

# G I S D I

Civil Initiative for Free and Democratic Elections

Republic of Azerbaijan

## **Presidential Elections**

11 April 2018

## **INTERIM REPORT**

Baku

29 March 2018

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## ABBREVIATIONS

|         |  |
|---------|--|
| CEC     | Central Election Commission                        |
| ConEC's | Constituency Election Commission/s                 |
| EU      | European Union                                     |
| GISDI   | Civil Initiative for Free and Democratic Elections |
| PEC     | Precinct Election Commission                       |
| PS      | Polling Station                                    |
| VL      | Voting List  |
| STO     | Short Term Observer                                |
| ORF     | Observation Report Form                            |

# GISDI

## Civil Initiative for Free and Democratic Elections

GISDI is the oldest Bulgarian NGO in the field of election observation. It was established in 1990. GISDI is an abbreviation which means Civil Initiative for Free and Democratic Elections. Since 1990 GISDI co-ordinates and organizes the deployment of observation missions in Bulgaria. GISDI has observed the first democratic elections in Bulgaria (June 1990) following international standards in election observation. GISDI also conducted exit poll and quick count for the first time in Bulgaria as instruments of democratization of electoral process and achievement of genuine election results. Up to now GISDI has more than 20 successful domestic election observation missions in national (presidential and parliamentary) and a lot in local elections. GISDI has participated in some international election observation missions. It has been observing elections in Azerbaijan since 2003.

GISDI is fully compliant with the OSCE-ODIHR and other international obligation and standards for free and democratic elections, as well as national legislation. GISDI stands for democratic and fair, free and genuine elections. As a civil organization it works for the benefit of the people in the country which is holding the elections as well as for the benefit of the international community.

GISDI has developed a methodology for election observation, based on the international experience and guidelines in election observation on one hand and on the other – on sociological research methodology. The results of GISDI election observation methodology clearly shows that it provides an in-depth insight into all elements of electoral process as well as concrete recommendations for further improvement and democratization of this process.

Alongside with election observation GISDI has developed a methodology for education and training of election observers – STO, LTO, as well as Core team analysts.

GISDI has a proven expertise in:

- Polling station observation – opening, voting, closing, counting and tabulation;
- Observation of completeness and accuracy of voter list and voter's registration;

- Media monitoring (traditional and social media) in election process;
- Exit Poll and Quick Count;
- Improvement of electoral legislation as well as its practical implementation;
- Methodology and instruments for election observation;
- Voter's education and training of observers.

Further details of GISDI can be found at [www.gisdi.eu](http://www.gisdi.eu)

# GISDI Election Observation Mission

On February 5, 2018, the President of the Republic of Azerbaijan signed an order "*on declaring Early Presidential Elections in the Republic of Azerbaijan*".

The order states that "*The Central Election Commission of the Republic of Azerbaijan shall ensure timing of early Presidential elections in the Republic of Azerbaijan for April 11, 2018 and conduct in accordance with the procedure established by the Election Code of the Republic of Azerbaijan.*"<sup>1</sup>

Following the Order of President of the Republic of Azerbaijan, dated February 5, 2018, the Central Election Commission of the Republic of Azerbaijan (CEC) made a decision on the appointment Early Presidential Elections to 11<sup>th</sup> of April 2018<sup>2</sup>.

The President of the Republic of Azerbaijan is elected for a 7-year term by way of universal, direct and equal suffrage, by free, personal and secret ballot.

According to the Constitution, "*the President of the Republic of Azerbaijan is elected by a majority of half of the votes. If required majority has not achieved in the first round of voting, then second round will be held on second Sunday after the first round. Only two candidates who gained more votes than others in the first round, or two candidates following closely the first ones, should they recall their candidatures, will take part in the second round of elections*".<sup>3</sup>

The state of Azerbaijan is a democratic, law-governed, secular, unitary republic. Legislative power shall be exercised by the Milli Majlis, executive power shall be vested in the President of the Republic of Azerbaijan, judicial power shall be exercised by the courts of the Republic of Azerbaijan.

The President of the Republic is the Head of the state of Azerbaijan and represents the state of Azerbaijan both within the country and in its foreign relations, according to the Constitution<sup>4</sup>.

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<sup>1</sup> <http://www.msk.gov.az/az/serencamlar/952/>

<sup>2</sup> [http://www.msk.gov.az/plugins/pdf/datafiles/en\\_FILE\\_95DEAA-584F27-BF4E2D-0A34F9-BAF082-A930CA.pdf](http://www.msk.gov.az/plugins/pdf/datafiles/en_FILE_95DEAA-584F27-BF4E2D-0A34F9-BAF082-A930CA.pdf)

<sup>3</sup> <http://meclis.gov.az/?/az/topcontent/2>

<sup>4</sup> Constitution of Republic of Azerbaijan, Article 8.

- The President appoints First Vice President and Vice Presidents.
- The President appoints the Prime Minister with consent of the Milli Majlis;
- The President appoints heads of local executive authorities;
- The President also makes submissions to the Milli Majlis regarding the appointment of judges of Constitutional Court, Supreme Court, the Court of appeal as well as appoints the Prosecutor General with the consent of the Milli Majlis.
- The President calls the elections to the Milli Majlis (Parliamentary Elections) of the Republic of Azerbaijan.<sup>5</sup>
- The President has the right to call early presidential elections.<sup>6</sup>
- The President shall have the right of immunity<sup>7</sup>. In addition, his honour and dignity shall be protected by law<sup>8</sup>.

According to the Article 106 of the Constitution, “The President of the Republic of Azerbaijan shall have the right of immunity. The honour and dignity of the President of the Republic of Azerbaijan shall be protected by law”. The relevant law has not been adopted in this regard.

The Criminal Code contains the article "*Defamation or humiliation of the honour and dignity of the Head of the Republic of Azerbaijan - the President of the Republic of Azerbaijan*" (art. 323). However, during the presidency of Ilham Aliyev (since 2003), there have not been

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<sup>5</sup> Powers of the President – Constitution, Article 109.

<sup>6</sup> Constitution, Article 101. Amended after the Constitutional Referendum

<sup>7</sup> Constitution of the Republic of Azerbaijan, Article 106.

<sup>8</sup> This is provided for in Article 323.1 of the Criminal Code of Azerbaijan, which imposes the following penalties in case of violation: (i) fines of 500 to 1,000 AZN, or (ii) corrective labor or imprisonment for up to 2 years. In November 2016 the Prosecutor General proposed to the Milli Majlis to include specifically in Article 323.1 of the Criminal Code offences of the honour and dignity of the President committed on the internet. In addition, it was proposed to raise the penalties (to fines of 1,000 to 1,500 AZN and imprisonment of up to three years) if the offences were committed on the internet using “fake user names, profiles or accounts”.

We are not aware whether these proposals were adopted. Also, we have been advised by our interlocutors that there are no known court cases applying the provisions of Article 323.1 of the Criminal Code. Violating the honour and dignity of the President, however, was an election issue in 2013 (cf. <http://en.apa.az/azerbaijan-politics/domestic-news/law-on-protection-of-honour-and-dignity-of-azerbaijan-s-president-being-developed.html>), when an appeal was filed before CEC on grounds of Art. 106 of the Constitution claiming that other candidates have breached the provisions requiring respect of the President’s and President’s family members’ dignity and honour during a TV debate.

By implementing the legal protection of the President’s personality, CEC has imposed no other sanctions than reminding the offenders and all other persons involved in the electoral process, especially the pre-election campaign, that their behaviour during the campaign and their public statements should be restrained within certain limits as prescribed by the law.

any cases of criminal or civil cases on defamation or humiliation of the honour and dignity of the President.

The above-mentioned shows that, according to Constitution, the political system and state governance of Republic of Azerbaijan are centralized. The president is responsible for the stability of the state and its successful economic and cultural development. This responsibility becomes even greater in the background of current processes and complex geopolitical situations in the World, including the Middle East, and in the nearby of and border states to Azerbaijan.

GISDI assesses the current geopolitical situation as the case necessitating holding Early Presidential Elections on 11 April 2018. The election observation complies with the international standards for democratic and fair elections. Alongside with these cases GISDI considers the political, economic and cultural features of Republic of Azerbaijan. The assessment of the level of democracy in the electoral process as well as improvement towards democratization should be done by comparison with similar presidential republics as the USA and France, Turkey, Russia and Kazakhstan, etc.

In recent 3-4 years, there is a trend of adopting the laws that strengthen the power of the President and his role in the society and increase the role of the ruling party, which gives political support to the president in these countries. In all such countries, the governance system with the neo-liberal democracy form is gradually moving to concrete forms of centralized democracy.

\* \* \*

GISDI is invited to observe Presidential Elections on 11 April 2018 by the Central Election Commission and conducts an international election observation mission.

The mission is headed by Mihail Mirchev, Dr.Sc. The Core Team of the mission consists of political, legal, election, media and civil society analysts. The election day, the day pre- and post e-day will be observed by 70 short-term observers – all of them are Members of Parliament and university professors mainly from Europe – West and Central Europe, Scandinavian and Baltic States, Balkan Peninsula and mainly Bulgaria.

The purpose of the mission is to assess democracy and fairness of the electoral process, election campaign environment, preparation and organization of the elections as well as e-day and post e-day activity. To achieve its purpose GISDI is planning to:

- monitor the Azerbaijan election administration institutions – Central Election Commission (CEC), Constituency Election Commissions (ConEC), Precinct Election Commissions (PEC) in the period of election campaign, on the election day and the days after e-day;
- conduct a media monitoring;

- conduct a set of in-depth interviews with the following key interlocutors: (A list of meetings is annexed to this report.)
  - representatives of election administration and other state institutions;
  - candidates' and media representatives;
  - civil society and business organizations;
  - domestic election observers.

Based on the obtained information, different points of view and assessments of campaign and electoral process GISDI will give recommendations for further improvement of the electoral process and democratization.

GISDI understands its responsibility to CEC, to international standards of democratic elections, to Azerbaijan civil society in conducting the election observation mission – while reporting findings and giving recommendations for further improvement.

GISDI would like to express its gratitude to all its interlocutors for taking the time to meet with our analysts and observers and for sharing their views on election related issues. GISDI thanks all colleagues and partners who assist us in conduction of the observation mission.

# MACROPOLITICAL ENVIRONMENT AND CONTEXT

The Presidential Elections in Azerbaijan to be held on 11 April 2018 are held in a complex and problematic geopolitical environment existing in the region. Such a geopolitical environment is a challenge to each of the presidential candidates, as well as to the parties and civil associations that support them. In the background of this external context, taking in the account of citizen's attention and sensitivity by each candidate is one of the factors that conditions the election campaign to be successful or unsuccessful.

On macro-political level – both globally and regionally – the key important words are the following: INTEGRATION, STABILITY, MULTUCULTURALISM, NATIONAL IDENTITY.

## **INTEGRATION**

Being situated at crossroads of Eastern Europe and Western Asia, Azerbaijan borders Russia to the North, Georgia to the North-West, Iran in the South, Kazakhstan and Turkmenistan (sea border) to the East, Armenia and Turkey to the West.

20% of Azerbaijan's territory has been occupied by the neighbor Republic of Armenia. The former Nagorno-Karabakh Autonomous Region and surrounding seven administrative districts, inhabited also by ethnic Armenians, were occupied by the Armenian Armed Forces starting from 1989 and to the end of 1993.

More than 700,000 people representing non-armenian nations (most of them Azerbaijanis), living in those areas, were forcibly deported. Although the UN Security Council adopted resolutions<sup>9</sup> on the immediate withdrawal of Armenia from the occupied territories, those areas are currently under the control of the occupying regime. Some 320,000 ethnic Azerbaijanis living in the Republic of Armenia at that time were deported and now they have resided in Azerbaijan and all of them have been granted citizenship of Azerbaijan in 1998.

Considering its geopolitical and geographic position, Azerbaijan carries out balanced and multi-vector foreign policy in the region.

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<sup>9</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N93/247/71/IMG/N9324771.pdf?OpenElement>  
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N93/428/34/IMG/N9342834.pdf?OpenElement>  
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N93/557/41/PDF/N9355741.pdf?OpenElement>  
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N93/631/20/PDF/N9363120.pdf?OpenElement>

Azerbaijan is the party to EU Eastern Partnership program, and collaborates with the EU in various fields within the framework of this program. Azerbaijan has signed agreements with EU on readmission and visa facilitation, and all these agreements has entered into force. It has given more advantage to bilateral cooperation with EU countries without joining the European Union Association Agreement. However, Azerbaijan is currently cooperating with the EU in a new framework for relations, including negotiations on “*Strategic partnership for Modernization*” Agreement. It demonstrates readiness for partnership and to enhance contractual relationship. Azerbaijan expects mutual interests defined in such an agreement.

The EU and Azerbaijan of course share common interests. Having in mind its strategic role as an energy supplier and its independent foreign policy the EU constantly tries to encourage democratic reforms in the country.

Azerbaijan, is the member of the Council of Europe since 2001. After joining the Council, Azerbaijan has been under monitoring and encouraged to demonstrate further progress towards democracy. The last adopted resolution of the Parliamentary Assembly of the Council of Europe (2017) urged Azerbaijan to strengthen parliamentary control over the executive, ensure independence of the judiciary and raised concerns regarding freedom of expression and association in the country. It should be noted that in accordance with the recommendation of the Council of Europe the “*Constitutional Law of the Republic of Azerbaijan has been adopted on additional guarantees of the right to resolve the issue of confidence in Cabinet of Minister of the Republic of Azerbaijan by the Milli Majlis of the Republic of Azerbaijan*”.<sup>10</sup> This Constitutional law enables Milli Majlis to exercise control over the government. The Prime Minister of the Republic reports before the parliament every year.

Azerbaijan needs support as it has a significant potential for reforms and there are additional favourable factors like the secular nature of the state with a predominantly Muslim population, consecutive policy and achievements in the field of multiculturalism and tolerance of diversity.

## **STABILITY**

Now it is a time when wars and conflicts are flaring up in the region and rekindling of the World War is becoming a real threat. Amongst this turbulence, there is a constant political and economic stability in Azerbaijan.

There is overall well-being regarding religious and ethnic grounds. Azerbaijan is a country where different cultures historically existed in a cohesive and peaceful environment. The authorities support multiculturalism and the government has the clear strategy in this regard.

Despite that there are approximately 1 million refugees and internally displaced persons, the country is stable from political and economic point of view. Criminogenic situation is quite

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<sup>10</sup> <http://www.meclis.gov.az/?/az/topcontent/34>

well enough. At a time of global economic crisis being erupted over the past decade, economic stability has been maintained in Azerbaijan.

There is no restriction on Internet in the country. However, the criminal and administrative responsibility sanctions for articles and speeches over Internet humiliating honour and dignity have been established in the country in recent years.

There are approximately 60 political parties, more than 4,500 non-governmental organizations and more than 5,000 mass media outlets. There is no registration requirement for the published media. Any person may establish a periodic published media outlet by making notification.

Azerbaijan seems to be an isle of stability in the West Asia region. There is a public consensus between civil society and authorities, between the ruling party and political opposition regarding this.

## **MULTUCULTURALISM**

There are a number of historically and subsequently rooted nations and ethnic groups in Azerbaijan. At the same time, many people practice major religions in the country – Islam, Christianity, Judaism and others.

Islam is a religion of the majority of the population (more than 90%). The people of Shiite and Sunni live there in peace and without any conflicts. There are Orthodox and Catholic Christians among those who belong to Christianity. There are temples of all the religions, including Mosques, Churches, Catullus and Synagogues in the country. Law prohibits giving a priority to any religion.

The religious freedom is guaranteed by the state. That is one of the priorities of the domestic policy. There are around 750 religions registered in Azerbaijan. Interreligious relations are based on principle of mutual tolerance, respect and cooperation (holidays, memorable days, etc.). The state considers religious freedom of its citizens as an integral part of their rights and freedoms, including suffrage and activities in time of elections.

Azerbaijan has preferred a secular state model and its lifestyle is closer to Europe. The President have proclaimed the previous years the Year of Multiculturalism and the Year of Islamic Solidarity. The country hosts international forums devoted to multiculturalism.

Attempts to artificially aggravate the separatism in the country have always been unsuccessful.

## **NATIONAL IDENTITY**

Article 5 of the Constitution of the Republic of Azerbaijan reflects the principle of unity of the people. The second part of this article states that *"Unity of the Azerbaijani people shall*

*constitute the basis of the State of Azerbaijan. The Republic of Azerbaijan shall be the common and indivisible motherland for all of the citizens of the Republic of Azerbaijan ".<sup>11</sup>*

However, the right of self-identification of all nations and ethnic groups living in the country is ensured. Representatives of every nation has the right to study in their native language and to protect their cultural diversity.

While the candidates include the issues of protection and development of national values in their platforms during the election process, recently there is no tendency to promote traditional values and nationalism existing in Europe as main slogan.

### **Conclusive Remarks:**

When we make final political assessment of the presidential elections in Azerbaijan, we, as election observers, are observing with interest the development of the electoral process. We expect that those candidates who stands for integration, stability, national identity and multiculturalism will achieve their electoral success. Most of our interlocutors share this opinion.

However, there are also opposite views. Some considers that Azerbaijan should develop along the line of liberalism and “open society”, and others say that it should partly deny its sovereignty and its national traditions and cultural identity.

So, these two platforms are observed in promoting ideological platform during the election process. We, as an international observation mission, expect that both platforms will be precisely highlighted in the final election results with their respective percentages.

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<sup>11</sup> <http://meclis.gov.az/?/az/topcontent/2>

# AZERBAIJAN PRE-ELECTION SITUATION

President of the Republic of Azerbaijan Ilham Aliyev won the presidential elections held on 15 October 2003 and assumed office on 31 October 2003. Amendments entered into force following the referendum on modifications and amendments to the Constitution on 26 September 2016 grant President a right to call early presidential elections.<sup>12</sup> Using the right granted to him by the Constitution, the incumbent President signed an order on 5 February 2018 announcing extraordinary presidential election. Under the order, the election will be held on 11 April 2018.

As a result, thereof, CEC has adopted a Decision 1/1 as of 6 February 2018 appointment of Presidential Elections of the Republic of Azerbaijan.

On the same day the CEC has approved the Calendar Plan for the basic activities and measures on the preparation of the Presidential Elections of the Republic of Azerbaijan. This document is considered substantial for the smooth electoral process as this document contains description of all required actions and all applicable terms for candidates and citizens in order to assure the implementation of active and passive suffrage and the observance of the democratic principles.

According to most observers, deadlines set out in the Calendar Plan have been sufficient to collect the documents required for nomination of the candidacy and registration of the candidate. However, there were some opposite views, like insufficiency of these deadlines. However, the main views are that any serious political party and leader should have sufficient organizational and financial resources to be able to collect the necessary signatures of at least 60 out of 125 constituencies; with minimum number of signatures pro constituency – 50; all in all 40 000 signatures and to prepare the required documents.

Last amendments of the Election Code reduced the campaign period with 5 days – from 28 to 23 days. However, all of the candidates and representatives of political parties who we met stated that they participate actively in the campaign in line with campaign strategies they

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<sup>12</sup> According to Article 101 of the Constitution, the President of the Republic of Azerbaijan may call extraordinary elections of the President of the Republic of Azerbaijan

have chosen. The above-mentioned is also registered by other observer organizations (OSCE-ODIHR, NAM Report<sup>13</sup>).

Appointment of early presidential elections in the Republic of Azerbaijan shall be determined by the Part I of Article 101 of the Constitution. This paragraph states that "*The President of the Republic of Azerbaijan may call extraordinary elections of the President of the Republic of Azerbaijan*". In other cases, the appointment of the early presidential elections in the Republic of Azerbaijan is made under the Article 104 (Inability of the President to regularly exercise his powers) and Article 107 (Removal of the President from office). According to the Part I of Article 105 "*If the President of the Republic of Azerbaijan resigns from office before the completion of his term, then extraordinary presidential elections shall be held within 60 days*".

Early presidential elections in the Republic of Azerbaijan scheduled on 11 April 2018 by the order of the President of the Republic of Azerbaijan, dated 5 February 2018, "*on declaring early presidential elections in the Republic of Azerbaijan*" was appointed with reference to the Part I of Article 101 of the Constitution and Article 179 of the Election Code.

According to domestic and international experts, the announcement of early presidential elections is related to the amendments to the Constitution adopted following the 26 September 2016 nationwide referendum. Discussions on holding early presidential elections has started immediately after the referendum on amendments to the Constitution of Azerbaijan. The legislative body has made changes to the Electoral Code and adapted it to the Constitution and amended the rules on holding early Presidential Elections. The amendment to the Constitution has made a substantial change to the status of the Supreme Executive Authority in the country, and in this respect conducting of early Presidential Elections has become necessary.

Thus, the term of office of the President has increased from 5 to 7 years, and President was granted the authority to dissolve the Milli Majlis (parliament). At the same time, the introduction of the offices of the First Vice-President and Vice-Presidents in the Constitution has substantially changed the previous administration. In previous version, when the President was unable to execute his (or her) powers, resigned or dismissed, he (or she) was replaced by the prime minister. Under new provisions, he (or she) will be replaced by the First Vice-President.

Some sources also note that early presidential elections will also prevent the overlap of the presidential election campaign in 2025 with the parliamentary elections campaign. According to the legislation of the Republic of Azerbaijan, the elections to the Milli Majlis (parliament) and to the office of president cannot be administered simultaneously. In such a case, not the election day, but the election campaigns overlap, and this is not considered reasonable.

In general, most of the registered political parties with few exceptions have expressed their will to participate in the Presidential Elections. Some of the opposition parties will not

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<sup>13</sup> <https://www.osce.org/odihr/elections/azerbaijan/373981?download=true>

participate in the Presidential Elections, among them – the oppositional National Council of Democratic Forces (NCDF) of Azerbaijan and Musavat Party. Their explanation according to some observers and media publications is either that they find lack of competitiveness in the upcoming elections, or that they consider the need of holding extraordinary Presidential Elections as not sufficiently motivated and pursuing other aims.

At the time of finalizing the preparation of this report, the deadline for registration of candidates has finished. 15 candidates were nominated for the presidential elections and their applications were submitted to the Central Election Commission. 8 candidates out of them are registered by CEC and will take part in the Presidential Elections scheduled on 11 April 2018.

We have attached to this report a list of all registered candidates as well as their electoral results in the previous presidential elections in 2003, 2008, 2013. (See Anexes).

\* \* \*

The President of Azerbaijan is elected directly by the voters. According to the Article 101 of the Constitution, *“The President of the Republic of Azerbaijan is elected by a majority of half of the votes. If required majority has not achieved in the first round of voting, then second round will be held on second Sunday after the first round. Only two candidates who gained more votes than others in the first round, or two candidates following closely the first ones, should they recall their candidatures, will take part in the second round of elections. The candidate having collected majority of votes in the second round of elections is considered to be elected the President of the Republic of Azerbaijan.”*<sup>14</sup>

The limitation on election of President for more than twice in a row have been removed after the amendments made to the Constitution following the referendum in 2009.

Following the amendment to the Constitution by a referendum in 2016, the term of the Presidential office was extended from 5 to 7 years. Purpose of this amendment was to avoid possible overlapping or concentration between the parliamentary, municipal and presidential elections and thus – to ensure continuous and undisturbed function of the state. Within the OSCE region, seven years is generally viewed as the maximum reasonable period between elections for a chief executive, respectively – President of the State. However, countries with such terms existed and there are such countries outside the OSCE region.

The will of the Azerbaijani people constitutes the basis of state power of the Republic of Azerbaijan. According to the Constitution and the Election Code the citizens of the Republic of Azerbaijan shall participate in Presidential elections based on general, equal and direct suffrage by means of a secret and personal vote. Participation of the citizens of the Republic of Azerbaijan in elections shall be free and voluntary. Nobody shall have the right to put pressure on a citizen of the Republic of Azerbaijan to participate or not to participate in elections.

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<sup>14</sup> <http://meclis.gov.az/?/az/topcontent/2>

This is an extremely important principle of democracy per se and therefore, through the methodology of observation of the electoral process, GISDI has the task to assess credibly the practical cases of its violations to be relevant to the possible contestations of elections by the opposition. Contestation of elections and non-recognition of electoral result is reasonable only if such violations are not an exception, but a frequent practice. Some partial violations of democratic principles of election procedures happen even in the countries with a well-developed democracy.

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Pre-electoral sociological opinion-polls<sup>15</sup> show that the rating of the incumbent President is high enough – more than 80%. This rating is due to the mass public opinion that the socio-political situation in Azerbaijan is stable – average 93% of respondents, only 4% of respondents rated the situation as unstable. As well as 84% of respondents polled answered that Azerbaijan is moving in right direction over last 5 years, only 5% think the opposite – that Azerbaijan is moving in wrong direction.

Respondents were also asked to rate the policy carried out by the President of Azerbaijan. 91.4 per cent of respondents shared that they support the foreign policy carried out by the President Ilham Aliyev. 85% of respondents answered as “yes” to the question “*Do you support domestic policy carried by the Head of State?*”<sup>16</sup>

The results of the sociological survey by AJF & Associates Inc., USA pollster in the pre-election poll on presidential elections reflects following answers to the questions “*If the presidential elections were held today, who would you vote for?*” and “*If the parliamentary elections were held today, candidate of which party would you vote for?*”: Ilham Aliyev – 83% and the candidate of the New Azerbaijan Party – 71%. The answers to the question “*How would you rate the work of current government?*” are as follows: excellent – 29%, good – 27%, fair – 20%. Overall 76% of respondents considered the current government's activities satisfactory.<sup>17</sup>

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<sup>15</sup> According to the results of the survey conducted by the “ELS-Independent Research Center” in December 2017

<sup>16</sup>[https://azertag.az/xeber/ELS\\_Musteqil\\_Arasdirmalar\\_Merkezi\\_Ictimai\\_Birliyi\\_kechirdiyi\\_rey\\_sorgusunun\\_neticelerini\\_achiqalayib-1122585](https://azertag.az/xeber/ELS_Musteqil_Arasdirmalar_Merkezi_Ictimai_Birliyi_kechirdiyi_rey_sorgusunun_neticelerini_achiqalayib-1122585)

<sup>17</sup>[https://azertag.az/xeber/AJF\\_ampAssociates\\_Inc\\_ve\\_Vetendaslarin\\_Amek\\_Huquqlarini\\_Mudafie\\_Liqasi\\_exit\\_poll\\_oncesi\\_sorgunun\\_neticelerini\\_elan\\_edibler\\_VIDEO-1147663](https://azertag.az/xeber/AJF_ampAssociates_Inc_ve_Vetendaslarin_Amek_Huquqlarini_Mudafie_Liqasi_exit_poll_oncesi_sorgunun_neticelerini_elan_edibler_VIDEO-1147663)

# LEGAL FRAMEWORK

The legal framework concerning the electoral system and the election proceeding in their various aspects comprises of a number of legislative acts.

The *Constitution of the Republic of Azerbaijan* was adopted on November 12, 1995 following referendum. Amendments and additions to the Constitution were first made through referendums of August 24, 2002, on March 18, 2009 and most recently – on September 26, 2016. According to the Constitution the state of Azerbaijan is a democratic, law-governed, secular, unitary republic. The Constitution provides that the executive power shall be vested in the President of the Republic of Azerbaijan who after the last amendments is being elected for a term of 7 years. The Constitution guarantees general, equal, direct and secret suffrage by secret ballot to all citizens of the state of Azerbaijan.

The *Election Code of the Republic of Azerbaijan* was adopted in May 2003 as a result of intense communication and collaboration with the Venice Commission of the Council of Europe, OSCE/ODIHR and International Foundation of Electoral Systems (IFES). The Election Code defines rules of conduction of Presidential, Parliamentary and municipal elections, as well as referendum. Authorities of the Central Electoral Commission also covers the establishment of election commissions and the principles of their functioning. The Election Code provides solid legal basis for conduction of transparent and democratic elections, allowing to improve all aspects of elections, including candidate registration and the activity of election commissions.

Other laws influencing substantial part of the election process are the *Law on Political Parties* adopted on June 3, 1992 and the *Law of the Azerbaijan Republic on Non-Governmental Organisations (Public Associations and Foundations)* adopted on June 13, 2000.

Laws regulating certain aspects of the election process are the following: *Law on Mass Media* as of December 7, 1999; the Law on Freedom of Assembly adopted in November 1998 and amended taking into account the opinion of the Venice Commission in 2008; the Criminal Code adopted on December 30, 1999; the Code on Administrative Violations which came into force on December 29, 2015; the Civil Procedure Code as of December 28, 1999 etc.

Further to the above-mentioned laws the legal framework is also defined by the resolutions adopted by the CEC and the ConEC concerning the governing and the administration of the election process. Also, the court decisions on the decisions of above mentioned bodies challenged through courts and court practice can be considered as a part of the legal framework and as a source of legal provisions regarding the election process.

# ELECTION ADMINISTRATION

Elections and referendums in the Republic of Azerbaijan shall be organized and held by election commissions, which are the election administration *strictu sensu*<sup>18</sup>. The Election Administration in Azerbaijan is built up in a traditional style and comprises from a three-tiered hierarchical system of election commissions – Central Election Commission, Constituency Election Commissions and Precinct Election Commissions.

All types of election commissions shall act as permanent bodies constituted for a five-year term and the members of the commissions cannot be dismissed or moved, except in certain limited circumstances (such as unavailability to serve). According to the Election Code the election commissions shall not depend on state bodies, municipal institutions, political parties, non-governmental or other public organizations, or other legal entities and physical persons regarding the preparation and holding elections. At the same time the Election Code expressly provides that the election commissions shall treat all voters and candidates, political parties, political coalitions etc. political groups fair, neutral and impartial.

Six members of the CEC are nominated by the majority in the Milli Majlis and represent its political party/ies. Six are members nominated by and representing the deputies not belonging to any political party (independent). And six members are nominated by and represent the political parties constituting minority in Milli Majlis.

The independent deputies shall, as a rule, be represented in the CEC by independent lawyers, nominated by them, who are not in a public service.

Nomination of two candidates shall be agreed upon by the interested parties: the political party constituting majority in the Milli Majlis shall agree on one nominee, and representatives of the political parties constituting minority in the Milli Majlis shall agree on the other nominee.

OSCE Office for Democratic Institutions and Human Rights (ODIHR) states that *“According to the Election Code, 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 remaining*

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<sup>18</sup> Election administration *strictu sensu* comprises only of administration bodies with competence only in the field of the electoral process. Election administration in the broader sense includes authorities, which have competence only regarding certain parts of the electoral process.

*political parties represented in the parliament), and parliamentarians elected as independent candidates”.*<sup>19</sup>

It is CEC’s main duty and responsibility to ensure the preparation and holding of Presidential elections and, among others, to take care of each of the following:

- provides the guarantees for realizing citizens’s right to suffrage;
- ensures the equal application of the legal provisions;
- structures the ConEC and resolves on claims against ConEC’s acts;
- approves all kinds of election documents;
- registers candidates;
- supervises legality of pre-election campaigns;
- provides information and methodologic and informational materials to all participants and the subordinated election commissions;
- compiles integrated voters list;
- ensures supervision of the broadcasting time and spending the election funds among the candidates;
- determines elections results; administers repeated voting etc.

The Election Code provides for a detailed regulation about majorities needed for the CEC to take decisions. Mr. Mazahir Panahov, nominated by the majority group of deputies, has been elected as a Chairman of CEC and is currently implementing this duty.

In addition, CEC provides specialized training to all election commissions. For this presidential election, CEC has organized 18 training sessions, first to chairpersons of ConECs and PECs and then to all members of election commissions. The training is aimed at preparing the commissions’ members in all matters related to the election process, including handling of complaints, etc.

The *Constituency Election Commissions* are formed by the CEC. The CEC has threefold competences with this regard.

Firstly, the CEC is competent of defining the administrative limits of the constituencies. The CEC shall form 125 election constituencies every 5 years, based on information on the number of voters permanently residing and registered in the relevant territorial units, provided by the municipalities in conjunction with the relevant executive bodies. Election constituencies shall, as a rule, be formed based on the average voter representation norm. The average voter representation norm is determined by dividing the total number of registered voters in the country by 125.

Secondly, the members of the ConEC are appointed by the CEC. Each ConEC shall consist of 9 members. Again, the rule for ensuring equal representation of all parliamentary represented parties applies: Three members of a ConEC shall be nominated by the members of

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<sup>19</sup> <https://www.osce.org/odihr/elections/azerbaijan/373981?download=true>

the CEC representing the political party of which the deputies constitute the majority in the Milli Majlis. Other three members of a ConEC shall be nominated by the members of the CEC representing the political parties of which the deputies constitute the minority in the Milli Majlis, and other three members shall be nominated by the members of the CEC representing the non-partisan deputies of the Milli Majlis.

Thirdly, the decisions of the ConEC can be challenged before the CEC and the latter is competent of resolving on the issue.

Each Constituency is divided in Precincts, where the number of voters registered within the territory of each election precinct should be, at most, 1,500 and, at least, 50. For the upcoming Presidential elections the country is divided into approx. 5,641 precincts covering the land territory – permanent 5,426 and temporary 250, 41 of the polling stations are in 32 foreign countries.

What concerns the electoral administration in the broader sense we should mention the Ministry of Foreign Affairs that is responsible for providing information on the voters abroad to the CEC and organizing polling stations in consulates and diplomatic missions, the Ministry of Interior that takes care of checking authenticity of signatures of candidate's supporters and in any case the Ministry of Finance, responsible for providing funds to the CEC for preparation and conducting elections.

# VOTER LISTS AND VOTER REGISTRATION

All citizens of Azerbaijan who are at least 18-year old by election day have the right to vote, regardless of whether they reside in the country or abroad, except those who recognized as incapable by a court decision<sup>20</sup>.

A unified nationwide voter list is compiled and updated by CEC based on voter lists updated by PECs (with help from local government and the police) on the basis of local residency data in early January of every year and then provided to ConECs no later than 5 February 2018. In turn, ConECs compile the PECs lists with respect to their respective constituencies and provide their lists to CEC by 5 April 2018. Then, the unified nationwide voter list is ultimately compiled by CEC by late May using the Single Automated Information System<sup>21</sup>.

Members of the election commission, representatives of media and election observers have the right to verify any information filed in or retrieved from that system. In election years, voter lists are updated by PECs no later than 35 days before election day. Following that date, until and including on election day voters can be included on additional voter lists at the PECs against a proof of residence.

For this election, CEC decided to finalize and publish the unified voter list by 3<sup>rd</sup> of March. At any time, voters can check their registration in the unified voter list online on the website of CEC, by telephone, or in person at the respective PEC.

According to an announcement in the media by CEC made before finalization of the voter list (3 March 2018), there are currently about 5,200,000 people in Azerbaijan who have the right to vote.

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<sup>20</sup> Removal of this restriction was recommended by the UN Committee on the Protection of Rights of Persons with Disabilities<sup>20</sup> (See CRPD “Concluding Observations on Azerbaijan” (12 May 2014), CRPD/C/AZE/CO/1, paragraph 45) and noted by OSCE/ODIHR NAM report from 21-22 February 2018).

<sup>21</sup> A database managing all relevant electoral information, including members and structure of PECs and ConECs, voter lists, voter turnout, election results, etc. A backup computer system and support from CEC is provided to ConECs as well.

## **Voting Procedure**

Voting is held from 08:00 till 19:00 on election day. The PECs should inform the voters of the place and time of voting at least 25 days prior to election day via the mass media or using notice boards.

The PECs implement marking the left thumb of voters by spraying a harmless, invisible liquid while issuing a ballot paper on election day. An ultraviolet lamp is used to determine if the voter's thumb was previously marked.

At 07:50 on election day, the respective PEC's chairperson declares the election precinct open and show to the members of the election commission, voters, and observers who are present the empty ballot boxes and then locks them. At 08:00, provided that at least 2/3 of the PEC members are present, the chairperson announces the commencement of voting.

One of the PEC's members stays at the entrance of the election precinct and he/she checks the arriving voters' IDs or other identification documents as well as part of the nail and skin of the voter's left thumb to see if it was previously marked with the liquid and gives permission for entrance. If such a marking is found, the voter shall not be issued a ballot paper. Another member of the PEC checks the availability of the voter's name on the voters' list and issues a ballot paper for that voter. The voter is informed that he or she cannot be issued a ballot paper in case of refusal to have the thumb marked. If the voter does not agree, he or she will be asked to leave the election precinct. A note "refused to be marked" is recorded on the voters' list. If the voter agrees, his/her left thumb is marked.

A ballot paper will be provided to a voter upon presentation of his/her identity card or substitute document. After the voter receives the ballot paper, the serial and batch number of his/her identification or substitute document is recorded in the voter list by a member of the PEC, after which the voter checks the records for accuracy and signs. If the voter is not able to receive a ballot paper independently, he/she may use the help of other persons (but not members of the respective PEC or observers). The person who helps the voter should put down his/her surname and initials and sign in the column "signature of voters on receipt of ballot paper" in the voter list. Upon providing a voter with a ballot paper, a member of the PEC signs the numbered left corner of the ballot paper, cuts it along the cut-off line and keeps it.

Every voter votes in person and alone. Voting with the power of attorney on behalf of other persons is prohibited. Ballot papers are marked (the vote is cast) in a room or booth where nobody is authorized to enter and equipped with special technical means as needed for purpose of ensuring the secrecy of the vote. A voter with disability who is not able to mark the ballot paper without assistance may invite any other person into the voting booth or room, except for members of the PEC or observers. The surname and initials of the assisting person have to be specified together with the voter's signature in the voter list upon receipt of the ballot paper.

Finally, the voter has to place the marked ballot paper in an envelope and drop it into the ballot box, which should be placed in such a manner and placed so that the members of the

PEC and the observers can easily monitor the box. If a voter needs to vote in a different precinct from the one he or she was registered in, the voter can obtain a voting card from the election commission of the territory, where he or she is registered, (one card by voter) entitling him or her to vote at a different precinct.<sup>22</sup> Such voting cards would be issued for any reason justifying voting at another location. Within 45 to 25 days prior to election day, voting cards are issued by ConECs, while 24 to 3 days before election, cards are provided to voters by PECs. Records about voting cards issued by ConECs are sent to the respective PECs 25 days before election day and the latter make the relevant amendments to their voter lists. The cards are stamped and signed by a member of the issuing ConEC. Upon receiving a voting card, the voter or his representative signs a register, including the serial number of the ID or substitute document used.

Voting cards issued by PECs follow a similar procedure, except that PECs need to notify the respective ConEC within 2 days from receiving a voter's demand for the issuance of a card.

### **Voting in foreign countries**

41 polling stations will be established in 32 foreign countries regarding the presidential election in Azerbaijan<sup>23</sup>. For that purpose, the Ministry of Foreign Affairs established a working group to coordinate the electoral process abroad with CEC.

Election precincts will be established by the respective embassies or consulates of Azerbaijan at least 30 days prior to election day, if there are more than 50 Azerbaijani voters registered with the respective embassy or consulate. Within Azerbaijan, two constituencies (Yasamal second Constituency No.16 and Yasamal third Constituency No.17) were designated for purposes of preparing the list of citizens that will cast their vote outside the country.

According to CEC, as many as 13,820 voters are expected to vote abroad.

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<sup>22</sup> See Article 101 of the Election Code and CEC Instruction approved by Decision 5/29 dated 5<sup>th</sup> of June 2013.

<sup>23</sup> According to an announcement of the Foreign Ministry from 12<sup>th</sup> of March 2018.

# VOTER EDUCATION AND EMPOWERMENT

Voter education is a necessary component of the democratic electoral process. It is essential to ensuring that voters can effectively exercise their voting rights and express their political will through the electoral process. Voters' awareness of their political and civil rights, their motivation to take an active role in the electoral process, guarantee one of the fundamental principles of democracy, namely that the state authority and governance are based on the will and consent of the people through their elected representatives.

Education and information of voters in Azerbaijan is responsibility of the electoral administration. There are certain provisions in the Election Code that obliged CEC to create conditions for voters to participate in election activities, to become acquainted with documents and information established by law, to take all possible measures to ensure voters' participation in elections and their correct understanding of the election campaign.

CEC has been conducting a set of different projects with the aim to rise voters' education and empower them to make informative choice and exercise their civil right to vote. Our interlocutors emphasized that:

- CEC has prepared and distributed a number of printed materials, radio and TV programs, broadcasted by the public service and private media once a week;
- there are also several educational short videos, published on YouTube and other social media;
- CEC has conducted several seminars (conferences) jointly with the Ministry of Interior, Ministry of Information, Ministry of Health etc., to discuss some issues of practical implementation of the Election Code and voting procedures. These events are broadcasted by public television to reach bigger number of voters;

In addition to the above, CEC has prepared methodological instructions and educational materials for proper implementation of the Election Code for all participants of the electoral process. For instance, it educates not only the voters how to exercise their voting right but also the political parties how to prepare their financial reports, the domestic observers how to conduct observation at PS, etc. CEC is obliged also to educate the members of ConECs and PECs.

Voters' education in Azerbaijan is not only a CEC responsibility. A lot of our interlocutors - civil society representatives – shared their experience in education of voters. A number of NGOs are organizing and carrying out social marketing campaigns to raise voters' awareness and motivation to vote. They outlined two target groups for their activities – young people, especially those who will vote for the first time in the Presidential Elections, and women in rural areas.

Regarding the education of woman in rural areas, representatives of civil society we met shared that they had been very active in educating female voters in rural areas in previous election campaigns. In this presidential campaign, they reduced their activity because of the shorter pre-election period. However, they assured us that there are a lot of women civil organizations in Azerbaijan which are constantly engaged with education of rural women.

We admire such practice as far as it results not only in involvement of women from rural areas in modern democratic elections, but it also empowers women to be active in civil, political, economic and cultural areas of contemporary Azerbaijanian society.

Voter education should not be viewed as a responsibility to be shared only by the election authorities and civil society. Media also should have some educational programs, although we are not aware of any such programs. We asked our interlocutors if there were any educational programs or printed outlets produced and distributed by media and found out that media in this election campaign was only broadcasting the educational programs prepared by CEC.

Some of our interlocutors emphasized that many Azerbaijani people have improved their civil literacy and culture; they know their civil rights and demonstrate good understanding of the election procedures. This applies not only to the capital but also to the countryside and rural areas.

# CANDIDATE NOMINATION AND REGISTRATION

The citizen of the Republic of Azerbaijan with the following qualifications may be elected as the President of the Republic of Azerbaijan:

- has resided permanently on the territory of the Republic of Azerbaijan for longer than 10 years;
- has the right to participate in the elections;
- has not been previously convicted for a serious crime;
- has no obligations to other states;
- has higher education;
- has no dual citizenship.<sup>24</sup>

Candidates can be nominated by registered political parties (or coalitions of political parties) or could run independently nominated by a group of voters or based on of self-nomination. In each case, the potential candidate must file a set of documents with CEC, which has 5 days to approve the nomination. Registration of candidates lasts up to 30 days prior to election day.

Following the CEC's approval, political parties, political party blocs or voters' initiative groups should collect no less than 40,000 signatures to support their candidates. They should collect minimum 50 signatures from each of the minimum 60 constituencies out of the total of 125 constituencies. Then CEC should decide on the candidacy within 7 days of receiving the collected signatures.

The process of verification of the signature sheets and other election documents is carried out by a special working group of the CEC established in accordance with a CEC regulation on the matter from 2013<sup>25</sup>. The working group includes CEC members as well as experts from the Court Expertise of the Ministry of Justice, the Ministries of Finance, Interior Affairs and Tax, the State Committee on Property Issues (specifically the State Service for Registration of Real Estate operating under the Committee), the State Statistics Committee, and other organizations (the experts examining the signatures are graphologists certified by international graphology organizations).

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<sup>24</sup> <http://meclis.gov.az/?/az/topcontent/2>

<sup>25</sup> Approved by Decision 5/27 dated 5<sup>th</sup> of June 2013, repealing an earlier regulation from 2008.

The candidates and their authorized representatives should be notified of the verification process and are entitled to be present at the working group sessions.

Following completion of the verification process, the working group issues a protocol of findings regarding the signatures and other election documents filed by each candidate which is fundamental for the CEC decision to approve or reject of the respective candidacy. In case the number of submitted signatures is found by the working group to be insufficient, a copy of the checklist from the verification of the signatures is provided to the candidate or his authorized representative (or, respectively, to the party's authorized representative) within 24 hours prior to the session on which the commission will decide on the candidacy.

For this election, the deadline for submitting election documents necessary for the registration of presidential candidates with CEC expired on 12<sup>th</sup> of March 2018.

Initially, CEC approved the nomination of 15 candidates but, at the next stage, only 10 candidates filed the required documentation. Ultimately, following signatures verification, the final list of registered candidates (March 22, 2018) contains 8 contestants.

- Ilham Heydar Aliyev (the incumbent, New Azerbaijan Party, first to be registered);
- Alizade Araz Mammad (Social-Democratic Party of Azerbaijan);
- Gudrat Muzaffar Hasanguliyev (Whole Azerbaijan Popular Front Party – People's Front);
- Farac Ibrahim Guliyev (National Revival Movement Party);
- Hafiz Alamdar Hajiyev (Modern Musavat Party – The Equality Party);
- Sardar Calal Mammadov (Azerbaijan Democratic Party);
- Zahid Oruc Maharram (nominated by the initiative group);
- Razi Nuraliyev Gulamali (Front-line Initiative Group).

According to the CEC statement, 7 nominations were not registered as a candidate due to the incorrect submission of signatures or other documents. (See Annexes)

All candidates and party representatives we met shared with us that they have not experienced any problems with the registration of their candidacy. They could hardly point anything that could hinder their campaign.

The procedure and requirements for nomination and registration of candidates are fully and clearly set out in the law. Although two of the candidates were rejected and other five dropped out from the process, we consider that all fundamental democratic principles have been respected.

### **Participation of Women and Minorities**

Women in Azerbaijan enjoy the right to vote since 1918. There are no legal barriers to the participation of women in elections nor additional legal provisions to promote their

participation. In general, in spite of being satisfactory, women participation in politics is lower than of men. No women will contest this election.

Most of our interlocutors shared that women represents about 20% in Milli Majlis and other state and political institutions in the country. However, they are very active in civil and political life of the country, including electoral process.

National minorities represent about 9% to 10% of the population. The Constitution provides for linguistic, cultural, educational and other rights of minorities residing in the country. The Government, as well as the local authorities support cultural activities of national minorities and provide the general school curriculum in three languages (Azeri, Russian and Georgian) as well as the teaching at primary school level of several minority languages<sup>26</sup>.

There is no legal requirement for producing ballots or other election material in native languages of minorities.

### **Refusal to participate in the elections**

As mentioned above several opposition parties rejected to nominate candidates in the 2018 Presidential elections. These political forces had decided upon the same in 2008 Presidential elections. Indeed, refusal of active participation (not to nominate candidate) in elections, as well as the Presidential elections, becomes the tradition of some parties. Refusing to participate in elections is several parties.

Several informal movements, which have not registered as a political party, such as Democracy and Welfare Movement, REAL – Republican Alternative Party, stated that they will not join the elections. Some satellite parties or informal movements, joining around Musavat and Azerbaijan Popular Front Party (participate, namely, refuse to participate in the elections under the name of National Council of Democratic Forces), are among the parties refusing to participate in the elections. Also some politicized public unions do not join the electoral processes.

“Musavat” and “Popular Front Party” has refused to nominate candidate for 2008 Presidential elections and now 2018 early presidential elections. However, there are several other parties, which has the words “Popular Front” in their names. Some parties, with the word Musavat being in their names (Modern Musavat Party), actively participate in elections and has nominated candidates.

“Nida Civic Movement” public union (does not applied to Ministry of Justice for official registration) declared in advance that will not recognize the election results. In fact, participation of non-governmental organizations in elections limits to activities, such as observation, education, and conduct of surveys. Therefore, the statements of such unions do not comply with

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<sup>26</sup> See OSCE/ODIHR Final Report on the 2013 presidential election.

their status. The reasons why two traditional opposition boycotters and their satellite organizations refused to nominate are explained with expert opinions in “Pre-election situation in Azerbaijan” chapter of the report. Some of our interlocutors stated that the main reason for this boycott is related to the lack of chance of their candidates to compete main candidate.

Some of our interlocutors who represent the “reasonable political opposition”, as they said, defined the above-mentioned parties as “hardline opposition”. We have been told that it is about a radical opposition that attacks not only the status-quo, insisting on its non-democratic ways, but attacks also the reasonable opposition, aspiring to monopoly of the political label “opposition in Azerbaijan”. Our interlocutors noted that the motives of these parties to boycott elections are driven by the unsatisfactory results they achieved in previous presidential and parliamentary elections, noting that those parties boycott the elections in order to avoid similar “electoral success”.

## **Conclusion**

Two opposition parties (Popular Front Party of Azerbaijan and Musavat) refused to take part in the elections to be held 11 April 2018. Several informal movements or public unions operating under the umbrella of these parties or separated from them stated that they will not participate in the election in any way. They can only conduct educational activities as the unregistered public union. They cannot observe the elections on their own behalf, as they do not have legal entity. Therefore, their statements in nature support only the political parties they are close to. Another political party that has refused to participate in elections is “Umid” Party with few members.

Some mass media outlets present the several political parties refusal not to nominate their candidates in the elections as the boycott of election. However, when looking through the refusal of these political forces in previous elections (as in 2008), it appears that this does not constitute the election boycott.

There have been stability of numbers of electorate and voters in the election held in 2003, 2008, and 2013. The number of voters in boycotted elections is not less than the number of voters in elections participated also by those forces. It means that when the above mentioned political forces refuse to participate in elections, it does not affect the number of voters. Contrarily, voter turnout in the 2013 elections participated also by those forces has been lower than the 2008 elections when those political forces refused to participate.

Thus, while the voter turnout was 75,12 % in the 2008 Presidential elections<sup>27</sup>, it has been 71,63 % in 2013.<sup>28</sup> These numbers clearly express that participation of those political forces or their refusal to participate have not affected the voter turnout.

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<sup>27</sup> [http://www.msk.gov.az/uploads/protokollar/MSK\\_protokolu\\_2008.pdf](http://www.msk.gov.az/uploads/protokollar/MSK_protokolu_2008.pdf)

<sup>28</sup> [http://www.msk.gov.az/uploads/protokollar/Protokol\\_MSK\\_2013.pdf](http://www.msk.gov.az/uploads/protokollar/Protokol_MSK_2013.pdf)

At present, Ilgar Mammadov is held in detention facility and his candidacy has not been nominated. REAL Movement, an informal movement that he represents, has no legal entity (They have not applied to relevant registration services for this purpose). Due to this fact, REAL cannot nominate any candidate. At the same time, Ilgar Mammadov was convicted by the ruling of the Sheki Court of Serious Crimes on 17 March 2014 and sentenced to seven years' imprisonment. He was charged with criminal offences under the Articles 220.1 (mass disorder) and the Article 315.2 (resistance to or violence against public officials, posing a threat to their life or health) of the Criminal Code.

According to Article 100 of the Constitution of the Republic of Azerbaijan, any citizen of the Republic of Azerbaijan, who complies with several requirements and has not been convicted for a serious crime, may be elected the President of the Republic of Azerbaijan.

In accordance with the Article 15.4 of the Criminal Code of the Republic of Azerbaijan, the offence provided for in the Article 220.1 of this Code constitutes to serious crime. Ilgar Mammadov appealed to the European Court of Human Rights against the above-mentioned court decision. In spite of ECtHR's ruling, the implementation has not been completed.

# ELECTION CAMPAIGN

In accordance with the Constitution of the Republic of Azerbaijan, the State shall ensure that conditions exist for the conduct of free pre-election campaign by citizens, political parties and Presidential candidates.

The pre-election campaign shall commence 23 days prior to Election Day and finish 24 hours prior to Election Day. It will start on March 18, 2018 and can be examined in detail in our subsequent Report.

## **Campaign Finance**

There is no public financing of election campaigns in Azerbaijan – candidates can seek finance only from private donations. Individuals can contribute up to AZN 3,000 while legal entities can make contributions of up to AZN 50,00. In addition, political parties or coalitions can support their candidates with contributions of up to AZN 250,000. Finally, a candidate's election campaign spending cannot exceed AZN 10 million. The law explicitly prohibits contributions from foreign countries and citizens, international organizations, state bodies and municipalities, charitable organizations and anonymous entities.

Campaign finance is supervised by CEC. As part of the registration process, candidates are required to open a special bank account for campaign contributions and disclose information on their personal finances and assets (according to the legislation), this information is not made public by CEC). Candidates then have 3-stage reporting obligations:

- an initial report on contributions to date and expenses incurred in the process of signatures collection is filed with CEC during the registration process;
- a second interim finance report on the status of their campaign financing is filed between 20 and 10 days before election day; and
- a final report is filed with CEC within 10 days from the date of publication of the election final results.

Only limited information on the campaign financing of the candidates is made available to the public. Specifically, CEC is obliged to publish only certain information from the candidates' finance reports once the candidate spends over AZN 10,000. In addition, CEC is obliged to publish the names of legal entities that contributed over AZN 5,000 and the names of

individuals contributing over AZN 250.<sup>29</sup> No information on the candidates' personal finances has to be published at any point in the process. Also, no independent audit of the finance reports is carried out.<sup>30</sup>

In a step towards transparency, the Law on Political Parties was amended in 2017 to oblige the political parties to submit their annual financial reports to CEC by 1<sup>st</sup> of April of every year. Then, CEC is supposed to make those reports public and it appears that CEC decided to do so within 3 days from submission, again in the spirit of strengthening transparency.<sup>31</sup>

The lack of public financing could be a significant obstacle to participation in elections, distorting the playing field in favour of certain candidates. However, some of our interlocutors pointed out that when public financing was available in previous election cycles, this led only to court litigation and political tensions because of the requirement for candidates not reaching a threshold of 3% of votes to repay all public funds received, a requirement that was not complied with by certain candidates not reaching the threshold.

Most of our interlocutors evaluate the first ten days of the campaign as normal, without any tension or unrest, intimidation or treat of voters, without any significant violations of the Election Code or the pre-election procedures. This explains the lack of any complaints and appeals to date. Indeed, there have been no complaints or appeals filed not only by any of the registered contestants but also by any of the rejected candidates or the so-called "hard-line opposition".

Cases of misuse of administrative resources by candidates to finance their campaigns have not been noted. As the ruling party has the headquarters in all administrative districts, their opportunities seem a bit broader. However, the use of state-owned things, as well as of the vehicles, buildings and devices (except the venues allocated by the CEC equally for all candidates) was not noted.

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<sup>29</sup> No such information was published by CEC in relation to the last presidential election in 2013 (according to the OSCE/ODIHR Final Report from 2013).

<sup>30</sup> The OSCE/ODIHR report on the presidential election in 2013 recommended the finance reports to be made fully public and subject to an independent professional audit.

<sup>31</sup> See OSCE/ODIHR NAM report from 21-22 February 2018.

## MEDIA IN THE ELECTION CAMPAIGN

According to the Azerbaijani law the mass information is free and guaranteed by the state. It is a protected right of the individuals to search obtain, prepare, transfer, product and distribute information in the way admitted by the law, as well as protected right of candidates to access and use of mass media and media outlets.

Pursuant to an executive order of President of Republic of Azerbaijan on improvement of election practice in Republic of Azerbaijan the local executive power bodies shall be assigned to ensure, within their authorities and according to the Election Code of the Republic of Azerbaijan, the use of mass media by all candidates for equal treatment and the creation of equal popularization opportunities for them. Furthermore, the central and local executive power bodies shall be responsible, in accordance with the Electoral Code of the Republic of Azerbaijan, for the necessary measures to implement the results of the parallel vote in fair and transparent form and to provide the necessary assistance to the respective electoral officials. In any case, no election campaign is conducted by the TV and Radio companies that belong to the state.<sup>32</sup>

The candidates are given opportunities for sufficient media presence coverage. Public Television and radio companies and periodicals that are founded by state bodies and organizations, or funded by the state budget, shall create equal conditions for registered candidates, political parties and blocs of political parties to conduct their election campaign. The Central Election Commission shall publish the list of TV-radio companies and periodicals where the candidates will be given free airtime and space for publications no later than 20 days after the decision on determination of elections has been officially published. CEC has met this requirement by publishing on February 22, 2018 list of such broadcast companies and newspapers available for candidates free of charge subject to equal conditions and limitations. During the Election Campaign for the Presidential Elections the registered candidates will be allocated free airtime and space for publication to hold pre-election campaign in the following mass media: Public TV and Radio Broadcasting Company and the newspapers: "Azerbaijan", "Khalg gazeti" and "Bakinski Rabochiy".

If the above-mentioned organizations, as well as other TV and radio broadcasting companies and editorial offices of periodicals adopt a decision on allocating paid airtime or space for publication with the aim of conducting pre-election campaign, then they shall sent

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<sup>32</sup> <http://www.msk.gov.az/az/serencamlar/428>

relevant notifications on this issue to the Central Election Commission of the Republic of Azerbaijan and publish information on the basis of the payment for the allocation, also the terms and amount of airtime and space for publication at the latest within 30 days since the official publication of a decision on the appointment of the Presidential Elections.<sup>33</sup>

Other media-related issues are the obligations of the mass media during the pre-election campaign and the elections. TV and radio companies and editorial offices of the periodicals shall create equal conditions for registered candidates, political parties and bloc of political parties to conduct their campaigns within the limits prescribed by the law.

The Election Code contains specific provisions regarding pre-election campaign in case of Presidential Elections. One third of total volume of free airtime allocated by TV and Radio companies shall be envisaged for the registered candidates for Presidency to conduct debates, round tables, other campaigning activities. This will give and guarantee the voters the possibility to become better acquainted with the visions of the candidates on important issues.

In accordance with the decision of the CEC “*on the distribution of free airtime allocated for the Presidential election in the Republic of Azerbaijan to be held on 11 April 2018, and the publication of timetable*”, free time was allocated in Public Television and Radio.<sup>34</sup> The decision reads as follows: “Three days a week, each being one hour, at 19:00 on the radio, at 22.00 on the TV within the capacities of the ITV that has provided the agreed airtime between the Central Election Commission and the Public Television and Radio Broadcasting Company, and will be handed over to television users”.

Starting from 19 March 2018 the candidates attend the debates on Public TV and Radio. Free airtime on TV and radio are used by the candidates themselves or their representatives. No infringement was recorded.

Public Television also broadcasts the reportages about the meetings of registered candidates with their voters, by allocating same time, which is free of charge.

The candidates also equally use the opportunities to place free campaign materials in published media.

The mass media reports only on the official and service activities of the incumbent president candidate. It consists of official receptions and state events.

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<sup>33</sup> <http://www.msk.gov.az/en/elections/prezident-seckileri/11-04-2018/960/>

<sup>34</sup> [http://www.msk.gov.az/plugins/pdf/datafiles/az\\_FILE\\_34510B-71D924-787588-83C36E-2FAED5-46B3A8.pdf](http://www.msk.gov.az/plugins/pdf/datafiles/az_FILE_34510B-71D924-787588-83C36E-2FAED5-46B3A8.pdf)

## PRE-ELECTION MEETINGS

According to the Article 49 of the Constitution of the Republic of Azerbaijan, *“Everyone has the right to freely assemble with others. Upon giving advance notice to the appropriate government bodies, everyone has the right together with others to assemble peacefully, without arms, to hold rallies, meetings, demonstrations, street marches, and pickets, provided that public order and public morals are not violated”*.

With the aim of application of the Article 49 the law “On the Freedom of Assembly” was adopted on November 13, 1998.

After country’s joining to the Council of Europe and ratifying the European Convention on Human Rights, some provisions of the law were not in compliance with the provisions of the Convention. Therefore, the Parliament of Azerbaijan cooperated with the Venice Commission of the Council of Europe and improved the legislation. After major modifications, the law entered into force on May 30, 2018,

The Venice Commission’s Opinion on the Law has been positive and stated its compliance with the international standards.

According to the Article 9.6 of the Law, “for holding meetings, rallies and demonstrations, the relevant executive power should allocate special places in each city and region. The list of proposed places for meetings, rallies and demonstrations is published in the local press and delivered to public in other ways. Organizers can choose one of the places allocated for meeting, rally or demonstration. The relevant executive power may change the list of places proposed for meetings, rallies and demonstrations based on the appeals.

Bearing in mind these provisions of the law, specific locations have been allocated under the decisions of local executive powers in more than 70 cities and settlements of the country. There are 12 locations in the capital city Baku, one being in each of these 12 administrative districts of the capital.

From the start of the campaign for the presidential elections to be held on 11 April 2018 and on the eve of that, the opposition parties held several rallies at the "Mahsul" stadium in the centre of Baku. This disapproves statements of some interlocutors that opposition could organize only small-scale meetings.

Registered candidates freely organize meetings in open air or indoor halls in Baku and regions. No interference or restrictions imposed during the assemblies and meetings were noted. This is confirmed by most of our interlocutors.

## COMPLAINTS AND APPEALS

Complaints and appeals can be filed by any interested party: voters, candidates, political parties and coalitions and their representatives, observers, election commissions, and other institutions directly involved in the electoral process (e.g., public TV providing free time to the candidates). Any actions, decisions, and omissions of election commissions can be contested before the higher election commission (complaints regarding several constituencies are directed to the CEC). Decisions and actions of CEC as well as decisions of election commissions on complaints can be directed to the Baku Court of Appeal and, in turn, to the Supreme Court.

The complaints or appeals need to be filed within 3 days from the occurrence of the alleged violation or from the adoption or publication of the decision, or from the day the plaintiff was informed of the decision. Generally, complaints are to be filed in a written form. However, in exceptional cases, CEC rules accept filing a complaint in a verbal form, through telephone or by email, in which cases the relevant election commission official is obliged to prepare a written record of the complaint.

At the CEC and ConEC levels, election complaints and appeals are reviewed by expert groups composed of 9 members for CEC and 3 members for ConECs. The expert groups have to be established at least 60 days before election day and, afterwards, no member of an expert group can be dismissed from the membership (except in exceptional circumstances) while there are complaints pending for review.<sup>35</sup> The criteria for selecting members of the expert groups are a little bit common. These criteria are professionalism, ability to conduct factual and legal analysis, professional electoral experience, and high public confidence in the impartiality of the potential member.<sup>36</sup> In an effort to provide the members of the expert groups with some training and improve their skills how to handle election disputes, CEC organized a series of 3-day seminars from 27<sup>th</sup> of February until 1<sup>st</sup> of March 2018 for all expert group members of all of the 125 constituencies in the country.

The expert groups prepare draft decisions on the complaints and appeals to be adopted by the respective election commission. In case of failure by the expert group to act or in the event of dissatisfaction with the group's decision on a complaint or appeal, the plaintiff can file a

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<sup>35</sup> The mandate of the expert groups expires on the day the official final elections results are published.

<sup>36</sup> The only specific requirement for the composition of the expert groups, according to CEC rules, is that the expert groups should include both lawyers and non-lawyers from the respective election commission staff.

complaint regarding the action or inaction of the expert group in accordance with the same appeal procedure (i.e., the plaintiff can appeal to the higher election commission or to the Baku Court of Appeal, respectively).

All complaints and appeals filed within 30 days before election day should be reviewed and decided upon within 2 days from filing<sup>37</sup>, while complaints and appeals filed on or after election day should be reviewed and decided upon immediately. In case additional time is needed for investigation of the complaint or appeal, the expert group can apply for an additional period of up to 3 days, which may or may not be granted by the respective commission.

The election commissions' decisions are to be announced immediately or published within the next 18 hours (CEC decisions are also published on its website), and a copy of the decision is delivered to the plaintiff.

As already noted above, no complaints have been filed to date.<sup>38</sup>

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<sup>37</sup> This timeframe was reduced from 3 to 2 days for any complaints filed within 30 days before election day in line with previous OSCE/ODIHR recommendations (cf. OSCE/ODIHR Final Report on the 2013 presidential election). Complaints filed before the 30-day period preceding election day are to be reviewed and decided upon within 3 days.

<sup>38</sup> In 2013 there was a total of 19 appeals to CEC, 4 of them being related to a campaign event (roundtable) on public TV.

## ELECTION OBSERVATION AND EXIT-POLLS

The Election Code provides that citizens and international observers have the right to monitor the election process at all stages and levels.<sup>39</sup> In addition to observers, candidates (independents) and political parties supporting a candidate can also have their authorized representatives follow the entire election process as observers (in addition to their other duties as representatives).<sup>40</sup>

For purposes of election observation, citizens can register as individuals or as observing representatives of political parties, independent candidates, or NGOs.

International observers can be registered by CEC for monitoring the election process only if they were invited by the President, the Milli Majlis, the Ministry of Foreign affairs or CEC. Invitations can be requested (suggested) by international NGOs that have a relevant reputation in the area of election observation. Citizens of Azerbaijan are prohibited from participating as foreign observers.

International observers enjoy a certain privileged status as they are “under the protection of the state” and are entitled to receive assistance from all elections commissions and from the state and local authorities, which is also applicable to other (i.e., domestic) observers.<sup>41</sup> Financing of international observers should be provided only by their own organizations or from personal funds. In general, international observers, having the same rights and duties as all other observers, should carry out their activities in a transparent, fair, and independent manner, refraining from any interference with the election process. In addition to monitoring any part of the election process, observers are entitled to receive free copies of the full protocols of election returns and other documents administered by the election commission, without any restrictions.

In total, according to information provided by CEC, as of the date of this report there are about 60,000 registered observers (the deadline of registration of observers is March 31, 2018). There are 60 registered organizations that conduct domestic and international election observation missions. Furthermore, there will be a certain number of media representatives, who do not need to be registered as observers but are allowed to monitor the election process.

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<sup>39</sup> In line with commitments made by Azerbaijan to OSCE.

<sup>40</sup> All candidates and political parties supporting a candidate need to appoint an authorized representative for the election process as well as another representative for financial matters. The authorized representatives are registered with CEC at the time of filing the candidacy documentation.

<sup>41</sup> See CEC Instruction approved by Decision 7/27-4 from the 18<sup>th</sup> of July 2008.

Observers and other persons are allowed to be present at precincts on election day provided that they have a badge issued by CEC.

In addition, following a 10-year tradition, there will be 1,000 video cameras placed at 1,000 voting stations allowing any person to monitor the election process at those precincts live on the Internet, as well as in person in a special room at CEC's offices.

On 24<sup>th</sup> of March 2018 CEC registered the following organizations to hold exit-polls during the election:

- ELS-Independent Research Center;
- "Rey" Monitoring Center;
- US-based Arthur J. Finkelstein & Associates in partnership with the Citizens' Labor Rights Protection League; and
- Independent consultancy and assistance center "For the Sake of Civil Society" (FSCS) together with the French Research Company Opinion Way.

Pre-election rating surveys and monitoring by surveys (public opinion pools) of the dynamics of contestants' campaign and electoral environment are a proven instrument for safeguarding the true democratic and transparent electoral process. In the countries with developed democracies this is an obligatory component of the electoral campaigns. To a higher degree this is valid for the Exit-polls during election day.

We are pleased that the exit-poll techniques were experimented with the professional capacity of GISDI during the 2003 Azerbaijan elections. On these elections GISDI is not conducting research and Exit poll.

We expect with great interest the public release of the survey ratings of candidates and the independent research organisations' election forecast. According to the information that we received they are expected to be announced in the upcoming days.

The mass media should indicate the following information, when publishing the results of public opinion surveys related to elections:

- The organizations that conducted the public opinion survey;
- The date the survey was carried out;
- The questions asked (clearly stated);
- The number of respondents.<sup>42</sup>

We could analyse their methodology, samples, methods of registration, ratings and the electoral forecast, which our colleagues will carry out based on their findings.

We discussed the issue of public trust to polls, ratings and forecasts with our interlocutors.

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<sup>42</sup> Election Code, Art. 76.

# FINDINGS

- Macropolitical environment in the country favors the conduct of free and democratic elections.
- We have not observed any threat to the free exercise of the people's voting rights and the organization of the electoral process.
- The analysis of the Election code and other related laws and regulations allows to conclude that the electoral legal framework complies with most international standards for free and fair elections.
- The observation we have conducted on the work of the election administration provides enough evidence for us to give it a positive evaluation.
- The voter lists are updated regularly and the overall process of maintenance and update of the lists is transparent and well organized. There is an efficient system of voter de-registration cards allowing the voters to fully exercise their right to vote.
- The procedure and requirements for nomination and registration of candidates are fully and clearly set out in the law. Although two of the candidates were rejected and other five dropped out from the process, we consider that all fundamental democratic principles have been respected.
- The media monitoring shows that one of the candidates – the incumbent president - has more media presence than the other candidates. This is explained by the fact that the media are covering his activities as president as well as his campaign.
- There have been no violations of the electoral legislation in the first ten days of the campaign. No complaints and appeals have been filed so far.
- Some of the parties boycott the elections. However, we expect that their boycott will not hinder the overall electoral process.

**In conclusion,**

GISDI considers and would like to state that all fundamental conditions and prerequisites for conducting fair and democratic elections in accordance with the international standards exist in the Republic of Azerbaijan. Voters can freely and fully exercise their constitutional right to vote. We hope that our observation of the electoral process until and on election day will not encounter any facts or hear any arguments that could make us change the conclusion we have as of today.

We as an organization wish the Azerbaijani people to have a fair, transparent and successful elections.

## GISDI OBSERVATION FOCUSES IN E-DAY AT POLLING STATIONS

GISDI is planning a field observation at polling stations on e-day. 80 short term observers will be deployed according to our deployment plan.

Short term observers will observe the voting process in polling stations in pairs of two. According to the deployment plan each pair has to observe 4 - 6 PECs and the voting process in the 4 - 6 polling stations. The information will be registered in GISDI Report Form For Polling Station Observation. The form is attached to this report. The polling sections will be observed in five time zones throughout the e-day:

- Opening of PS at 8.00 a.m. and an hour latter;
- Voting before 1.00 p.m.
- Voting after 2.00 p.m.
- Closing at 7.00 p.m.
- Counting and completion of the PS protocol after 8.00 p.m.

### **Focuses of Observation**

- If the necessary **election materials** are present?  
(PS seals for protocols and boxes; polling booth/s; ballot papers; voter lists – general, special and additional; ballot boxes; protocol with PS results and others and other protocol; PEC Record book and other materials);
- Is there **camera** in the PS?
- Are there **officials and authorized people**?  
(How many are PS members? How many are women? How many are present?)
- Which of the candidates have **proxies** of the in the PS?  
(How many candidate proxies and domestic nonpartisans observers are present at the PS?)
- Were any **unauthorized persons** present in the PS? From which institutions?
- **Transparency** of the voting process and work of PEC in PS  
(clear view, any restrictions)
- Circumstances **outside the PS**  
(campaign activities, tension or unrest, crowd waiting)

- **Arrangements inside** the PS  
(Convenient to conduct polling; Ballot boxes; Secrecy of the vote)
- **Situation inside** the PS  
(overcrowding, campaign activity and materials, tension, intimidation of voters)
- Number of **voters registered** on general voter list and on special and additional voter lists
- **Turnout** in the hour of observation
- **Voting** procedures
- **Closing** of the PS  
(waiting voters, PS members and authorized people at the closing, unauthorized people at the closing)
- Steps before the **ballot boxes** are opened and opening them
- **Counting** of votes by candidates, invalid votes
- **Transparency in the process of counting** and Completion of the PS protocol
- **Overall evaluation** of the voting and counting in the PS in 5 degree – very good, good, average, bad, very bad

The array of the gathered empirical information will be analyzed both qualitative and quantitative and then used in the overall assessment of the effectiveness of the electoral procedures, the level of their democratization as well as in giving recommendations for further improvement of the legal framework and regulation of election process, for assurance of unauthorized interference in election process, enhancing transparency of PEC, ConEC and CEC, retaining the secrecy of vote.

The English version of this report  
is the only official document.

# ANNEXES

Annex №1. Composition of CEC

Annex №2. Requirements for Candidacy and Deadlines

Annex №3. Candidates Nomination and Registration

Annex №4. Political Parties and Blocks that Refused to Nominate Candidates

Annex №5. Presidential Elections in Azerbaijan 2003-2018

Annex №6. List of Meetings

Annex №7. Observation Report Form (Polling Station)

available on: [http://gisdi.eu/bg/Report\\_Form-c299](http://gisdi.eu/bg/Report_Form-c299)

## Annex №1

### CENTRAL ELECTION COMMISSION COMPOSITION

The Milli Majlis elects the Central Election Commission for a five-year term. The composition is being elected by the parliamentary represented political forces.

The CEC serves as an independent state body, responsible for the preparation, organisation and conduct of elections in accordance with the Constitution and the Electoral Code.

It has 18 members and it is responsible for the appointment of the members of the lower election commissions, namely the Constituency Election Commissions and Precinct Election Commissions.

The composition of the current CEC is being elected as follows:

|  | Representation in the Milli Majlis (125 seats) | Number of appointed members in CEC |
|--|--|------------------------------------|
| Parliament majority (New Azerbaijan Party) | 72 seats (57,6%)                               | 6 or 33,3%                         |
| Parliament minority (opposition)           | 12 seats (9,6%)                                | 6 or 33,3%                         |
| Independent members of Parliament          | 40 seats (31,8%)                               | 6 or 33,3%                         |

## Annex № 2

# REQUIREMENTS for candidacy and DEADLINES

### **Requirements for nomination and registration of presidential candidates in the Republic of Azerbaijan, according to the Constitution and the Election Code**

Active suffrage: every person is allowed to be nominated as a presidential candidate as long as he/she fulfils the following requirements:

| Criteria  | Details   | Deadline   |
|---|---|--|
| <b>Constitutional requirements (Art. 100)</b>         |   |  |
| Duration of residing in country                       | The person should be permanently residing in the territory of the Republic of Azerbaijan for at least 10 years (no concrete information can be found in the Internet, whether this requirement have been changed, since the adoption of Constitution) | –  |
| Level of Education                                    | The candidate shall have higher education * (It is not specified, whether a candidate can have higher education degree from a domestic or foreign university)   | –  |
| Prosecuted for serious crime                          | The person should not have previous conviction for a serious crime (It is not specified what falls into the category of serious crimes, in the Constitution is written: a citizen without previous conviction)  | –  |
| Commitments   | The person should have no commitments towards other states and should not have dual citizenship (an eventual candidate for President should be ONLY Azerbaijani citizen)  | –  |
| Electoral rights                                      | The person should be fulfilling the requirements for being a voter (all citizens over 18 years old on the day of election in or outside the borders of Azerbaijan, without those deprived of legal capacity by a court decision)                      | –  |
| <b>Central Election Commission (CEC) requirements</b> |   |  |
| Suffrage rights                                       |   |  |
| Registration  | Registration starts right from the election announcement and continues up to 30 days prior to the election  | 12 March 2018 until 18.00 o`clock                                  |
| Set of documents                                      | The authorized representative of a political party (candidate) shall submit the following documents to the relevant election commission <sup>2</sup>  | 5 days to decide upon the nomination after receiving the documents |

|  |   |          |
|--|---|----------|
| Signatures   | Prospective candidates are required to collect 40,000 signatures of voters in support of their nomination, 50 to 30 days prior to election.<br>It is also required that the signatures are collected from at least 60 out of the 125 constituencies.<br>The minimum required number of signatures pro constituency is 50. | 12 March |
| Decision of CEC on registration                        | The CEC should examine the collected signatures within 7 days of receiving and decide on a candidacy.   |          |
| Ground for refusal                                     | The only basis for rejection of a certain candidate's nomination is a violation of the requirements mentioned in the Azerbaijan Constitution or in a case of a disparity in the set of documents required from CEC (noted in Art. 54.1 – 54.7 of the Election Code) <sup>3</sup>  | -        |
| <b>Requirements for a nomination on own initiative</b> |   |          |
|  | The requirements for a nomination on own initiative are similar to those of party nominations, without all the party relevant documents (only personal) and the ground for refusal of candidacy is similar to party nominations (only article 54.8 of the Electoral Code, written below)                                  |          |

\* 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". (ODIHR NAM report 2018: page 8)  
In most countries with the presidential form of governance, there are requirements regarding the higher education. In Azerbaijan, higher education is not required for being a member of Milli Majlis and municipality.

Notes:

1. After a Constitutional referendum took place on the 26<sup>th</sup> of September 2016 the minimum age requirement of candidates (35 years old) was removed (ODIHR/NAM 2018: 8)

Constitution of the Republic of Azerbaijan:

"Article 100. Requirements to candidates to the post of the President of the Republic of Azerbaijan

Citizen of the Republic of Azerbaijan, permanently living on the territory of the Republic of Azerbaijan longer than 10 years, possessing voting right, without previous conviction, having no liabilities in other states, with university degree, not having double citizenship may be elected the President of the Republic of Azerbaijan."

2. 54.5.1. a copy of the certificate of registration of the political party, certified by a notary;  
54.5.2. a copy of the charter in effect of political the party, certified by notary;  
54.5.3. the decision of the congress, conference, or meeting of the board, to nominate candidates and the minutes\* (*minute here refers to a protocol or a decision*) of the relevant meeting;  
54.5.4. the powers of attorney of the authorized representatives of the political parties, certified in an order established by the Civil Code of the Republic of Azerbaijan.  
54.6. The authorized representatives of a bloc of political parties shall submit the following documents along with the names of candidates:

54.6.1. the decisions to nominate candidates of the congresses, conferences, or meetings of the board of the political parties included in the bloc, and the minutes of the relevant meeting;

54.6.2. the decision to nominate a candidate on behalf of the bloc of political parties, made at the meeting, congress, or conference of the representatives of the political parties included in the bloc of political parties, and the minutes of the relevant meeting;

54.6.3. the powers of attorney of the authorized representatives of the bloc of political parties, certified by a notary. *(It is not mentioned if it is possible to register a candidate without the certified document from a notary)*

54.7. The authorized representatives of political parties shall submit the documents on candidates nominated in the relevant election constituency to the relevant election commission. The names of the candidates shall be submitted in the format determined by the Central Election Commission, and should be type written or prepared in another format allowing for it to be recognized by a machine.

54.8. The authorized representative of a political party or bloc of political parties shall submit the documents mentioned in Articles 54.1 – 54.7 of this Code together with the candidate's application which should contain:

- commitment to terminate the activities incompatible with his/her position if he/she is elected;
- consent to be nominated as a candidate.

This application should also contain the candidate's:

- surname, forename, patronymic, date of birth;
- address of residence;
- educational background;
- main workplace or official position (type of activity if not working); and
- party affiliation (with the candidate's consent).

*(Election Code of the Republic of Azerbaijan, p. 72-77)*

3. Pages: 72-77

## CANDIDATES NOMINATION AND REGISTRATION

### LIST OF APPROVED AND REGISTERED CANDIDATES

Deadline for the announcement of approval or denial for registration of candidates:  
22<sup>th</sup> of March 2018, according to the Calendar Plan of the CEC.

Table 1.

| Name  | Candidacies are nominated by                          | Previous participation & result  |
|---|---|--|
| <b>Incumbent president</b>                                      |   |  |
| Ilham Heydar Aliyev   | New Azerbaijan Party                                  | 2003 – 76,84% (8 candidates)<br>2008 – 88,73% (7 candidates)<br>2013 – 84,54% (8 candidates) |
| <b>Candidates who have been REGISTERED by way of nominating</b> |   |  |
| Alizade Mammad Araz   | Azerbaijan Social Democratic Party                    | 2013 – 0,87%   |
| Gudrat Muzaffar Hasanguliyev                                    | Whole Azerbaijan Popular Front Party (People`s Front) | 2003 – 0,50%<br>2008 – 2,28%<br>2013 – 1,99%   |
| Hafiz Alemdar Hacıyev   | <i>Modern Musavat Party</i>                           | 2003 – 0,34%<br>2008 – 0,65%<br>2013 – 0,66%   |
| Farac Ibrahim Guliyev   | National Revival Movement Party                       | 2013 – 0,86%   |
| Sardar Calal Mammadov   | Azerbaijan Democrat Party                             | 2013 – 0,62%   |
| Zahid Maharram Oruc   | Own initiative  | 2013 - 1,46%   |
| <b>Presidential candidates, who run for the first time</b>      |   |  |
| Razi Gulamali Nuraliyev   | Initiative group "Front-line Initiative Group"        | –  |

## Notes:

1. Ilham Aliyev is the Chairman of the New Azerbaijan Party, since 2003. Although serving as a president, he/his party has provided the signature sheets and all of the other necessary documents for candidate`s registration to the CEC. Thus, an incumbent president does not have any advantages in front of other presidential candidates, in terms of candidacy registration (according to the content of decision 7/49 of CEC. URL: [http://www.msk.gov.az/plugins/pdf/datafiles/en\\_FILE\\_F9E549-56073E-73E90C-6E6E90-7E7CF2-121530.pdf](http://www.msk.gov.az/plugins/pdf/datafiles/en_FILE_F9E549-56073E-73E90C-6E6E90-7E7CF2-121530.pdf) ).

## LIST OF REJECTED AND DROPPED OUT NOMINATIONS

Table 2.

| <b>Individuals who have NOT BEEN REGISTERED as a candidate due to insufficient number of signatures</b>                   |                                     |   |
|---|-------------------------------------|---|
| <b>Ali Nadir Aliyev</b>   | Citizens and Development Party      | – |
| <b>Tural Feyruz Abbasli</b>   | Own initiative                      | – |
| <b>Individuals who have NOT BEEN REGISTERED as a candidate due to the failure to submit the required DOCUMENTS fully.</b> |                                     |   |
| <b>Anar Azer Umudov</b>   | On his own initiative               | – |
| <b>Asif Rasim Mammadov</b>  | On his own initiative               | – |
| <b>Elshan Shirzad Hasanov</b>   | On his own initiative               | – |
| <b>Fuad Aghasi Aliyev</b>   | Azerbaijan Liberal Democratic Party | – |
| <b>Ramazan Alakbar Bakirov</b>  | On his own initiative               | – |

### Individuals who was unable to run due to imprisonment

Table 3.

| <b>Individuals who was unable to run in the election</b> |   |   |
|--|---|---|
| <b>Ilgar Eldar Mammadov</b> <sup>4</sup>                 | Republican Alternative Movement (informal movement) | – |

**Notes:**

3. The listed candidates failed to submit the required signatures sheets or other necessary documents on time (12<sup>th</sup> of March 18:00 o'clock). However, the only source that has so far confirmed this information is the following: <http://en.apa.az/azerbaijan-politics/domestic-news/five-approved-presidential-candidates-in-azerbaijan-fail-to-submit-voter-signatures-to-cec.html>

CEC did not post a message on the issue on their website. (19.03.2018)

4. According to the ODIHR NAM report (02.03.2018: 5-6) "certain imprisoned individuals are prevented from running in the election despite judgments of the European Court of Human Rights (ECtHR)". For more reference on Ilgar Mammadov's case in particular, see - [https://hudoc.echr.coe.int/eng#{"itemid":\["001-178631"\]}](https://hudoc.echr.coe.int/eng#{)

**Sources:**

All of the information above (except note 3.) has been collected from the decisions of the CEC Azerbaijan website and the protocols posted from the CEC. The results from the 2003 presidential election is in accordance to the data in the ODIHR final report, since no results are to be found on the webpage of CEC.

Decisions - <http://www.msk.gov.az/en/elections/prezident-seckileri/11-04-2018/946/>

Results – 2003: <https://www.osce.org/odihr/elections/azerbaijan/13467?download=true> Page: 25

2008: <http://www.msk.gov.az/en/elections/prezident-seckileri/15-10-2008/>

2013: [http://www.msk.gov.az/uploads/protokollar/CEC\\_protocol\\_2013.pdf](http://www.msk.gov.az/uploads/protokollar/CEC_protocol_2013.pdf)

## REASONS FOR THE REJECTED REGISTRATIONS

Table 4.

| Name                           | Nomination documents submission   | Reasoning for the rejection / dropping out   |
|--------------------------------|---|--|
| <b>Ali Nadir Aliyev</b>        | 21.02.2018  | The candidate could not fulfil the requirement to submit the signature sheets with insufficient number of signatures (40,000) from minimum 60 constituency.  |
| <b>Anar Azer Umudov</b>        | 09.02.2018  | The candidate failed to submit the signature sheet and other necessary for registration documents within the deadline – 12.03.2018 18:00 o`clock. CEC cannot register the candidate without sufficient number of all required documents. |
| <b>Asif Rasim Mammadov</b>     | 12.02.2018  | The candidate failed to submit the signature sheet and other necessary for registration documents within the deadline – 12.03.2018 18:00 o`clock and thus, has not been registered.  |
| <b>Elshan Shirzad Hasanov</b>  | 12.02.2018  | The candidate failed to submit the signature sheet and other necessary for registration documents within the deadline – 12.03.2018 18:00 o`clock and thus, has not been registered.  |
| <b>Fuad Aghasi Aliyev</b>      | 09.02.2018  | The candidate failed to submit the signature sheet and other necessary for registration documents within the deadline – 12.03.2018 18:00 o`clock and thus, has not been registered.  |
| <b>Ramazan Alakbar Bakirov</b> | 14.02.2018  | The candidate failed to submit the signature sheet and other necessary for registration documents within the deadline – 12.03.2018 18:00 o`clock and thus, has not been registered.  |
| <b>Tural Feyruz Abbasli</b>    | 09.02.2018  | The candidate submitted the signature sheets with insufficient number of signatures (40,000) from minimum 60 out of the 125 constituency.  |
| Important note                 | So far, we did not find the decision of CEC regarding the registration of Anar Umudov, Asif Mammadov, Elshan Hasanov, Fuad Aliyev and Ramazan Bakirov on their website. It should be noted that the information could be found only in one media source at the moment of published (22.03.2018). However, regarding the cases of Ali Aliyev and Tural Abbasli, the CEC made decisions (decision 12/72 and 12/73), accompanied with explanation on the refusal on their website. |  |

<http://en.apa.az/azerbaijan-politics/domestic-news/five-approved-presidential-candidates-in-azerbaijan-fail-to-submit-voter-signatures-to-cec.html>

## Overall / In conclusion:

- 7 out of 15 candidates participated in the previous election (2013), including the president.
- 3 out of 15 candidates participated in the 2013, 2008 and 2003 presidential elections (Aliyev, Hasanguliyev, Hajiyev).
- Among the 8 registered candidates only one runs in presidential election for the first time.
- On these presidential elections, the incumbent President Ilham Aliyev is facing 7 opponents. The voters are given the opportunity for a pluralistic choice/vote. This is a basic precondition of the democratic and honest election process.
- The outcome of elections between 2003 and 2018 shows steady positioning. There is dilemma of whether previous situation will change or not in these elections. Is there any political force or political leader that will thoroughly change the previous stable outcome?
- Seven nominated candidates were not registered by CEC. Five of them did not provided the documents, upon which the CEC is required to take a decision whether to approve or to deny registration. Thus, their candidacies dropped out. The other two candidates were not registered, because they failed to meet the requirements of signature collection and submission.

**POLITICAL PARTIES AND BLOCS THAT REFUSED TO  
NOMINATE CANDIDATES  
IN 2018 PRESIDENTIAL ELECTIONS**

|   |   |
|---|---|
| National Council of democratic forces (NCDF)    | It includes Popular Front Party of Azerbaijan and several individual members.   |
| Party of Hope                                   | Centre-right party, which supports liberal democratic society.  |
| Republican Alternative Movement (REAL)          | It is not a political party, but informal movement. Therefore, it could not nominate candidate as a political party. Currently the head of the movement is in prison. He was not nominated by any political force or on his own initiative. |
| Azerbaijan Democracy and Welfare Movement (ADW) | It is a public union without official registration.   |
| Nida Civic Movement (Nida/N!DA)                 | It is a public union without official registration.   |
| The Democracy 1918 Movement (D18)               | It is a public union without official registration.   |

## PRESIDENTIAL ELECTIONS IN AZERBAIJAN 2003-2018

| Year | Candidates  | % of valid votes | Year   |
|------|---|------------------|--|
| 2003 | 1 <sup>st</sup> : Ilham Heydar Aliyev                           | 76,84            |  |
|      | 2 <sup>nd</sup> : Isa Gambar                                    | 13,97            |  |
|      | 3 <sup>rd</sup> : Lala Shovket Hadjiyeva                        | 3,62             |  |
|      | Others  | 5,57             |  |
| 2008 | 1 <sup>st</sup> : Ilham Heydar Aliyev                           | 88,73            |  |
|      | 2 <sup>nd</sup> : Iqbal Agha-Zade                               | 2,86             |  |
|      | 3 <sup>rd</sup> : Fazil Gazanfar Mustafayev                     | 2,47             |  |
|      | Others  | 5,94             |  |
| 2013 | 1 <sup>st</sup> : Ilham Heydar Aliyev                           | 84,54            |  |
|      | 2 <sup>nd</sup> : Jamil Hasanli                                 | 5,53             |  |
|      | 3 <sup>rd</sup> : Iqbal Agha-Zade                               | 2,40             |  |
|      | Others  | 7,53             |  |
| 2018 | 1 <sup>st</sup><br>2 <sup>nd</sup><br>3 <sup>rd</sup><br>Others |                  | <p style="text-align: center;">?   ?   ?   ?</p> |

### Note of GISDI:

There is an impressive steadiness of the electoral quotas from the elections 2003 up to date.

Political and Election Analysts should be asking themselves the question, whether on these elections there are opposition parties represented by influential leaders, which may have the chance to certify a result higher than Isa Gambar in 2003 (13,97%)?

## Annex 6

## LIST OF MEETINGS

|    | <b>Civil Society Representatives and Experts</b> |   |
|----|--|---|
| 1  | Mrs. Vusala Huseynova                            | Chairwoman of the “Democratic Reformist Youth” Public Union                       |
| 2  | Mr. Alimammad Nuriyev                            | President of the “Constitution” Research Foundation                               |
| 3  | Prof. Kamil Salimov                              | Chairman of the “Prison Watch” Public Union                                       |
| 4  | Mr. Shahin Jamalov                               | President of the “Human Rights - XXI century” Azerbaijan Foundation               |
| 5  | Mrs. Naila Ismayilova                            | Chairwoman of the “New Life” Humanitarian and Social Support Public Union         |
| 6  | Mr. Rauf Zeyni                                   | President of the National NGO Forum   |
| 7  | Mr. Asif Asgarov                                 | Chairman of the Azerbaijan Democratic Students' Youth Organization                |
| 8  | Mr. Vugar Bayramov                               | Director of the Center for Economic and Democratic Development                    |
| 9  | Mrs. Ludmila Khalilova                           | Chairwoman of the “Women for Development of the Municipalities” Public Union      |
| 10 | Mr. Azer Hasret                                  | “Central Asian and Southern Caucasian Freedom of Expression Network” Public Union |
| 11 | Mr. Ibrahim Aliyev                               | President of the Applied Research Foundation                                      |
| 12 | Mr. Umud Mirzayev                                | Chairman of the International Eurasia Press Fund                                  |
| 13 | Mr. Mushfig Alasgarli                            | Chairman of the Journalists Trade Union   |
| 14 | Prof. Tamam Jafarova                             | Universtet Education Women's Society Public Union                                 |
| 15 | Mr. Ramil Isghandarli                            | Legal Analysis and Research Public Union  |
| 16 | Mr. Sahib Mammadov                               | Executive Committee for Protection of Labor Rights of Citizens                    |
| 17 | Mr. Mubariz Ahmadoghlu                           | Center for Political Innovation and Technology                                    |
| 18 | Mr. Gorkhmaz İbrahimli                           | Democratic Election Center  |
| 19 | Mr. Ahmad Alili                                  | Center for Economic and Social Development  |

|    | <b>Media Representatives</b>                             |  |
|----|--|--|
| 20 | Mr. Vugar Aliyev   | Azertac (Official)                         |
| 21 | Mr. Fuad Babayev   | 1905.az (Private)                          |
| 22 | Mrs. Ayten Ahmedova                                      | ATV (Private)                              |
| 23 | Mrs. Ayshe Isazade                                       | ARB TV (Private)                           |
| 24 | Mrs. Ulviyya Allazova                                    | Az TV (Official)                           |
| 25 | Mr. Server Abdullayev                                    | ITV (Private)                              |
| 26 | Mrs. Fariza Ahmadova                                     | Apa.az (Private)                           |
| 27 | Mrs. Ilhama Isabalayeva                                  | Trend.az (Private)                         |
| 28 | Mr. Nigar Hasanli  | APA TV (Private)                           |
| 29 | Mrs. Nailan Hasanova                                     | CBC TV (Private)                           |
| 30 | Mrs. Nurlana Mehdiyeva                                   | Lider TV (Private)                         |
| 31 | Mr. Islam Ashrafov                                       | Khazar TV (Private)                        |
|    | <b>Representatives of Political Parties</b>              |  |
| 32 | Mrs. Sevinc Fataliyeva                                   | New Azerbaijan Party                       |
| 33 | Mr. Elchin Mirzabayli                                    | Whole Azerbaijan Popular Front Party       |
| 34 | Mr. Elnur Valiyev  | Azerbaijan Social-Democratic Party         |
| 35 | Mr. Thamaz Mammadov                                      | Azerbaijan Social-Democratic Party         |
| 36 | Mr. Tahir Karimli  | Vahdat (Unity) Party                       |
| 37 | Mrs. Saadat Huseynova                                    | Social Welfare Party                       |
| 38 | Mr. Elshan Musayev                                       | Azerbaijan Democratic Enlightenment Party  |
| 39 | Mr. Fuad Aliyev  | The Liberal Democratic Party of Azerbaijan |
| 40 | Mr. Gulamhuseyn Alibayli                                 | The Intellectuals Party                    |
|    | <b>Candidates</b>  |  |
| 41 | Siyavush Novruzov<br>(representative of<br>Ilham Aliyev) | New Azerbaijan Party                       |
| 42 | Mr. Zahid Oruj   | Self-nominated                             |
| 43 | Mr. Gudrat Hasanguliyev                                  | Whole Azerbaijan Popular Front Party       |
| 44 | Mr. Faraj Guliev   | National Revival Movement Party            |
| 45 | Mr. Razi Nurullayev                                      | Initiative Front Men Group                 |
| 46 | Mr. Araz Alizade   | Azerbaijan Social-Democratic Party         |
| 47 | Mr. Hafiz Hajiev   | Modern Equality Party                      |
| 48 | Mr. Sardar Mammadov                                      | Modren Musavat Party                       |

## Annex 7

# OBSERVATION REPORT FORM (POLLING STATION)

The GISDI Polling Station Observation Form (for observation at polling stations) is available at the GISDI website.

Please, visit: [http://gisdi.eu/bg/Report\\_Form-c299](http://gisdi.eu/bg/Report_Form-c299)