. While contestants could also buy time for paid political advertising, the ITV was the only broadcaster which offered this opportunity. Many IEOM interlocutors raised concerns over the excessive cost of political advertising during the campaign and noted that they would campaign through social media platforms. A Media Group under the auspices of the CEC was tasked to oversee the campaign coverage and to resolve media-related issues during the campaign.

59. No campaign events or public gatherings were covered in any of the monitored national or regional broadcasters. Instead, the media outlets monitored, including their respective pages on social media platforms, focused on the activities of the CEC. Specifically, the CEC received between 7 and 20% of coverage in the monitored national TV channels, and between 1 and 6% in most regional ones.

60. Coverage of the activities of the president, who is not a candidate, and of the government dominated the media during the election campaign predominantly in positive tone. The monitored national TV channels dedicated between 74 and 83% of their news coverage, and regional channels between 23 and 76%, to the president and government. In stark contrast, no candidates and political parties received any relevant coverage in political news on TV. Iki Sahil newspaper dedicated 42% of its space during the campaign period to candidates, nominated by the YAP party. Online news agencies extensively covered activities of the YAP, but most materials were not clearly marked as paid for.

61. Overall, traditional media failed to provide voters with information on contestants and their platforms and the public was deprived of a genuine political debate. This compromised voters' ability to make an informed choice. In online content, about a third of the election-related coverage by the news agency APA was marked as paid, and most of the rest was dedicated to the CEC. Some online media outlets made an effort to organise debates, but the participation was limited. Media outlets on YouTube widely covered the activities of a number of the candidates.

7. Complaints and appeals

62. According to the law, complaints and appeals can be filed by voters, candidates, political parties and blocs, their representatives, as well as by observers and election commissions. Actions and decisions of election commissions that violate electoral rights can be challenged at the higher election commission. Decisions of election commissions upon complaints, as well as decisions and actions of the CEC, can be appealed to the courts of appeal. Decisions of the courts of appeal can be further challenged to the Supreme Court.

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

64. The CEC considered 38 complaints which challenged ConEC decisions on candidate registration. In three cases ConECs did not approve the nomination of prospective candidates based on past convictions. In the cases "*Rasul Jafarov v. Azerbaijan*" and "*Rashad Hasanov and others v. Azerbaijan*" the ECtHR found violations of Article 18 in conjunction with Article 5 of the ECHR. Azerbaijan was required to eliminate the negative consequences of the imposition of the charges which the Court found to be abusive and to quash their convictions. A total of 31 complaints challenged the non-registration of candidates, 17 of which were rejected, 9 upheld, 4 partially upheld and 1 withdrawn, that resulted in registration of 9 candidates. 8 out of ten appeals to the CEC against ConEC decisions on signature lists were satisfied. Conversely, the CEC upheld 12 of 15 ConEC decisions which denied registration on the basis of incorrect or incomplete disclosure of property ownership.

65. During the campaign period 18 complaints were received by the CEC and some 43 by ConECs mostly on vote buying, interference in the campaign and misuse of State resources. The CEC issued warnings to several candidates but no protocols on administrative violations were initiated.

66. A total of 23 appeals were submitted to the Baku Court of Appeal and regional courts and 18 further to the Supreme Court. None of the 41 appeals were satisfied. Courts did not challenge the CEC's interpretation but focused on technical and procedural aspects.

67. Transparency of the adjudication process was generally ensured and the CEC published on its website the decisions and opinions of experts. However, during court hearings several complainants stated that they were not invited to the CEC session when their complaint or the one against them were under consideration. Decisions of the CEC did not always reflect or provide a response to the issues raised in the complaint. In addition, decisions did not indicate the further remedy available.

68. Adjudication deadlines were generally respected. In at least 15 cases, the appeal process was ongoing by the start of the campaign due to the overlapping timelines between the adjudication of registration related complaints and the start of the campaign, undermining the principle of effective and timely remedy.

69. There was a limited number of complaints submitted to the regional prosecutor offices. The office of the prosecutor informed that it requests the opinion of the CEC on election related complaints prior to taking any action. This practice is not prescribed in the law.

8. Citizen and international observers

70. The Election Code provides for citizen and international election observation. Citizens can register to observe individually, or as representatives of non-governmental organisations working in the field of elections or as representatives of candidates and political parties. Of 89 676 domestic observers accredited by the CEC and ConECs, over 62% were representative of contestants, 34% were individual observers and only 4% were nominated by non-governmental organizations. A total of 883 international observers were accredited by the CEC.

71. While accredited observers have the right to observe the implementation of all election related activities, including sessions of election commissions, prior to and on election day, citizen observers can observe commissions' sessions only if they seek permission from the CEC.

72. Legal provisions related to foreign funding limit the possibility of civil-society organisations to function, train and deploy observers. Some civil society organisations, including the Election Monitoring and Democracy Studies Center, the Institute for Democratic Initiatives, and the Association for Civil Society Development in Azerbaijan, conducted long-term and short-term observation and several other thus without legal status. Volunteers of both organisations were therefore accredited as individual observers.

73. A considerable number of IEOM interlocutors raised concerns about the political affiliation or lack of independence of some citizen observer groups.

74. The CEC determined that the three organisations which held exit-polls in the last parliamentary and presidential elections as well as in the 2016 referendum, continue to meet the requirements and accredited them along with two other organisations, one for the first time, to conduct exit polls for these elections.

9. Election day

75. The opening of polling stations was assessed by IEOM observers negatively in 19 out of 116 observations. This was primarily due to procedural shortcomings, such as omitting to count and record the number of ballots received (35 and 52 observations, respectively) or to record the serial numbers of ballot box seals (37 cases).

76. The voting process was assessed negatively in 7% of 1 296 polling stations observed, a statistically high figure which is indicative of serious procedural shortcomings. Voters were often not consistently inked (9% of observations) or checked for traces of ink (13%), which are important safeguards against multiple voting. Ballot box stuffing or indications of it were reported from 16 polling stations. Additionally, group voting was observed in 5% and violations of secrecy in 4% of polling stations observed. Overcrowding was noted as a problem in 8% of polling stations observed.

77. In 7% of observed polling stations, not all phases of the voting process were visible to observers, thereby reducing the transparency of the process. In about a quarter of observations IEOM observers noted that those accredited as citizen observers de facto represented the interests of parties or candidates, at times interfering in the process. Tension inside the polling stations was often caused by disagreements between PEC members and citizen observers. In 39 cases, PECs were not fully co-operative with observers and in 6 cases party or candidate representatives or citizen observers were expelled from polling stations. Unauthorised persons, including police, security and military personnel, as well as State officials, were noted in 44 polling stations observed.

78. The vote count was assessed negatively in 66 of 113 observations, mostly due to a blatant disregard of important reconciliation procedures both before and after opening the ballot boxes. Procedural errors or omissions were noted in 65 of counts observed. Important numerical cross checks intended to safeguard against manipulations during the count were not carried out. Specifically, cross checks were bypassed and figures were not recorded in the draft protocol in 63 and 69 cases respectively. In 51 cases, PECs did not count the number of signatures in the voter lists, which eliminated a safeguard against manipulation during the count.

79. Following the opening of the ballot boxes, IEOM observers noted indications of ballot box stuffing, including clumps or stacks of ballots, in 14 cases. In an additional 7 cases the number of ballots in the ballot box was higher than the number of voters who had voted, but the counts went on. The number of ballots in the ballot box was not recorded in the draft protocol in 49 of 113 vote counts. In addition, in 15 cases, IEOM observers noted evidence of deliberate falsification of voter list entries, results, or protocols.

80. In 42 observations, not all observers at the polling station had a clear view of the counting process. In 48 cases, observers were not able to clearly see voters' marks on ballots and results were not announced before being entered in the draft protocol in 50 out of 113 observations. A copy of the protocol was not posted at the polling station in over half (65) of the polling stations observed. In approximately one quarter of observations, IEOM observers were restricted in their observation. All this diminished transparency of the counting process.

81. The start of the tabulation process was delayed in a number of constituencies due to the data entry system not working. The process was assessed negatively in 22 of 109 observations mainly due to the poor organisation of receipt of protocols and other materials, and in some instances because of limited understanding of the tabulation procedures by ConEC members. In 24 cases, the lack of space and inadequate conditions negatively affected the process.

82. In 47 cases, not everyone present had a clear view of procedures or was able to observe without impediments, due to the strictly designated seating areas for the observers which limited transparency of the process. Except for 17 cases, those entitled to receive copies of the electronic PEC result protocols did so. IEOM observers reported that ConEC chairpersons failed to announce entries in the computer in 48 cases, and in 22 cases PEC chairpersons did not sign the three printouts of the protocol. In 17 ConECs PEC members either changed protocol figures or filled out their protocols, in violation of the law. Citizen observers and candidate or party observers were present in one third of ConECs observed.

83. The CEC announced the turnout regularly four times on election day and the final turnout set at 47.81% was announced at midnight, five hours after the close of the polling stations.

10. Conclusions and recommendations

84. The Assembly observation delegation concluded that, despite some appearance of progress in the preparation for the elections, the widespread violations of counting procedures raised serious concerns about the results of the voting in general.

85. As for the electoral legal framework, the elections are primarily regulated by the Constitution and the Election Code. Many long-standing recommendations on election-related legislation by the Venice Commission, including those related to fundamental freedoms, the media environment and candidate registration have yet to be addressed. The ECtHR has ruled on 23 cases of violations of the right to free elections. None of the rulings has been executed, including with regard to the case of *Ilgar Mammadov and others*, preventing some opposition candidates from running.

86. The delegation noted a high number of candidates, nevertheless, the restrictive legislation and political environment prevented genuine competition in the 9 February 2020 early parliamentary elections in Azerbaijan. Some prospective candidates were denied the right to stand. Voters were not provided with a meaningful choice due to a lack of real political discussion. The candidate registration process was overall inclusive. Of the candidates who contested the elections, 21% were women. There are no legal requirements to promote women candidates. Most candidates did not present programmes or views alternative to the ruling party's policies. Overall the campaign was devoid of political engagement that is essential to a competitive campaign environment in which voters have a genuine choice. Activities of electoral contestants increased in the week preceding election day but the campaign remained low key and failed to attract public attention. Instances of pressure on voters, candidates and their representatives were observed.

87. Given that there is no genuine political differentiation between the three groups in the parliament that nominate the commissioners, the formula for nominating members of election commissions at all levels does not in practice safeguard an impartial and independent election administration. On a positive note, the election administration at all levels was well resourced and met most of the legal deadlines despite the short timeframe. The sessions of the CEC were open to accredited observers and the media. Decisions were in general adopted unanimously and posted on the CEC website in a timely manner enhancing transparency.

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

89. The legal framework for campaign finance is generally in place but many key provisions including on donations, oversight and sanctions were not implemented, thereby limiting transparency and the effectiveness of the campaign finance system. Reports submitted by candidates were for the most part posted on the boards of ConECs but in most instances information on donations and expenditures was not provided. Many previous recommendations from international organisations have not been implemented.

90. In spite of constitutional guarantees of freedom of expression and the right of access to information, these are severely curtailed by primary legislation. Traditional media failed to impart voters with information on contestants and their platforms and campaign events were not covered by the broadcasters, while the president received extensive coverage. Election-related news coverage was reduced to reports about the activities of the CEC. In contrast, social media platforms provided alternative political information. Still, the public was deprived of a genuine political debate. Many candidates used social media to reach out to the voters, but this did not compensate the absence of campaign coverage in traditional media. On election day, voting was assessed negatively in 7% of the polling stations observed, a statistically high figure which is indicative of serious procedural shortcomings. Observers reported cases of ballot box stuffing and group voting. The vote count was assessed negatively in more than half of the reports, mostly due to a blatant disregard of important reconciliation procedures and limited transparency.

91. Assembly teams which visited polling stations noticed in particular a low turnout and a high number of irregularities during the counting (voters lists were not made available, the protocols were not provided, the counting process was not transparent, it was done extremely hastily and in some cases it appeared to be a formality carried out to officialise results which had been established in advance, the observers were restricted – even after specific demands - from actually see the marks on the ballots, etc.).

92. As a conclusion, during these early parliamentary elections more candidates were able to present their candidatures, but in the end it seems that they were allowed to run but not to win. It is necessary to stress that, in contradiction to the judgments of the ECtHR, and despite repeated requests from the Council of Europe in the case of *Ilgar Mammadov and others*, a number of prospective opposition candidates were prevented from running.

93. The Council of Europe asked Azerbaijan to release Mr Ilgar Mammadov, who spent over five years in prison, and to quash his conviction. What Azerbaijan did was to release him without quashing his conviction, which prevented him from running.

94. The Assembly delegation urges Azerbaijan to implement the judgments of the ECtHR and the long-standing recommendations of the Parliamentary Assembly, the Venice Commission, GRECO and other bodies of the Council of Europe, which all stand ready to work together with Azerbaijan.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly:

Chairperson: Mr Frank SCHWABE, Germany (SOC)

Group of the European People's Party (EPP/CD)

– Mr Viorel Riceard BADEA, Romania
– Ms Alina Ștefania GORGHIU, Romania
– Mr Raivo TAMM, Estonia *

Socialists, Democrats and Greens Group (SOC)

– Mr Frank SCHWABE, Germany
– Mr Pierre-Alain FRIDEZ, Switzerland
– Ms Petra BAYR, Austria
– Ms Edite ESTRELA, Portugal
– Ms Thorhildur Sunna ÆVARSDÓTTIR, Iceland
– Mr Kimmo KILJUNEN, Finland
– Mr Roberto RAMPI, Italy
– Mr Christophe LACROIX, Belgium
– Ms Maryvonne BLONDIN, France

Alliance of Liberals and Democrats for Europe (ALDE)

– Mr Alfred HEER, Switzerland *
– Mr Bernard CAZEAU, France
– Mr Jacques LE NAY, France
– Mr Zeki Hakan SIDALI, Turkey

European Conservatives Group and Democratic Alliance (EC/DA)

– Mr Ian LIDDELL-GRAINGER, United Kingdom
– Mr Alberto RIBOLLA, Italy
– Lord Simon RUSSELL, United Kingdom
– Mr Ulrich OEHME, Germany

Group of the Unified European Left (UEL)

– Mr Georgios KATROUGKALOS, Greece *
– Mr Sokratis FAMELLOS, Greece

Co-Rapporteurs AS/MON (ex officio)

– Mr Stefan SCHENNACH, Austria *

Venice Commission

– Mr Oliver KASK, member

– Mr Gaël MARTIN-MICALLEF, Legal advisor, Venice Commission

Secretariat

– Mr Bogdan TORCĂTORIU, Administrative Officer, Election Observation and Interparliamentary Cooperation Division

– Ms Danièle GASTL, Assistant, Election Observation and Interparliamentary Cooperation Division

– Ms Anne GODFREY, Assistant, Election Observation and Interparliamentary Cooperation Division

*Member of the pre-electoral mission

Appendix 2 – Programme of the ad hoc committee during the pre-electoral mission

PRE-ELECTORAL MISSION 21-24 January 2020

Tuesday, 21 January 2020

Arrival of the members of the delegation

Wednesday, 22 January 2020

10:15-11:15 Delegation meeting with the participation of Mr Zoltan Hernyes, Head of the Council of Europe Office in Baku

11:30-12:30 Meeting with members of the diplomatic corps in Baku:
- Austria – Ambassador Alexander Bayerl
- Georgia –Mr. Revaz Sakvarelidze, Deputy Head of Mission
- Germany – First Secretary, Mr. Andreas Hohlt
- Greece - Ms. Foteini Karakatsani, Chargé d'affaires
- Switzerland - Ambassador Muriel Peneveyre
- United Kingdom - Mr. Michael Fenn, Head of Political Section and Vice Consul

14:30-15:45 Meeting with representatives of the civil society (round table):
- Mr. Karim Karimli, Helsinki Citizens Assembly
- Ms. Saadat Benanyarli, International Society for Human Rights
- Mr. Akif Gurbanov, Institute for Democratic Initiatives
- Mr. Mehman Huseynov, Institute for Reporters' Freedom and Safety
- Mr. Tural Agayev, Election Monitoring and Democracy Studies Center

16:00-17:00 Meeting with representatives of the media (round table):
- Mr. Gulu Maharramli, Professor of TV Journalism Department of Baku State University
- Mr. Mehman Aliyev, Turan news agency
- Ms. Vusala Mahirgizi, APA press agency
- Mr. Mushvig Alasgarli, Azerbaijani Press Council, Trade Union of Azerbaijani Journalists
- Mr. Rauf Arifoglu, Editor-in-Chief of "Musavat" newspaper
- Mr. Rashad Majid, Editor-in-Chief of "525-ci qezet' newspaper
- Ms. Aynur Karimova, Press Club, qazeta.az

17:00-18:00 Meeting with:
- Amb. Peter Tejler, Head of the OSCE/ODIHR Election Observation Mission
- Ms. Polyna Lemos, Deputy Head of Mission
- Ms Masa Janjusevic, Election Analyst
- Ms Sasa Pajevic, Political Analyst
- Ms Kira Kalinina, Media Analyst
- Ms Enira Bronitskaya, Legal Analyst
- Mr Valeriu Mija, Security Expert

Thursday, 23 January 2020

09:00-11:30 Meetings with leaders and representatives of parliamentary groups and parties represented in the Milli Mejlis:
- Mme Sevinj Fataliyeva, New Azerbaijan Party
- Mr Fazil Mustafa, Great Creation Party
- Mr Asim Mollazade, Azerbaijan Democratic Enlightenment Party
- Mr Tahir Karimli, Party of Unity
- Mr Guliyev Faraj, National Revival Movement Party

	– Mr Gudrat Hassanguliyev, Popular Front Party of Whole Azerbaijan
11:30-12:30	Meeting with: – Ms Bahar Mouradova, Vice-Chairperson of the Milli Mejlis of the Republic of Azerbaijan, with the participation of the members of delegation of the Milli Mejlis to the PACE: – Ms Sahiba Gafarova – Ms Sevinj Fataliyeva
14:30-15:30	Meeting with Mr Mazahir Panahov, Chairman of the Central Election Commission and members of the CEC
16:00-18:00	Meeting with leaders and representatives of opposition parties non-represented in the Milli Mejlis: – Mr. Ilgar Mammmadov, Real party – Mr Elchin Hagverdiyev, Real Republicans – Ms. Gultakin Hajibeyli, National Council of Democratic Forces - – Mr. Ali Karimli, Popular Front Party – Mr. Arif Hajili, Musavat Party – Mr. Ali Insanov, Law and Justice Party Meeting with representatives of political parties: – Ms Sevinj Fataliyeva, Head of International Relations Department, New Azerbaijan Party – Mr Igbal Agazade, Chair, Umid Party
18:00-19:00	Delegation meeting: discussion of the draft press statement

Friday 24 January 2020

Departure of the members of the delegation

Appendix 3 – Statement by the pre-electoral delegation

General environment not appropriate for democratic elections, says PACE pre-electoral delegation to Azerbaijan

A delegation of the Parliamentary Assembly of the Council of Europe (PACE) was in Baku on 22 and 23 January 2020 to assess the pre-electoral climate of the early parliamentary elections in Azerbaijan, scheduled for 9 February.

Following discussions with various interlocutors, the PACE delegation considered it necessary to stress that there was a lot of room for improvement and that the period of time left until election day should allow at least some improvements to be realised.

The representatives of state institutions welcomed observation of the elections by the PACE delegation and stressed their political will to organise elections transparently, in a free and fair atmosphere. The delegation recalls that an election and its observation do not concern polling day only, but are a process involving several stages, all of which need to be analysed and evaluated in order to assess the entire electoral process.

Some stakeholders expressed serious concerns regarding respect for fundamental rights, especially freedom of expression and freedom of assembly. Some opposition parties informed the delegation that they have decided to boycott the elections due to the restrictive environment.

As for the candidates' registration and their participation in the election, the delegation strongly regrets that some political leaders were prevented from standing in the elections due to non-expunged criminal records, despite rulings of the European Court of Human Rights. It also recalls that in September 2019 the Committee of Ministers of the Council of Europe, examining the execution of judgments in the Ilgar Mammadov group of cases v. Azerbaijan, required Azerbaijan "rapidly to eliminate all the remaining negative consequences of the criminal charges brought against each of the applicants, principally by ensuring that the convictions are quashed and deleted from their criminal records". The PACE delegation considers that the non-enforcement by Azerbaijan of the decisions of the Strasbourg Court calls into question the constitutional right of citizens of the country to participate effectively in the election.

The President of the Central Election Commission informed the delegation about the preparations for the elections. Nevertheless, the delegation took note of the doubts expressed by many interlocutors who echoed the remarks of the Venice Commission and judgements of the European Court of Human Rights concerning the independence and impartiality of the election administration. The delegation recalls that, as mentioned in the last memorandum of the Venice Commission on legal issues concerning the previous parliamentary elections, "the election observation missions of the Parliamentary Assembly of the Council of Europe (PACE) repeatedly insisted on the need for implementation of the Venice Commission's recommendations, in order to bring legislation into conformity with international standards."

Interlocutors stated that, although guaranteed by the Constitution, fundamental freedoms of assembly, association and movement are severely limited by the legal framework and its implementation, pointing to systematic harassment and criminal prosecution of those who express critical views of the government. The delegation heard that freedom of assembly is not respected by the authorities, noting that the last authorised political rally was held in Baku in January 2019. It was informed that authorities used physical force to disperse an unauthorised rally of the opposition on 19 October in Baku, arresting many activists and opposition leaders. PACE considers that all necessary measures must be taken to guarantee the freedom of assembly and expression during the election campaign for all participants.

As for the funding of the election campaign, the PACE delegation recalls that a number of recommendations by GRECO, the Council of Europe's anti-corruption body, to improve campaign finance have not been fully addressed, including in respect of the time period for reporting, harmonisation of party financing laws, the independence of the oversight body, the lack of effective sanctions, and the need for more proactive monitoring of campaign finance.

Freedom of expression and media freedom, as well as the right of access to information, are guaranteed in the Constitution. Nevertheless, defamation remains a criminal offence, also applicable to online content, with a penalty of up to two years in prison. Since 2017, the Ministry of Transportation, Communications and High Technologies has had the right to block websites of media outlets because of their content, without prior court decision. At the moment, according to interlocutors of the PACE delegation, a number of news websites are blocked, and online activists are increasingly exposed to detention and intimidation. The Council of Europe's Commissioner for Human Rights has recently noted that "no progress has been made with regard to protecting freedom of expression in Azerbaijan".

The PACE delegation was in Baku at the invitation of the Speaker of the National Assembly of Azerbaijan, the Milli Mejlis. It met with its Vice-President and members of the delegation of Azerbaijan to PACE, with leaders and representatives of parliamentary groups and parties represented in the Milli Mejlis, with leaders and representatives of extra-parliamentary opposition parties, with the President and members of the Central Election Commission, with representatives of civil society and the media, with the head and members of the OSCE/ODIHR election observation mission, and with diplomats based in Baku.

A 32-member delegation from the Parliamentary Assembly of the Council of Europe will arrive in Azerbaijan prior to the early parliamentary elections to observe the vote.

*Members of the delegation:

Alfred Heer (Switzerland, ALDE), Acting Head of Delegation

Raivo Tamm (Estonia, EPP/CD)

Georgios Katrougkalos (Greece, UEL)

Stefan Schennach (Austria, SOC), monitoring co-rapporteur

Appendix 4 – Programme of the joint briefings

Friday, 7 February 2020

09:00 – 09:55 Internal meeting of the PACE delegation
- Opening by Frank Schwabe, Head of Delegation
- Briefings by Rapporteurs
- Briefing on the early parliamentary elections by Mr Oliver Kask, Venice Commission
- Practical and logistical aspects, deployment plan – Secretariat

JOINT PARLIAMENTARY BRIEFINGS

10:00 – 10:30 Opening by the Heads of Parliamentary Delegations
- Mr Artur Gerasymov (Ukraine), Special Co-ordinator and leader of the short-term OSCE observer mission
- Mr Frank Schwabe (Germany), Head of the CoE PA Delegation
- Ms Elona Hoxha-Gjebrea (Albania), Head of the OSCE PA Delegation

10:30 – 11:30 Meeting with representatives of mass media
- Mr Murad Huseynov, Assistant to the Director, Public TV
- Ms Khadija Ismayilova, Independent Investigative journalist
- Mr Alasgar Mammadli, Media lawyer
- Mr Gulu Maharramli, Professor of TV Journalism Department of Baku State University
- Mr Mehman Aliyev, Director, Turan news agency
- Mr Khalid Kazimli, Representative of “New Musavat” (Yeni Musavat) newspaper

11:30 – 12:30 Meeting with representatives of the civil society
- Mr Mirali Huseynov, Chair, Learning Democracy Public Association
- Mr Hafiz Hasanov, Chair, Law and Development Public Association
- Mr Bashir Suleymanli, Chair, Institute for Citizens Rights
- Mr Karim Karimli, Chair, Helsinki Citizens Assembly
- Mr Akif Gurbanov, Chair, Institute for Democratic Initiatives
- Mr Anar Mammadli, Chair, Election Monitoring and Democracy Studies Center

14:00 – 16:00 Briefing by the ODIHR Election Observation Mission (part 1)

Welcome and Introduction of the ODIHR Election Observation Mission

- Mr Peter Tejler, Head of Mission

Legal Framework, Campaign finance, Complaints and Appeals

- Ms Enira Bronitskaya, Legal Analyst

Election Administration, Observers, Voter Registration and Candidate Registration

- Ms Maša Janjušević, Election Analyst

Political Overview, Contestants and the Election Campaign

- Ms Saša Pajević, Political Analyst

Media

- Ms Kira Kalinina, Media Analyst

Safety and Security Procedures

- Mr Valeriu Mija, Security Expert

16:15 – 17:15 Meeting with representatives of political parties and independent candidate
- Mr Arif Hajili, Chair and Candidate, Musavat Party
- Mr Ilgar Mammadov, Chair, REAL Party
- Mr Elchin Hagverdiyev, Candidate, REAL Republicans' Union
- M. Mehman Huseynov, Independent Candidate
- Mr Ali Karimli, Chair, Popular Front Party
- Ms Gultekin Hajibeyli, Coordinator, National Council of Democratic Forces
- Mr Ali Insanov, Chair, Justice and Development Party

18:15 PACE observers meeting with interpreters and drivers

Saturday, 8 February 2020

10:30 - 11:30 Briefing by the ODIHR Election Observation Mission (part 2)

Election-Day Procedures and Observation Forms
- Ms Maša Janjušević, Election Analyst , STO Reporting
- Mr Robert Bystricky, Statistics Expert

11:30 - 12:30 Meeting with representatives of the Central Election Commission of Azerbaijan
- Mr Mazahir Panahov, Chair
- Mr Rovzat Gasimov, Deputy Chair

12:30 - 13:00 Area specific briefings by the ODIHR Long Term Observers for members observing in Baku and Sumgayit

Introduction of LTOs and presentation of LTO work

- Mr Marcell Nagy, LTO Coordinator

LTO teams 1, 2 and 3 regional briefing

Distribution of regional briefing packs

Sunday, 9 February 2020

All day: observation of voting procedures: opening of polling stations (08:00), voting, closing of polling stations (19:00), counting and tabulation of votes

Monday, 10 February 2020

08:00 – 09:00 Debriefing of the PACE delegation
- Opening by Frank Schwabe, Head of delegation
- Debriefing of election day by teams
- Statistical information from the statistician of the OSCE/ODIHR

15:00 Joint press conference

Appendix 5 – Press release

Despite large number of candidates, Azerbaijan elections lacked genuine competition and choice, international observers say

Strasbourg, 10.02.2020 – The restrictive legislation and political environment prevented genuine competition in Azerbaijan's early parliamentary elections, international observers said in a preliminary statement published today. Although some prospective candidates were denied the right to stand, candidate registration was otherwise inclusive. Despite the large number of candidates, voters were not provided with a meaningful choice, due to a lack of real political discussion, the statement says.

The observation mission, a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE), noted that many candidates used social media to reach out to the voters, but this did not compensate for the absence of campaign coverage in traditional media.

"I regret very much that what could have been improvements did not lead to a competitive environment enabling truly democratic elections. Counting on election day was disappointing. I would have hoped for some real changes. The absence of any serious coverage of the campaign in traditional media and the lack of debate in public and on television are some of the reasons for low public attention," said Artur Gerasymov, Special Co-ordinator and leader of the OSCE short-term observer mission. "I am well aware of the impact the conflict with Armenia has on the organization of the elections in this country and value the efforts made to assure the participation of IDPs in the elections."

The election administration was well resourced and met legal deadlines, and the Central Election Commission (CEC) made concerted efforts to act transparently and was welcoming towards international observers. However, significant procedural violations during the counting and tabulation of votes on election day raised concerns over whether the results were established honestly, the observers said.

Most candidates did not present alternative programmes or views to those of the ruling party, and the campaign, overall, was devoid of the political engagement essential for a competitive race and a genuine choice for voters. Despite constitutional guarantees for freedoms of expression, assembly, association, movement, access to information and the right to take part in political life, these are significantly restricted by primary legislation.

"Despite some appearance of progress in the preparation for the elections, the widespread violations of counting procedures raised serious concerns about the results of the voting in general," said Frank Schwabe (Germany, SOC), Head of the PACE delegation. "In contradiction to the judgements of the European Court of Human Rights and repeated requests from the Council of Europe in the cases of *Ilgar Mammadov and others*, a number of potential candidates were prevented from running."

Many long-standing recommendations by ODIHR and the Council of Europe's Venice Commission, including those related to fundamental freedoms, the media environment and candidate registration, have yet to be addressed. The European Court of Human Rights (ECtHR) has ruled on 23 cases of violations of the right to free elections, although none of the rulings has been implemented, which prevented some potential candidates from running. A total of 1,314 candidates ran, after some 19 per cent of those originally registered withdrew, citing, among other reasons, agreements among parties and pressure exercised by some authorities at the local level.

Traditional media failed to provide voters with information on contestants and their platforms, and campaign events were not covered by the broadcasters. Election-related news coverage was reduced to reports about the activities of the CEC.

"In these elections, unfortunately, we saw a low level of participation of women candidates," said Elona Hoxha-Gjebrea, Head of the OSCE PA delegation. "It is clear to me that greater efforts are needed to promote the participation of women in public and political life, and to increase youth engagement. This could go a long way towards strengthening Azerbaijan's democracy as a whole."

None of the 55 registered political parties is headed by a woman, and only 21 percent of candidates were women. There are no legal requirements to promote women candidates.

More than 89,000 domestic observers were accredited by the CEC and lower commissions. Over 62 per cent were representatives of contestants, 34 per cent were individual observers, and only 4 per cent were nominated by non-governmental organizations. There were considerable concerns raised about the political affiliation or lack of independence of some citizen observer groups. A total of 883 international observers were accredited by the CEC.

“Since arriving here on 6 January, we have enjoyed good co-operation with the Central Election Commission, which made considerable efforts to increase the transparency of their work,” said Ambassador Peter Tejler, Head of the ODIHR election observation mission. “We observed the campaign throughout the country, including the media coverage, and our conclusion is that there was no meaningful discussion and no meaningful choice for voters.”

The international election observation mission comprised 358 observers from 41 countries – 273 ODIHR-deployed experts and observers, 57 parliamentarians and staff from the OSCE PA, and 28 from PACE.