

G I S D I

Civil Initiative for Free and Democratic Elections

Republic of Azerbaijan
Presidential Elections

11 April 2018

F I N A L R E P O R T

SOFIA – BAKU

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ABBREVIATIONS

CEC	Central Election Commission
ConEC\s	Constituency Election Commission/s
EC	Election Code
EU	European Union
GISDI	Civil Initiative for Free and Democratic Elections
NTRC	National Television and Radio Broadcasting Council
PEC	Precinct Election Commission
PS	Polling Station
VL/s	Voter List/s
STO	Short Term Observer
ORF	Observation Report Form

EXECUTIVE SUMMARY

Results of GISDI overall observation of Republic of Azerbaijan Presidential Elections, held on 11 April 2018 show that they were conducted in accordance with the principles of free and fair democratic elections, thus expressing the free will of people and protecting their political and civil rights. The organization and conduct of the Presidential elections were in conformity with the fundamental freedoms:

- freedom of expression and media – all candidates had equal free or paid access to media. The media is free to decide the forms of their participation in election campaign. We have not observed cases of violation of the right of voters to express freely their will;
- freedom of assembly – the electoral legislative frame allows free conduct of pre-election rallies and other events; list of approved venues was published in due time on CEC's website;
- freedom of association – there are approximately 60 political parties, more than 4 500 non-governmental organizations and more than 5 000 mass media outlets; the political parties are allowed to run in elections independently or in blocs of parties;
- freedom of movement – voters have right to vote in a different PEC than their home registration using the mechanism of de-registration cards;
- freedom from discrimination – on the base of race, nationality, religion and cultural tradition of communities.

The legal electoral framework of Republic of Azerbaijan complies with most international standards for free and fair elections and reflects national context. These elections showed high efficiency of the Election Code and other related laws and regulations in practice.

Election managing bodies and electoral administration have made every effort to raise the level of transparency of electoral process; to set up clear and feasible requirements for candidates' nomination and registration; to educate and empower voters to exercise their voting rights. They managed to administer the campaign in full compliance with the national electoral legislation and international standards of democracy, providing all candidates with opportunities for public expression of their political platforms.

* * *

Voters in Presidential Elections are all citizens of Azerbaijan who are at least 18-year old by election day, regardless of whether they reside in the country or abroad, except those who are recognized as incapable by a court decision. Voters were included in the voter list of referent PECs – if they have **permanent residence for at least 6 out of 12 last months** before to election announcement.

The total number of voters, included in the final integral VL was 5 332 817.

For this election, CEC has published the integral preliminary VL that consists of about 5 100 000 voters, by 3 March. That was 40 days before the e-day.

Voters were provided with an **opportunity to check their registration** in the preliminary VL online – on the website of CEC, by telephone, or in person at the respective PEC.

41 polling stations were established in 32 foreign countries regarding the Presidential Elections in Azerbaijan.¹ According to CEC, about 13 820 voters were expected to vote abroad.

It seems voting abroad has no significant impact on final electoral results. The electoral situation in the previous presidential elections has been the same.

Voter lists had been updated 40 days before the e-day and during the electoral campaign. The overall process of maintenance and update of the lists was **transparent and well organized**. The VL had been updated with the citizens' active participation, not only upon PECs' and CEC's initiative.

There was an **efficient system of voter de-registration cards** allowing voters to fully exercise their right to vote. 20 804 voters used this opportunity and voters' right. That is 0,0053% of the valid votes, registered on e-day.

* * *

Voters' education and information of voters in Azerbaijan is responsibility of the electoral administration. 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.

A number of NGOs have been organizing and carrying out social marketing campaigns to raise voters' awareness and motivation to vote as well. Their target groups were mainly young people, especially first-time voters and women in rural areas.

* * *

8 candidates have been registered in these elections. The procedure and requirements for nomination, approvement and registration of candidates are fully and clearly set out in the law, although two of the candidates were rejected from registration by CEC, and other five dropped out after approvement from the process. We consider that all fundamental democratic principles have been respected as well as the referent norms and procedures in the Election Code in the procedure of registration of candidates.

Some of the parties boycotted the elections. However, their boycott did not hinder the overall electoral process. They have done no significant activities against the ruling party, decisions and instructions of CEC, managing bodies in electoral process, as well as no significant mass public rallies or demonstrations.

¹ According to an announcement of the Ministry of Foreign Affairs from 12 March 2018.

* * *

Women in Azerbaijan enjoy the right to vote since 1918. There are no legal barriers to participation of women in elections nor additional legal provisions to promote their participation. In general, women participation in politics is lower than of men. No women contested this elections. On the other site, the female dominance in PECs was obvious. Most of the PECs members were women, women were most of the PECs chaires.

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.

* * *

The pre-election campaign commenced 23 days prior to Election Day and finish 24 hours prior to Election Day. It started on 19 March 2018.

All candidates were provided with free air time and space in print media to communicate their political programs with voters. Lists of venues for public agitation materials and for meetings, rallies and other election related events were approved and published by CEC.

Registered candidates freely organized meetings and rallies in open air or indoor halls in Baku and regions. There are 2 pre-election rallies, organized by opposition parties. We have not registered any interference or restrictions.

The media in pre-election campaign were free enough to cover the campaign of all candidates. Print and broadcast media are under the regulation of Election Code. Internet media are not regulated. The candidates were given opportunities for sufficient media presence coverage either free or payed. There were 9 round tables – candidates' TV debates, on public TV. No infringement was recorded.

GISDI media monitoring shows that one of the candidates – the incumbent president - had more media presence than the other candidates. This could be explained by the fact that the media were covering his activities as president.

There have been no **complaints and appeals formally filed** during the campaign or on the election day. Nor the boycotting parties, nighter the so called "radical opposition" have formally filed complaints.

* * *

On this election we observed an essential step forward in the whole organization and conduct of election process from the perspective of the **fundamental criteria for transparency**:

- High number of **international and domestic observers** were present. In total they were 59 069 – 894 international, plus 58 175 domestic (NGO or citizens);
- The use of **on-line webcam monitoring** of election process – there were cameras in 1 000 PECs;

- Four parallel **Exit Polls**, as well as pre-election **surveys**;
- **Accreditation of 118 journalists** and media representatives from 51 international media.

* * *

The election day has passed smoothly. The voting process on election day was well organized. We have not observed cases of tension or intimidation of voters. There were no cases of public demonstrations against the election managing bodies – CEC and election commissions at lower level, ConECs and PECs.

- To our knowledge no complaints and appeals have been filed. The candidates from boycotting parties also have not file complaints or appeals.
- Our observers have not registered any crowds of voters in or outside the polling stations throughout the e-day, including in the end of the day just before 19.00 o'clock.

We have not observed any **threat to the free exercise of the people's voting rights** and the organization of the electoral process. On the contrary, the electoral managing bodies in conformity with the Election Code have taken measures to ease voting of voters who by any reason were straitened to vote:

- There were **mobile voting stations** in hospitals and other places. Voting at home of voters who have informed the PEC about having health problems was also eased;
- **Mobile ramps** have been installed in 1 455 polling stations; stencils in Braille were available;
- Voters who must **travel more than an hour from home** to polling station to vote were provided with free public transportation.

The overall average evaluation of e-day at the observed polling stations, according to the data gathered by our STOs, tends to be “good” or “very good”. Only very few polling stations were evaluated by our observers with “average” or “bad”, and only as exception as “very bad”. The final tabulation is presented on p. 46.

* * *

The counting process was positively assessed by our observers. They have not indicated any serious problems, including intervention by unauthorized people. Based on the results of observations carried out in 465 polling stations, GISDI concludes that **the overall voting and counting process was transparent** as no significant violations possibly affecting the outcome of the election were observed.

The **final elections results**, announced by CEC, **were not surprising**. There is an impressive **steadiness of the electoral quotas** from the presidential elections in 2003 up to date. On the other hand, the ratings, registered in pre-election surveys as well as the results of the four parallel Exit Polls on election day undoubtedly predicted the victory of Ilham Aliyev with 82-87%. He won with 86,02% of valid votes.

* * *

Generally, there are no empirical grounds for arguing that fundamental democratic principles were not preserved on these presidential elections. The opportunity was given to the people of Azerbaijan to make freely their political choice and to vote in a calm atmosphere.

All above-mentioned concrete forms are additional steps towards pluralistic democracy. They are evidence of realisation of political and civil rights of the citizens of the Republic of Azerbaijan and as rule of law.

In summary, GISDI observation mission concludes that most of the fundamental conditions for free and fair, genuine and democratic elections were fulfilled.

However, our observers have registered few problems in the electoral campaign, iffringements in voting and counting process, cases of not so good arrangement of PSs rooms. They in their totality do not provide any sufficient ground for cumulated negative assessment of electoral process as a whole. There is no ground for appellation of the legitimacy of electoral results, as well, as the fourth presidential electoral win of Mr. Ilham Aliyev. These elections as a whole were calm and rational manifestation of the will of people of Azerbaijan.

Taking into account various considerations and opinions of its observers, GISDI have outlined some **concrete recommendations for further amendments and improvement** of election process in Republic of Azerbaijan.

INTRODUCTION AND ACKNOWLEDGEMENTS

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

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 of Early Presidential Elections to 11 April 2018.²

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.

The state of Azerbaijan is 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 and represents it both within the country and in its foreign relations, according to the Constitution³.

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

* * *

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

² http://www.msk.gov.az/plugins/pdf/datafiles/en_FILE_95DEAA-584F27-BF4E2D-0A34F9-BAF082-A930CA.pdf

³ Constitution of Republic of Azerbaijan, Article 8.

The mission is headed by Mr. Mihail Mirchev, Dr.Sc. and Mrs. Katia Mihailova, Ph.D. (deputy-head). The Core Team of the mission consisted of political, legal, election, media and civil society analysts. The election observation mission was composed of 90 observers. They are MPs, former MPs, university professors, lawyers, journalists and election experts from 21 European countries – West and Central Europe, Scandinavia and Baltic states, Balkan Peninsula, and from Bulgaria.

The purpose of the mission was 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 that purpose GISDI has observed the conduct of election campaign by electoral administration, candidates and political parties as well as participation of civil society and media.

On election day, GISDI observers were deployed in pairs in the capital Baku and surrounding regions and observed election procedures – opening, voting, counting, in 465 polling stations. All observations were carried out and recorded in the GISDI Report Form for Polling Station Observation in accordance with international election observation standards.

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 assisted us in conduction of the observation mission.

Table № 1.

GISDI International Election Observation Mission Allocation of European Short-Term Observers	
The Balkans	Albania (7), Bosnia and Herzegovina (6), Greece (8), FYROM (6), Montenegro (2), Serbia (5)
Bulgaria	Bulgaria (17)
Central and Eastern Europe	Poland (4), Moldova (5), Romania (1)
Scandinavia and Baltic States	Finland (3), Estonia (3), Latvia (1), Lithuania (1)
Western Europe	France (9), Italy (7), Germany (1), Ireland (1), Monaco (1), Spain (2)
The total number of international observers of GISDI mission is 90. That is 10 per cent of all international observers for this Presidential Elections.	

MACROPOLITICAL ENVIRONMENT AND CONTEXT

Presidential Elections in Azerbaijan on 11 April 2018 were held in a complex and problematic geopolitical environment existing in the region. Such a geopolitical environment was a challenge to each of the presidential candidates, as well as to the parties and civil associations that supported them. On the background of this external context, taking in the account of citizen's attention and sensitivity by each candidate was one of the factors that conditioned the election campaign to be successful or not.

On macro-political level – both globally and regionally – the key important words were the following: INTEGRATION, STABILITY, MULTICULTURALISM, and 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.

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. 20% of this Azerbaijan's territory has been occupied by the neighbor Republic of Armenia.

More than 700 000 people representing non-armenian nations (most of them are Azerbaijanis), living in those areas, were forcibly deported. Although the UN Security Council adopted resolutions⁴ 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.

⁴ <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 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 and support democratic reforms in the country.

Azerbaijan is 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 Resolution of the Parliamentary Assembly of the Council of Europe, adopted in 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*”.⁵ This Constitutional law enables Milli Majlis to exercise control over the government. The Prime Minister of the Republic reports to the parliament every year.

Apperantly, Azerbaijan is open to different form of assistance and support as it has a significant potential for next steps toward democratization, modernisation and sustainable societal development. There are additional favourable factors like the secular nature of the state, no radicalization on the base of the predominantly Muslim population, consecutive policy and achievements in the field of multiculturalism, tolerance of diversity and woman emancipation.

STABILITY

Now it is time when wars and conflicts are flaring up in the region and rekindling of the World War is becoming a real threat. **Amongst these turbulent circumstances, there is a constant political and economic stability in Azerbaijan. It is an essential political and civic worth in the modern age.** The results of these presidential elections confirmed that the vast majority of Azerbaijani citizens are compleately aware of this worth and state achivement. **Voting they expressed their political will with an impressive calm confidence.**

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 clear strategy in this regard.

⁵ <http://www.meclis.gov.az/?/az/topcontent/34>

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 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. These numbers show an impressive pluralism for the region like this.

There are more than 5 000 mass media outlets. There is no registration requirement for the print media. Any person may establish a periodically published print 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.

An exception of this are some separate parties and their leaders, but precisely because of their departure from the **national consensus to preserve stability in the country**, these parties and leaders have minimum percentages in the previous elections (both presidential and parliamentary), they have been marginalized themselves.

In these presidential elections, **they have formalized their marginality by declaring a boycott and not courageously nominating their presidential candidates**, as well as by the fact that they did not show any significant opposition activity in the election campaign, on election day and after it. They practically have not show their claim for being "radical opposition."

In such a societal environment and under such kind of functioning of government of Azerbaijan, **President Ilham Aliyev is the embodiment of the successful policy that creates and guarantees stability in the country** – making it truly an island of civic peace and societal sustainability. Namely on this basis there was no expectation that the elections result would be different compared to 2008 and 2013 elections. Elections results of 11 April only confirmed this public expectation.

MULTICULTURALISM

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 in the same time – 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**. This is achieved in practice and is **ensured by well-synchronized simultaneous actions** by government bodies and agencies, by the ruling and almost all political parties, by the media and by a large number of non-governmental civil organizations in the country as well as by religious and ethnic minorities.

These are minorities that succumb to radicalization and separatism in neighboring and farer countries, but here in Azerbaijan they preserve the idea of social cohesion and contribute to civic peace and tranquility.

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 "*.⁶

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.

At the same time, the concern for **national interests of Azerbaijan as a fundamental political and civil disposition was highlighted in all meetings and talks** we had with presidential candidates, representatives of political parties and civil society, representatives of media and experts during the pre-election campaign. **We found an impressive consensus – political and civic – on the patriotic concern for the stability and prosperity of the country**. This is essentially a manifestation of so-called "patriotic conservatism." In Azerbaijan it seems and sounds as it is on the right place and at the right time.

At the same time, our impression of electoral observation and post-election conviction is that Azerbaijan does not show any extremism in nationalism – **there is no tendency towards isolationism and withdrawal**. On the contrary, patriotic conservatism and balanced defense of national interests are in practice **optimally combined with openness to the world, to Europe**

⁶ <http://meclis.gov.az/?/az/topcontent/2>

and all surrounding countries in the region, with willingness for making next steps towards modernization and economic integration.

Considering this, we can say that Azerbaijan is not only an island of stability and preserved civil peace. It is also a **country of a good balance between international integration and clear and consistent assertion of cultural identity, national interests and the specific state and national "competitive advantages"**.

In conclusion

To make final political assessment of the presidential elections in Azerbaijan, we, as election observers, were observing with interest the **development of the electoral process**. Our expectation was that those candidates who have stood for integration, stability, national identity and multiculturalism would achieve their electoral success. Most of our interlocutors shared this opinion before elections.

However, there were also some opposite views. According to them Azerbaijan should develop along the line of liberalism and “open society” or that it should partly deny its sovereignty and its national traditions and cultural identity.

These were the two ideological platform promoted during the election process. We, as an international observation mission, expected that both platforms would be precisely highlighted in the final election results with their respective percentages.

Election results have confirmed this expectation. They have confirmed it not only as a percentage, but also as a rarely seen calm atmosphere – before the election day, during the election day and the week after it.

The President Ilham Aliyev reiterated his high rating. The election results of the other 3 candidates who received more than 3 per cent were relatively good. All of them on their pre-election platforms adhered to the above mentioned combination of key messages and principles of Azerbaijan's recently state policy.

Just on the contrary, the **boycotting opposition keeping itself close to the counter-liberal platform** – not only refused to nominate presidential candidates, and not only haven't done any significant campaign activity, but they have **failed to impose its alternative perspective in the public domain**. After elections it was logical to expect them to blame the others – the legislative framework, and the governing bodies, and the organization of the elections for their marginalization. There is such their speaking in the public sphere after elections.

Probably the underlying and substantial cause of their subsequent political failure and marginalization is that they want to **force a policy in the country that would destabilize it and break the achieved integrity**. They understand multiculturalism as opening of a wide space for religious radicalism and gender ideology. They neglect the resilience of the nation and the preservation of traditional culture in the modern open world and the cruel imposition of cosmopolitan political philosophy.

AZERBAIJAN PRE-ELECTION SITUATION

President of the Republic of Azerbaijan Mr. Ilham Aliyev won the Presidential Elections held on 15 October 2003 and assumed office on 31 October 2003. Amendments to the Constitution on 26 September 2016, following the referendum, grant President a right to call Early Presidential Elections.⁷ Using the right granted to him by the Constitution, the incumbent President signed an order on 5 February 2018 announcing early presidential elections.

Under the order, CEC has adopted a Decision 1/1 as of 6 February 2018 appointment of Presidential Elections of the Republic of Azerbaijan. As a result, the elections were held on 11 April 2018.

* * *

CEC has approved the **Calendar Plan for the basic activities** and measures on the preparation of the Presidential Elections of the Republic of Azerbaijan on 6 February. The calendar plan was considered **substantial for the smooth electoral process** – as it contained 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 some interlocutors, 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. 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. 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 have chosen.

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 early elections of the President of the Republic of Azerbaijan*". In other cases, the appointment of the Early Presidential Elections in the

⁷ According to Article 101 of the Constitution, the President of the Republic of Azerbaijan may call early elections of the President of the Republic of Azerbaijan

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 early presidential elections shall be held within 60 days"*.

Early Presidential Elections in the Republic of Azerbaijan were held 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 was related to the amendments to the Constitution adopted following the 26 September 2016 nationwide referendum. Discussions on holding Early Presidential Elections have started immediately after the referendum on amendments to the Constitution of Azerbaijan. The legislative body has made changes to the Election 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.

* * *

As result, 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/she will be replaced by the First Vice-President.

Some sources also note that Early Presidential Elections would 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, had expressed their will to participate in the Presidential Elections.

Some of the opposition parties have not participated 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, and according their rally speeches and internet declarations, is either that they found lack of competitiveness in the elections, or that they considered the need of holding early Presidential Elections as not sufficiently motivated and pursuing other aims.

They decided to **boycott this presidential elections** and they didn't nominate their candidates, nor they didn't support any of the eight registered candidates.

* * *

15 candidates were nominated for the Presidential Elections and their applications were submitted to the Central Election Commission. **8 candidates out of them were registered** by CEC and took part in the Presidential Elections 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 Annexes).

* * *

The President of Azerbaijan was **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.”*⁸

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.

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.

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**. All of us know that some partial violations of democratic principles of election procedures have been happening even in the countries with a well-developed democracy – in Europe, in USA and all over the World.

⁸ <http://meclis.gov.az/?/az/topcontent/2>

* * *

Pre-electoral sociological opinion-polls⁹ have shown 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?*”.¹⁰

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.¹¹

⁹ According to the results of the survey conducted by the “ELS-Independent Research Center” in December 2017, and others research organisations which have announced their empirical data and ratings at 29-30 March 2018.

¹⁰ https://azertag.az/xeber/ELS_Musteqil_Arasdirmalar_Merkezi_Ictimai_Birliyi_kechirdiyi_rey_sorgusunun_neticelerini_achiqalayib-1122585

¹¹ https://azertag.az/xeber/AJF_ampAssociates_Inc_ve_Vetendaslarin_Amek_Huquqlarini_Mudafie_Liqasi_exit_poll_oncesi_sorgusunun_neticelerini_elan_edibler_VIDEO-1147663

LEGAL FRAMEWORK AND ELECTORAL ADMINISTRATION

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 12 November 1995 following referendum. Amendments and additions to the Constitution were first made through referendums of 24 August 2002, on 18 March 2009 and most recently – on 26 September 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 and direct suffrage** by secret and personal vote 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. Election Code is detailed and well structured.

Authorities of the Central Electoral Commission also covers the establishment of election commissions and the principles of their functioning. The Election Administration at all levels appeared highly organized and well resourced.

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 3 June 1992 and the Law of the Azerbaijan Republic on Non-Governmental Organisations (Public Associations and Foundations) adopted on 13 June 2000.

Laws regulating certain aspects of the election process are the following: *Law on Mass Media* as of 7 December 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 30 December 1999; the Code on Administrative Violations which came into force on 29 December 2015; the Civil Procedure Code as of 28 December 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.

* * *

Results of our observation show that the legal electoral framework of Republic of Azerbaijan **complies with most international standards for free and fair elections and reflects the national context**. This Presidential Election showed high efficiency of the Election Code in practice and other related laws and regulations.

Observation of these Presidential Elections has shown that the **Election Code provides a well-structured and well-balanced legal framework** for the preparation and organization of the electoral process, election day and counting of the results, for democratic observation of the electoral process. In general, **it guarantees citizens' electoral rights, active and passive suffrage, as well as the free and democratic expression of the political will of people of Azerbaijan**. In this version, the Election Code has a well-balanced structure and synchronization between the different norms and all key procedures.

We should point out here that, in this version, the Election Code fully **complies with the specific state structure** of the Republic of Azerbaijan, with basic **democratic standards for political elections**, as well as with the regional **traditional culture and accumulating democratic practices**.

Regarding this, our recommendation is **not to undertake any “radical reforms” to this Election Code**.

However, if any amendments to the Election Code are required, we recommend them to be made **in due time – at least several months prior** to the respective elections.

We understand that within the last 2 years important amendments were introduced in the Constitution and as a result thereof the last amendments of the Election Code were unavoidable. Nevertheless, and even if such amendments were objectively required, this might be, and was, used by some to raise voice against the level of democracy and the transparency of the electoral process as a whole. Therefore, it is our recommendation that any further amendments to the Election Code **should be implemented early enough before the elections**.

* * *

One more recommendation regarding the dating of CEC decisions:

In this campaign we as observers faced difficulty to determine the date of CEC decisions.

The CEC decisions should be more clearly dated. That is important due to the date of the decisions and the date when the decision come into force are often different.

Electoral ADMINISTRATION

Elections and referendums in the Republic of Azerbaijan shall be organized and held by election commissions, which are the election administration *strictu sensu*¹². 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 (1), Constituency Election Commissions (125) and Precinct Election Commissions (5 641).

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). This undoubtedly provides stability of Electoral Administration. That allows members and chairs of Election Commissions to be well educated and trained for a good field work in the real electoral process. That allows them enough time and practice to study in detail the Election Code, as well as the instructions of CEC on different electoral procedures, as well as the filling out of the Protocol with election results.

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. (See Annexes)

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.

It should be mentioned here that this 3-quota composition of CEC do not allows it to be dominated by the Ruling Party. Representing 57,6% of Milli Mejlis the Ruling Party nominates only 33,3% of CEC members. On the contrary, the opposition parties nominate again 33,3% - although they represent only 9,6% of the Milli Mejlis. Apparently the Opposition is a quantitatively overrepresented in CEC.

This is a manifestation of democratic composition of CEC as a key institution in the structure of election managing bodies for and in a genuine and democratic electoral process.

* * *

CEC's main duty and responsibility is to ensure 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;

¹² 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.

- 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 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 final elections results;
- administers repeated voting, etc.

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 was aimed at preparing the commissions' members in all matters related to the election process, including handling of complaints, 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.

* * *

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 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

Presidential elections the country was divided into 5 641 precincts, covering the land territory – permanent 5 426 and temporary 215, as well 41 polling stations 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 Internal Affairs 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.

* * *

Overall, election Managing Bodies and electoral administration have made every effort to raise the level of transparency of electoral process, and to set up clear and feasible requirements for candidates' nomination and registration, as well as to educate and empower voters to exercise their voting rights.

They managed to administer the campaign in strong compliance with the national electoral legislation, as well as with most of international standards of so called „full democracy”, providing all candidates with opportunities for public expression of their political platforms.

* * *

However, considering the further development of democratic practices during the pre-electoral campaign and election day, we could **recommend the following**:

Regarding the composition of CEC – a new quota of independent experts and recognized public figures could be considered to be added to the CEC composition.

This would further widen the **civil society base and political pluralism in the formation of CEC**. This could give an additional and effective argument against the assertion that CEC is a politically dependent body of the ruling party and the president.

How this could be done?

First option: A seat could be taken away from the current three quotas. Each of them will consist of 5 not 6 members as it is now. Thus 3 seats will be released for the 4th group of "independent experts" at the CEC. The quotas become respectively: 5, 5, 5 and 3.

Second option: The number of the CEC members could be increased from 18 members of 20 or 22. This brings new 2 or 3 or 4 seats in the CEC for the 4th group of "independent experts". Quotas become respectively: 6, 6, 6 and (2 or 3 or 4).

VOTERS AND VOTER LISTS

Voter lists **verification and update**

Education and **Empowerment**

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 are recognized as incapable by a court decision.¹³ Voters were included in the voter lists of referent PECs if they had permanent residence for at least 6 out of 12 last month before to election announcement.

A integral nationwide voter list has been 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**. Then it provided to ConECs no later than 5 February. In turn, ConECs compile the PECs lists with respect to their respective constituencies and provide their lists to CEC by 5 April. Then, the integral nationwide voter list is ultimately compiled by CEC by late May using the Single Automated Information System.¹⁴

It is important to emphasize that the voter list for each elections is made on the base of the so-called “bottom-up approach”. Each PEC compiles a list of voters with address registration in the settlement or neighborhood that they have actually lived in the last years. This is a clear principle of the “settledness” of voters, regulated by the Election Code.

On 20 February 2018 the **integral preliminary VL** consisted of about 5 100 000 voters. A month latter, in the beginning of the campaign, the number of voters in the VL was increased to avarige 5 200 000 citizens who have the right to vote. The e-day started with nationwide VL of 5 293 561 included voters. About 355 400 voters in VL were internally displaced persons (IDPs). They were registered to vote in 510 PECs within 10 ConECs.

Members of the election commission, as well as representatives of media and election observers, and first of all the citizens of Azerbaijan theirselves, **had the right to verify any information filed** in or retrieved from that system.

¹³ Removal of this restriction was recommended by the UN Committee on the Protection of Rights of Persons with Disabilities¹³ 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.

¹⁴ 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.

In election years, VL 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 VL at the PECs against a proof of residence** or with de-registration card.

For this election, CEC decided to finalize and publish the integral voter list by 3 March 2018. That was 40 days before the e-day. The voters could check their registration in the integral preliminary VL online – on the website of CEC, by telephone, or in person at the respective PEC. If somebody found that he is missing on the list, he could apply to be included in the list. **This is a strong democratic form that tends towards to the so-called “active registration”.**

The procedure for correction and supplementation of VL has been used by more than 90 000 voters. All of them have personally and **actively contributed to CEC to supplement and refine the VL. This is a clear and effective democratic procedure.**

In addition, voters who have not been listed in VL could be added to it on the election day, if they present their ID-card and document that proves their residence. This procedure has been used by 18 452 voters who were included in the supplementary VL.

Thus, at the end of the election day, the number of voters in the VL grew to 5 332 817. These are 100% of the electoral body of these Presidential Elections. That's about 233 000 more voters than in the 2013 Presidential Election, and is consistent with the demographic increase of the country's adult population as well as the volume of migration processes inside and outside the country.

* * *

De-registration cards. 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.¹⁵ 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 were established in 32 foreign countries regarding the Presidential Election in Azerbaijan.¹⁶ For that purpose, the Ministry of Foreign Affairs established a working group to coordinate the electoral process abroad with CEC.

¹⁵ See Article 101 of the Election Code and CEC Instruction approved by Decision 5/29 dated 5 June 2013.

¹⁶ According to an announcement of the Ministry of Foreign Affairs from 12 March 2018.

Election precincts were established by the respective embassies or consulates of Azerbaijan at least 30 days prior to election day, if there were 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 about 13 820 voters were expected to vote abroad – in 41 polling stations in 32 foreign countries.

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 conducted 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 were also several educational short videos, published on YouTube and other social media;
- CEC has conducted several seminars (conferences) jointly with the Ministry of Internal Affairs, Ministry of Communication, Ministry of Health etc., to discuss some issues of practical implementation of the Election Code and voting procedures. These events were broadcasted by public television to reach bigger number of voters.

In addition to the above, CEC has prepared **methodical instructions and educational materials for proper implementation of the Election Code for all participants of the electoral process**. For instance, it educated 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 also educated and trained 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 were 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 women 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 were 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 were only broadcasting the educational programs prepared by CEC.

Some of our interlocutors emphasized that **a lot of 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. The higher level of Azerbaijani civil literacy is fact and we can confirm it after observing the electoral process and voting on the e-day.

CANDIDATES FOR PRESIDENT

Nomination, Approvement and Registration

A citizen of the Republic of Azerbaijan with the following qualifications may be elected as the President of the Republic of Azerbaijan if he or she:

- 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.¹⁷

Candidates can be nominated by registered political parties (or coalitions blocks 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, blocks of political party or voters' initiative groups should collect no less than 40 000 signatures to support their candidates. They should collect at least 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 was carried out by a special working group of the CEC established in accordance with a CEC regulation on the matter from 2013.¹⁸ The working group consisted of CEC members as well as experts from the Court Expertise of the Ministry of Justice, the Ministry of Finance and Tax, Ministry of Internal Affairs, the State Committee on Property Issues (specifically the State Service for Registration of Real Estate operating under the Committee), the State Statistical Committee, and other organizations. The experts examining the signatures are graphologists certified by international graphology organizations.

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

¹⁷ <http://meclis.gov.az/?/az/topcontent/2>

¹⁸ Approved by Decision 5/27 dated 5 June 2013, repealing an earlier regulation from 2008.

Following completion of the verification process, the working group issued 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 found in sufficient by the working group, a copy of the checklist from the verification of the signatures was 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 March 2018.

Initially, CEC approved the nomination of 15 candidates but, at the next stage, only 10 candidates filed the required documentation. (See Annex)

Ultimately, following signatures verification, the final list of registered candidates (22 March 2018) contained 8 contestants:

Ilham Heydar ALIYEV	(the incumbent, New Azerbaijan Party)
Araz Mammad ALIZADE	(Azerbaijan Social-Democratic Party)
Gudrat Muzaffar HASANGULIYEV	(Whole Azerbaijan Popular Front Party)
Faraj Ibrahim GULIYEV	(National Revival Movement Party)
Hafiz Alemdar HAJIYEV	(Modern Musavat Party – The Equality Party)
Sardar Jalal MAMMADOV	(Azerbaijan Democratic Party)
Zahid Maharram ORUJ	(own initiative)
Razi Gulamali NURULLAYEV	(Front-line Initiative Group)

According to the CEC statement, 7 nominations were not registered as a candidate. Two of them due to the incorrect submission of signatures or other documents and other 5 because they had not filed all the required documents. (See Annexes № 3 and 4)

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 hindered their campaign.

The procedure and requirements for nomination and registration of candidates were 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, women participation in politics is lower than of men. No women contested this elections. 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.

The female domination in the composition of PECs on these elections was obvious. About 70% of the observed PECs members were women. This was registered by GISDI observers in the observed 465 polling stations. The number of women who were chairing PECs were similar. According to CEC 36% of all PECs members were female.

Women were dominant amongst the **domestic and citizen observers**, as well as party representatives. In most of the observed polling stations 6-7 of 10 observers were female.

In these elections at this level of the electoral administration and the domestic observers and representatives in the PECs, women dominated. Probably this was done in response to previous recommendations for more female participation.

Thus, we now have reason to make a **reverse recommendation** with a view to organizing the next elections in Azerbaijan: **to equate men and women among members of PECs and among the chairmen of PECs.**

* * *

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.

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, became tradition of some 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 would 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 refused to participate in the elections. Also some politicized public unions did 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 participated in elections and nominated candidates.

“Nida Civic Movement” public union (did 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 their status. The reasons why two traditional opposition boycotters and their satellite organizations refused to nominate the candidates 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 was 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/radical 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”.

It should be emphasized here that the "boycotting" parties did not show any significant activity during the election campaign, on the election day or after it. They did not organize big rallies – except one on 20 March. They did not report violations of electoral procedures – neither in the CEC nor in the ConECs. On 12 April, they did not hurry to make their public assessment of the election day.

Alongside, **they did not change their pre-election assesement for the election democracy** from negative-to-positive four weeks after the election day. They insisted on their implied negative assessment. They express it through their websites on the Internet, in their international contacts, through their public diplomacy.

They refered to specific irregularities and violations of voting procedures and the electoral process as a whole. In some cases, it came to violations **that were not clearly documented as place and time**. In other cases, it came to real violations of electoral procedures, which are **interpreted as sufficient to give a negative assessment of the election process and the election results as a whole**.

It should be noted here that in every election process there are some irregulations and violations. They exist even in countries with the so-called "full democracy". **Here the question is whether the „bad” and „very bad” evaluations are dominating, or they represent only an insignificant percentage. If it is the second, then these negative generalized evaluations were not a reason for a critical and rejecting assessment of the election process and results as a whole.**

During this Presidential Elections in Azerbaijan, our observation have shown that indeed “bad” and “very bad” evaluations had real practical reasons to give only about an insignificant amount of PS and the activity of their respective PECs. These cases in their totality were not a convincing ground for rejecting the results of these elections.

Here it is worth pointing out that compared to the previous presidential elections, the “bad” and “very bad” assessments of the opening, voting, closing and counting procedures are fewer than in the 2013 elections. (See p. 46)

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 presented 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 elections¹⁹, it has been 71,63 % in 2013.²⁰ These numbers clearly express that participation of those political forces or their refusal to participate have not affected the voter turnout.

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.

¹⁹ http://www.msk.gov.az/uploads/protokollar/MSK_protokolu_2008.pdf

²⁰ http://www.msk.gov.az/uploads/protokollar/Protokol_MSK_2013.pdf

PRE-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 started on 19 March 2018.

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 50 000. 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;
- 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 250.²¹ 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.²²

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 1st 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.²³

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. It was 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.

FORMS of campaign

Each of the candidates has the right to plan and conduct his own pre-electoral campaign. All forms of campaign that are in line with the law are allowed.

- The candidates were provided with free air-time and print space in media. They also had the opportunity for paid media coverage. (See the "Media" section in the report, pp. 37-42)
- The list of venues for publication of their print materials was approved by CEC.
- The list of permanent venues for meetings and other pre-election events was also available on CEC website. It consisted of 84 indoor and 84 outdoor venues in the territory of the country.

Pre-election MEETINGS and other events

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*

²¹ 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).

²² 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.

²³ See OSCE/ODIHR NAM report from 21-22 February 2018.

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 13 November 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. The law entered into force on 30 May 2008.

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.

The opposition parties held two 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 organized meetings in open air or indoor halls in Baku and regions. No interference or restrictions were imposed during the rallies and meetings. This was confirmed by most of our interlocutors.

* * *

Most of our interlocutors evaluated 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 “hardline/radical 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.

MEDIA IN THE PRE-ELECTION CAMPAIGN

Media System, Media Regulation, Paid and Editorial Coverage of Campaign

Azerbaijan's MEDIA SYSTEM

Azerbaijan's media system could be characterized as diverse in terms of media ownership, media types, channels of transmission and language. There are state-run and public media as well as a lot of private owned media outlets. All types of media are present – traditional media such as press, radio and television and new social media such as Internet news websites, blogs and social media. Although the Internet penetration is about 78,2%, the TV still stays the most popular medium. Azerbaijan's media speak at least 3 languages – Azerbaijani, English and Russian.

There are about 1 600 newspapers and magazines published in Azerbaijan. Approximately one third of the press is owned by governmental structures. More than 65% of newspapers belong to different political and public organizations, private structures and legal persons.

Radio broadcasting in Azerbaijan started on 6 November 1926. Now 12 radio programs (radio "Azerbaijan", "Public Radio", "Burc FM", "Khazar", "Lider FM", "Antenn", "Space 104 FM", "Azad Azerbaijan", "106 FM", "Media-FM", "Araz FM") are broadcast nationwide. 2 radio programs ("Nakhchivan State Radio" and "Radio Voice of Nakhchivan") are broadcast in Nakhchivan Autonomous Republic. Radio program "Azerbaijan" covers 100% of the country, Public Radio – 93%, other programs – 60-90%.

TV broadcasting started on 14 February 1956. 23 TV channels are broadcast in the country today. 9 of them ("AzTV", "Medeniyyet", "İdman Azərbaycan", "ITV", "Lider TV", "ATV" and "Space TV") being national TV programs, cover most territory of the country. "AzTV" (state-owned) covers 99.9% of the population, "ITV" (Public TV) – 88,8% and other channels – about 80%. Along with these programs, according to the agreement signed with the Republic of Turkey, Turkish "TRT-1" channel broadcast like national channels covers approximately more than 95% of the population.

There are 12 regional TV channels: "Mingachevir TV" (Mingachevir), "Turkel TV" (Ganja-Tovuz), "Kepez TV" (Ganja), "ELTV" (Yevlakh), "Kanal-S" (Shaki), "Cenub TV" (Lankaran), "RTV" (Khachmaz), "Aygün TV" (Zagatala), "Alternativ TV" (Ganja), "Qutb TV" (Guba), "Xayal TV" (Guba), "Dunya TV" (Sumgait), and 2 local TV channels function in "Nakhchivan AR" (NMR TV Nakhchivan State Television and Radio Broadcasting Committee) and "Channel 35 TV" (Nakhchivan AR).

Besides that, channel ATV-INT, belonging to independent broadcasting company “Azad Azerbaijan” is broadcast to bring information about Azerbaijan in foreign languages in neighboring and other countries.

Nation-wide radio and TV programs, in addition to terrestrial broadcasts, are also broadcast by satellite. There are also a number of cable TV and radio suppliers.

Media LEGISLATION

The legislative framework for the media in Azerbaijan consists of:

- Constitution;
- The Law on Mass Media (applicable to all media established on the territory of the Azerbaijan Republic, and only on a part of mass media, established behind its boundaries and distributed on the territory of the Azerbaijan Republic);
- The Law on the Television and Radio Broadcasting;
- The Law on Public TV and Radio;
- The Law on the Right to Obtain Information;
- The Law on the Order of Consideration of The Appeals of The Citizens;
- The Law on Communication;
- The Law on State Secrets;
- The Law on the Copyright and Related Rights, and other appropriate acts.

Media REGULATION and SELF-REGULATION

The TV and radio broadcasters are regulated by the National TV and Radio Broadcasting Council. The Council was founded in 2003. It consists of 9 members, appointed by the government. Members’ terms may be renewed indefinitely.

The institution of media self-regulation in Azerbaijan is the Press Council. It was founded in 2003 at the first congress of Azerbaijani journalists. The Press Council is an independent institution without any interference by the state. Its major function is to remove the disputes, between mass media and individuals as well mass media and private companies, till lawsuits. Council also monitors newspapers and implementation of provisions of Code of journalist ethics prepared and adopted by itself.

Media FREEDOM

Freedom of speech and the right to access to information are guaranteed by the Constitution, the Law on Mass Media, and the Law on the Right to Obtain Information and other related laws. It is a protected right of the individuals to search obtain, prepare, transfer, product and distribute information in the way admitted by the law. However, the international media freedom indexes (World Press Freedom Index, Press Freedom, IREX) have been defining the media environment as “not free” since 2002. According to Freedom House the Net freedom status in Azerbaijan is “partly free”.

Media in the presidential electoral campaign

Legislative framework

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.²⁴

Following the Election Code, the mass media has some basic duties during the pre-election campaign. They are as follows:

- 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 **on a free base**. They have to allocate free air time (up to 3 hours weekly in the prime time) or print space and divide it equally between all candidates. The division of the free airtime and space is done by lottery and the costs for the free broadcasting of campaign is reimbursed by the state budget;
- The TV and Radio companies and periodicals that belong to the state are not allowed to campaign for or against any of the candidates;
- The mass media has the right to allocate **paid air time and print space** for registered candidates on a contractual base. They should ensure **equal terms and conditions** for all candidates to use air time and print space on a paid base;
- The media should provide information on the price and conditions for paid airtime to the candidates and CEC and ConES within at least 30 days of the announcement of election day;
- The mass media should provide CEC free air time and space for voter information and education programs and materials;
- When **publishing the results of opinion polls** during the campaign or Exit Polls results, the mass media should indicate: the organization that conduct the poll; the period the survey has been conducted; the questions asked; the number of respondents. Polls results of forecasts of the election results shall not be published by media 24 hours before the election day.

Media monitoring RESULTS

Free air time and print space were allocated for all candidates in the following media²⁵: Public TV and Radio Broadcasting Company; "Azerbaijan" newspaper; "Khalg gazetesi"; "Bakinski rabochi" newspaper.

²⁴ <http://www.msk.gov.az/az/serencamlar/428>

²⁵ <http://www.msk.gov.az/en/newsmsk/960/>

Payed air time and print space were allocated in: 19 news agencies (internet media); 9 newspapers and magazines; 6 TV and radio stations.

Following the Election Code all of them have presented their offers for payed media coverage of electoral campaign to the CEC. The list of them as well as the terms and conditions for payed media coverage were published and available at the CEC webside during the campaign and up to the date of this report.²⁶

There were 9 TV round tables organized by the Public TV during the campaign. All the candidates, except the incumbent president Ilham Aliyev, took part in all of them. The president Ilham Aliyev refused to conduct any pre-lectoral campaign and that's why he was not present in any of the round tables. He also refused to use free time and space or payed media coverage.

Durring the round tables the candidates were provided equal time and conditions to present their political ideas on different questions regarding political and economic, social and cultural development of the country. No infringement was recorded.

Some of the candidates have expressed opinions in support of the politics held by the incumbent president. This could be interpreted as an agitation for Ilham Aliyev or as an evidence for a non-competitive presidential campaign. However, it is the right of each candidate to choose what content to communicate with voters during his own campaign. The obligation of media, according to the Election Code, is to provide each candidate with an equal opportunity for free media presentation.

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. **All this provides a base for sufficient free media presence coverage of all candidates.**

* * *

Alongside with it, the candidates were also given **opportunities for payed media coverage of their campaigns**. The prices varied between 150 - 10 000 AZN for Internet media; 9-50 AZN for 1 sq sm in print media; 20-100 AZN for a second in the TV and radio. It is expected that the candidates have used this opportunity for payed media presense regarding their own compaign budgets.

As it has been already said, the incumbent president Ilham Aliyev refused to campaign. However, he was in the newspapers first pages, in the TV and radio news and currant affairs programs. Internet media also covered his activities during the campaign. On first sight it looks like that the media has put a special focus on one of the candidates, limiting the opportunities for the others to present in media. The content analyses of Ilham Aliyev's media coverage during the campaign clearly shows that **the media have reported only on the official and service activities of the incumbent president. It consists of official receptions and state events.**

* * *

Durring the pre-election campaign the mass media also **have duties related to voter information and education**. TV and radio stations should provide no less then 15 minutes

²⁶ <http://www.msk.gov.az/en/elections/prezident-seckileri/11-04-2018/966/>

weekly free time to CEC for voter information and educational programs. The print media should provide 1 page weekly.

The media outlets that were monitored by GISDI not only have fulfilled this requirement, but some of them have also assisted the CEC in preparation of information and educational materials.

* * *

Results of 3 pre-electoral surveys (opinion polls) have been published in media in the course of the presidential electoral campaign. They are as follows:

- ELS (Azerbaijan) Sociological survey on current socio-political situation, voter turnout, and the population's attitudes to the current issues, announced on 27 March 2018;
- Arthur J. Finkelstein & Associates (USA) Survey on socio-political and socio-economic situation in Azerbaijan, announced on 28 March 2018;
- OpinionWay (France) Survey on socio-political and socio-economic situation in Azerbaijan ahead of the April 11 presidential election, announced on 30 March 2018.

According to the Election Code, **when publishing polls results media should indicate** the organization that conduct the poll, and the period the survey has been conducted, and the questions asked, as well as the number of respondents. In all monitored media publications of these poll's results, we have stated that this legislative requirement has been respected, as a whole. The media doesn't indicate only the questions asked.

We have not met any publications of polls results or election forecasts in media on the day before e-day, as the Election Code requires.

The publication of the 4 parallel Exit Polls results started immediately after the end of the e-day. The briefings of the research organisations began at 19.30 o'clock. In all media publications we have monitor the requirements of the Election code have been respected, except the questions asked again.

* * *

The role and responsibilities of mass media during the pre-election campaign were discussed on a conference co-organized by the Presidential Administration of the Republic of Azerbaijan, CEC, the NTRC and Press Council. The event was held on 19 March 2018 (the day of the official opening of electoral campaign for Presidential elections on 11 April 2018) in Baku. It was open for heads of media outlets, journalists, active social network users, bloggers, and representatives of international organizations.

Another media related event during the pre-election campaign was **the meeting with foreign journalists** who arrived in Azerbaijan to cover the presidential election, held in "Trend" News Agency on 9 April 2018. The journalists, public communicators and political analysts who were attending the meeting have discussed the socio-political situation in Azerbaijan and the Armenia-Azerbaijan Nagorno-Karabakh conflict, refugees and internally displaced people who were left homeless as a result of the Armenian occupation. They have also paid special attention to the necessary conditions created for holding transparent and democratic presidential election. Speaking about transparency of presidential elections, it should be mentioned that about 150 international journalists, including representatives of the world leading media outlets covered presidential elections.

* * *

As far as GISDI is aware of there were at least 4 organization that conducted monitoring of media in the Presidential elections of Republic of Azerbaijan on 11 April 2018.

- The National Radio and Television Council (NRTC);
- The Association for Civil Society Development in Azerbaijan (ACSDA) – non-governmental organization, domestic election observer;
- The Election Monitoring and Democracy Studies Center (EMDS) – non-governmental organization, domestic election observer;
- The OSCE-ODIHR Election observation mission – international election observer.

Results of their media monitoring are published in their Interim Reports and Statements on Preliminary Findings.

* * *

On the base of the media monitoring results GISDI could recommend the following:

Consideration should be given to review the legal framework to encourage **both public and private media to provide more objective editorial coverage** of the campaign as such information would assist voters to make a more informed choice.

Regarding the right of voters to do an informed choice, **the payed media coverage of campaign should be marked** and separated by the editorial content.

The Election Code should address the right of voters to receive comprehensive and diverse information about political alternatives through the media. The media should be **legally obliged to provide fair, balanced and impartial coverage** of the election campaign in their news and current affairs programs.

ELECTION DAY AND VOTE REGISTRATION

The Civil Initiative for Free and Democratic Elections (GISDI) observed the electoral process in election day – 11 April 2018. The total number of 86 Short-Term Observers (STO) were deployed in pairs of two in 465 polling stations. Each pair observed opening, voting, closing and counting process.

The information and overall evaluation for each PSs was registered in GISDI Report Form for polling station observation (ORF). The form is available on GISDI webpage (http://gisdi.eu/bg/Report_Form-c299).

FOCUSES of the observation

- If the necessary **election materials** are present?
(PS seals for protocols and boxes; polling booths; ballot papers; voter lists – general and additional; ballot boxes; protocol with PS results and others and other protocol; invisible liquid and UVlamp; PEC Record book and other materials);
- Is there **camera** in the PS?
- How many are **PS members**? How many are women? How many are present?
- Are there other **officials and authorized people**?
- Which of the candidates have **agents/proxies** in the PS?
(How many candidate agents/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, as well as of observers
(clear view, any restrictions)
- **Arrangements inside** the PS
(convenient to conduct polling; UVlamp checking; voter registration and sign in Voter List; ballot boxes; how many and positioning of the booths; secrecy of the vote)
- **Circumstances outside the PS**
(campaign activities, tension or unrest, crowd waiting)
- **Situation inside** the PS
(overcrowding, campaign activity and materials, tension, intimidation of voters)

- Number of **voters registered** on general voter list and on additional voter lists
- **Turnout in the hour** of the observation
- **Voting** procedures
- **Closing** of the PS
(waiting voters, PS members and authorized people at the closing, unauthorized people at the closing, atmosphere)
- 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 with electoral results

Observation RESULTS

The array of the gathered empirical information is giving us ground to assess positively the **effectiveness of the electoral procedures**, as well as the **high level of their democratization**.

It also allows us to recommend some **steps for further improvement of the legal framework and more clear procedures** of election process, enhancing **transparency** of PEC, ConEC and CEC, as well as retaining the **secrecy of vote**. (See Chapter 6: Voters and VLs)

* * *

Overall, the **voting process on election day was sufficiently well organized** – opening, voting and closing procedures, as well as counting the votes, filling the protocols with results, and giving the copy of protocol to the all observers.

The election day has passed smoothly. This was an extremely important characteristic of these elections and it demonstrated the rational participation of most of the voters in them.

We have not observed cases of tension or intimidation of voters. There were no public demonstrations against the election managing bodies.

We have not observed **any threat to the free exercise of the people's voting rights** and the organization of the electoral process. On the contrary, the electoral managing bodies in conformity with the Election Code have taken measures to ease voting of voters who by any reason were straitened to vote.

Overall, we concluded the following:

- On election day, all GISDI observers could access polling stations **without any problem or limitation**.
- At the opening of polling stations, **no significant irregularities regarding ballot box sealing** were noted.
- **The polling booths met international standards** and were set out in accordance with the national legislation. In general the booths conditions were met to guarantee secret voting.

- **Voting process was normal and transparent overall.** ID cards of voters were properly verified. Voting outside the polling booths was not observed in any of the 465 polling stations observed.
- The paper documentation – voter lists, ballot papers, PEC record book, protocols, were in a good condition. No ballot stuffing was observed.
- No attempts by a **voter to vote for several voters** was observed. All voters past an UVlamp check for previous voting in another PS.
- No pressure on voters by PS' staff members or other officials to vote for any candidate was noted by our observers.
- No cases of external interference in the voting process were observed. The atmosphere of voting in most of the observed PSs was calm.
- **No campaigning in or nearby** the polling station in favor of any candidate was observed.
- **Mobile voting practice**, being allowed by the Election Code, **was carried out properly**, no problems or remarks were observed.
- During the vote counting process, observers were **allowed by the PEC to witness all counting procedures**.
- A few small deficiencies were noted in the **vote counting and protocol preparation** process. Mainly due to a lack of training of some concerned staff members.
- **Vote counting was however transparent** and in general there were no serious violations during this process.
- In some cases, **copies of protocols were not handed to observers in PS**. In most of these cases the observers themselves did not wait the copy to be done and provided to them.

* * *

GISDI STOs have done an overall evaluation of the opening of the observed PSs, the voting process throughout the e-day from 8.00 to 19.00 o'clock, and counting of the ballot papers, as well as the filling out the protocol with electoral result and the closing the PSs by PECs.

We used a 5 degree Likert-scale – **very good, good, average, bad, very bad**. (See our ORF – Observation Report Form in www.gisdi.eu)

Regarding counting procedure in each observed PS our STOs stated in addition four more concrete evaluations using the same scale:

- on correctness of procedures as a whole;
- good or bad understanding the counting procedures by members of PEC;
- good or bad behaviour and performance of the PEC members;
- on transparency of the counting process.

Table № 2.

GENERAL ASSESSMENT OF E-DAY

in 465 observed Polling Stations, 11 April 2018, Azerbaijan

	VERY GOOD	%	GOOD	%	AVERAGE	%	BAD	%	VERY BAD	%	TOTAL	%
OPENING FORM												
The overall conduct of the opening of this PS was:	35	44.9	19	24.3	21	26.9	2	2.6	1	1.3	78	100.00
VOTING FORM												
The overall conduct of the voting of this PS was:	293	63.0	114	24.5	46	9.9	7	1.5	5	1.1	465	100.00
COUNTING FORM												
The overall conduct of the counting of this PS was:	15	39.4	15	39.4	5	13.2	2	5.0	1	3.0	38	100.00
TOTAL	343	59.0	148	25.4	68	12.5	14	1.9	8	1.2	581	100.00

The table shows our general assessment of the atmosphere, organization, compliance with the Election Code and CEC decisions and instructions in the 465 Polling Stations observed by GISDI STOs in the e-day, 11 April 2018.

The assessment is predominantly positive – in 84% of cases it is "very good" and "good". Intermediate assessment is given in 12% of the cases. In these polling stations our observers have registered some minor procedural infractions. They were related to the division of functions among PEC members, which could create preconditions for infringement of the secrecy of vote or for not sufficient poor visibility by the observers in the section, as well as for a rush in counting and the coverage of election results in the protocol.

Just in a few exceptional cases our observers have given „bad” or „very bad” overall assessment. In these cases, it came to some substantial irregularities of electoral procedures, misunderstanding of basic issues by the commission members in application of procedures and legislative requirements for provision of a good atmosphere of voting to voters. This also complies with CEC's practice, which, cancelled the elections in some PSs on the basis of the video recordings by the webcams in the respective PSs.

The presence of such a small percentage of negatively assessed PSs is something expected and normal, on the one hand. There is such a PSs quota with poor organization and gross irregularities of the law and election procedures in each country in Europe and World in time of elections.

On the other hand, this minimal percentage of poorly assessed sections once again highlights the overall good level of organization of free and fair electoral process as well as **a high degree of democracy in Azerbaijan's electoral process**, in line with international standards for that.

VOTING PROCEDURE and its optimization

Voting started at 08:00 and continued till 19:00 as it is stated in the Election Code. PECs have informed 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.

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

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One of the PEC's members stayed at the entrance of the election precinct and he/she checked the arriving voters' IDs or other identification documents and gave permission for entrance. Another member of PEC checked the availability of the voter's name on the VL and issued a ballot paper to him/her to vote. His/her left thumb was marked.

A ballot paper was provided to a voter upon presentation of his/her identity card or substitute document. Before receiving of ballot paper, the serial and batch number of voter's identification or substitute document were recorded in the VL by a member of the PEC. After that the voter checked the accuracy of record and signs.

Here, in some exceptional cases we observed the following infringement:

Some voters were in a hurry and when they **entered the voting booths they did not pull the curtain behind**. This is an infringement as well. A member of the PEC should politely explain to these voters to pull the curtain so that no one outside could see the marking of ballot. This is a part of the procedure that guarantees secret of vote.

Regarding this, GISDI recommends to CEC to pay **special attention to this detail in the future training of PECs members**.

* * *

The PECs implemented **marking the left thumb of voters by spraying an invisible liquid** while issuing a ballot paper on election day. **An UVlamp (ultraviolet) was used** to determine if the voter's thumb was previously marked.

The entrance member of the PEC verified if the nail and skin of the voter's left thumb have been previously marked with the invisible liquid. If such a marking is found, the voter shall not be issued a ballot paper. 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 on his/her name.

GISDI observers found that in all 465 observed PSs the UVlamp check has been performed. However, there is an organizational problem. The check often was made by a member of PEC at the entrance of the PS – **at a place that was far from the long table** with the other members and most often **the observers in the PS could not observed that checking**. So the work of this committee member remains unobserved of his colleagues and observers. That's wrong.

GISDI recommends the UVcheck to be performed **in the beginning of the PEC's long table** – in front of all PEC members as well as in front of all observers in the PS.

* * *

Before providing a voter with a ballot paper, a member of the PEC **cut the numbered left corner of the ballot paper** along the cut-off line and kept it. This is a precautionary procedure in prevention of a voter from using a fake ballot. Also, this is a "good practice" against the temptation of some voters to vote with an illegal ballot, imported in the PS form outside.

The upper left corner of the ballot should be cut by a PEC member in front of the voter. The PEC member should wait the voter to fully complete his registration by the other PEC's members and after that he should cut the ballot's left upper corner in front of the voter and give the ballot to the voter, so the voter could vote with it in the voting booth. The voter chooses in which of the many booths he wants to vote, enters inside, carefully drops the curtain behind him and quietly marks his choice in the ballot.

Here, we should point out an infringement and an opportunity for optimization of the voting organization. In a few cases GISDI observers found that **part of the ballots was with pre-cut numbers in the upper left corner**. This is done by the committee to speed up its work. Their motive is understandable, however, it contradicts the voting procedure.

We recommend to CEC to pay special attention to the procedure of cutting the ballot's upper left corner in the training of PEC members and mainly chairs of PEC. GISDI recommends the obligation of PEC **to cut the ballot's upper left corner in front of the voter** to be more distinctively highlighted in the CEC instructions on the procedures.

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The other concerns **the number of booths in one PS**. In most of the PECs in bigger polling stations, with voters over 1 200, 6-8-10 booths were installed. This is totally unnecessary – voters do not actually vote in more than 2-3 booths.

Moreover, due to the large number of booths, part of them were **placed in an additional side room**. This turns to an infringement to the extent that these additional booths are not under direct visibility from all members of the committee, as well as from all the observers in the polling section.

We recommends and propose that the CEC could **limit the number of booths** to 3 in the sections with more than 1 000 voters and up to 2 for all other electoral sections.

* * *

Each voter votes in person and alone, according to the principle of secrecy of his/her vote. Voting with the power of attorney on behalf of other persons is prohibited. Each voter has to mark his/her ballot papers with own hand, without any assistance. Nobody is authorized to enter with voter in the booth.

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. Finally, the voter has to drop the marked ballot paper into the ballot box.

The marked ballot paper should be folded by the voter himself. He/she should do this inside the booth. Then, when he puts it in the ballot box, the ballot should be folded. The voter is not entitled to display his marked ballot open - neither to members of the committee, nor to observers or other persons in the PS. **This would be a violation of the secrecy of the vote.** Such attempts by some voters should be prevented by the PEC.

GISDI observers found that in some PS **some voters were not aware of their obligation to fold their ballots.** They calmly went out of the booth and dropped their open ballot box into the ballot box. In a few cases, they asked a PEC member whether this is the way the folding should be done and they got an affirmative answer. These cases are a violation of the secrecy of the vote. **Further efforts should be done to educate voters and to train members of PECs in this detail in voting procedure.**

In this regard, GISD recommends and proposes that the relevant texts on the folding of the ballot and the secrecy of the personal vote be further clarified and detailed in the Election Code. The **CEC should emphasize this in its instructions on electoral procedures.** As a further step, **cancellation of any unfunded and shown to other persons ballots** may be considered. A voter who do not fold his ballot and shows it **could not vote a second time.** If this is done, this is explicitly recorded in the Record Book of this PEC.

* * *

The ballot boxes should be placed in such a manner that the members of the PEC and the observers can easily monitor the box. This is a key issue in terms of transparency of electoral procedures. GISDI observers found that in **most of the observed PS the ballot boxes were situated on a place that allows a good visibility by the members of PEC as well as by observers.**

But, in the meantime, in few of the PSs we found this requirement has been underestimated – the ballot boxes were **situated aside from the PEC's table and not on the direct visibility and supervision by the observers.**

In these cases, the voters themselves dropped their ballots – under the supervision of only one of the commission members. Following the legislative requirement, the dropping of each ballot in the ballot box should be followed by all members of PEC and observers.

Regarding this GISDI recommends to CEC to highlight more distinctively in the instructions the requirement **the ballot boxes to be situated on the long table of PEC or right in front of it** – on a place that allows direct visibility and control by all members of PEC and observers

ELECTION RESULTS

The final election results announced by CEC were not surprising. There is an impressive steadiness of the electoral quotas from the presidential elections in 2003 up to date.

Mr. Ilham Aliyev won decisively in these elections as in the previous three. This was apparent from the ratings, registered in pre-election surveys, as well as the results of the four parallel Exit Polls on election day. All of them predicted the victory of Mr. Ilham Aliyev with 82-87%. The final election result is 86,02%.

Table № 3.

Distribution of valid votes among the candidates to presidency

	Candidate's name	Election results	
		Number of votes	Percentage
1	ALIYEV Ilham Heydar	3 394 898	86.02
2	ORUJ Zahid Maharram	122 956	3.12
3	MAMMADOV Sardar Jalal	119 621	3.03
4	HASANGULIYEV Gudrat Muzaffar	119 311	3.02
5	HAJIYEV Hafiz Alamdar	59 924	1.52
6	ALIZADEH Araz Mammad Mubariz	54 533	1.38
7	GULIYEV Faraj Ibrahim	45 967	1.17
8	NURULLAYEV Razi Gulamali	29 229	0.74
	Total	3 946 439	100.00

The other 7 candidates' electoral results were also accurately predicted also.

The other presidential candidates also performed well. Their electoral results increased significantly compared to their participation in the previous elections. This should be specifically emphasized as the relative election success of Mr. Zahid Oruj, Mr. Sardar

Mammadov and Mr. Gudrat Hasanguliyev, as well as Mr. Hafiz Hajiyev and Mr. Alizade Araz. They increased their ratings, significantly improved their election results. (See Annex No 3).

It is an empirical evidence that they have also conducted successful election campaigns, attracting additional supporters and voters. This is their personal success, but of course it is also the merit of the parties and the public organizations that supported them. This is probably also a merit for the experts who have worked for their election campaigns, media coverage.

By rising their election results in these presidential elections, the contestants managed to demonstrate themselves as potential politicians who could be a significant factor in party pluralism and the political life of a democratic Azerbaijan.

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The number of the invalid ballot papers was in the statistical range of normal for such type of elections. CEC announced 12 413 invalid ballot papers. That is 0,003 per cent compare to the number of the ballot papers in ballot boxes.

* * *

There was a high voter turnout – 74,30%. There is no surprise here as well. The turnout on the previous presidential elections was similar. The pre-election surveys have also predicted such turnout.

Voter turnout **was rhythmic throughout the election day** – without excessive crowding of voters in some of the time slots in election day. Up to 15.00 o'clock, for 7 hours, 60% of voters had voted. In the next 4 hours of e-day the electoral activity has faded away.

This rhythm of voting is another empirical indicator of the calm atmosphere of these elections, as well as of the rationality of the electoral behaviour of the citizens of Azerbaijan.

Table № 4.

Voter turnout during election day
11 April 2018, from 8.00 to 19.00 o'clock

Information announced by the Election Information Centre of the Central Election Commission	
Time	Turnout
10:00 o'clock	18,71%
12:00 o'clock	39,39%
15:00 o'clock	60,74%
17:00 o'clock	69,93%
19:00 o'clock	74,30%
Official final turnout	74,30%

COMPLAINTS AND APPEALS

Early Presidential Elections in Republic of Azerbaijan, held on 11 April 2018 were **the first presidential elections in the republic without any complaints**. No complaints and appeals have been filed in the period between 5 February 2018 when the President of the Republic of Azerbaijan signed an order *"on declaring Early Presidential Elections in the Republic of Azerbaijan"* and 19 March 2018 when the pre-electoral campaign started. There were no complaints and appeals filed during the pre-electoral campaign. No complaints have been filed on election day and 3 days after.

The procedure for filing complaints and appeals is quite clear and simple. Each of the election stakeholders has right to file complaints at the election commissions up to 3 days after the occurrence of event of violation the Election code or other related electoral legislation.

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. Election Code provides concise information about the required content of complaint as well as procedures of handling and investigation of complaints.

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 criteria for selecting members of the expert groups are a little bit common – professionalism, ability to conduct factual and legal analysis, professional electoral experience, and high public confidence in the impartiality of the potential member. The only specific requirement according to CEC rules, is that the expert groups should include both lawyers and non-lawyers from the respective election commission staff.

The expert groups prepare draft decisions on the complaints and appeals to be adopted by the respective election commission. The applicant could attend any meeting, related to investigation of his or her complaint.

All complaints and appeals filed within 30 days before election day should be reviewed and decided upon within 2 days from filing. 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.

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 February until 1 March 2018 for all expert group members of all of the 125 constituencies in the country.

ELECTION OBSERVATION

Domestic observers, Domestic and International Observation Missions

The Election Code provides that citizens and international **observers have the right to observe the election process at all stages and levels**. 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).²⁷

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

Citizens of Azerbaijan are prohibited from participating as international observers.

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 by the CEC. Invitations can be requested (suggested) by international NGOs that have a relevant reputation in the area of election observation.

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.²⁸ 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 general, **international observers, having the same rights and duties as all domestic observers, should carry out their activities in a transparent and fair manner, independent, and refraining from any interference with the election process.**

* * *

In total, according to information provided by CEC, observers accredited by CEC and ConECs were 59 069. The number of domestic observers was 58 175. About 4 000 observers

²⁷ 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.

²⁸ See CEC Instruction approved by Decision 7/27-4 from 18 July 2008.

were accredited by domestic NGOs. The others were accredited individually or as representatives of the candidates or political parties.

The international observers were 894. They represented 61 organizations, from 59 countries.²⁹

Furthermore, there were a certain number of international media representatives, who did not need to be registered as observers but were allowed to monitor the election process.

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

The registration of so many observers, by so many different organizations and countries, has already been an established democratic practice in Azerbaijan. This is an evolving form of publicity and real transparency of the electoral process.

As far as we were aware CEC has registered as observers all the applicants. There were no rejections.

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CEC has published a Guide for Observers. Election observer non-governmental organization EMDS organized a lecture on “The importance of local and international election observation” on 22 March 2018. The audience was composed of civil society activists and journalists.

Some of the observer missions both domestic and international has **published Interim reports**:

- **GISDI Interim report** was presented with briefing on 29 March 2018. It was published and is available at GISDI webpage.
- **OSCE–ODIHR Interim report** was published on 29 March 2018 and it is available at their webpage.
- The **Interim report of ACSDA** (Azerbaijani Association for Civil Society Development in Azerbaijan) covers the period from 5th of February to 6th of April 2018. It reflects the results of monitoring on socio-political atmosphere, freedom of speech and press, freedom of assembly, nomination and registration of candidates, voter lists, the activities of the electoral administration, and agitation campaign.

Other domestic election observer organizations such as The Election Monitoring and Democracy Studies Center (EMDS) published regular statements on some important issues during the campaign. For example: Statement of Scheduling the Early Presidential Elections in Azerbaijan on 11 April 2018; information about candidate registration and exit polls; pre-election monitoring results. All documents are available at the web page of organization.

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During the election day some of the observers, mainly international, gave short media interviews on their personal impressions and observations on e-day.

Most of all observer organizations and groups briefed on 12 April 2018 the findings of their observation on election day. According to their presentations and statements the

²⁹ <http://www.msk.gov.az/en/elections/prezident-seckileri/11-04-2018/987/>

election day was very well organized, passed smoothly, without serious irregularities in procedures or violations of the Election Code – such that could affect the election results.

Some of the observer organizations presented and published their **Statement on Preliminary Findings** – the domestic EMDS and ACSDA, as well as the international GISDI and OSCE-ODIHR.

We are completely aware that we might be missing the activities of some observer missions here, although we have made effort to follow the observers' activities in this presidential campaign.

This is giving us ground to recommend to CEC:

To maintain **public register/s of registered observers and observer's organizations** – both domestic and international, both observation missions of organizations and individual citizens observers.

Also, the differentiation **between observer of observer's organization/mission and individually registered observer** (citizen observers) could and should be made more distinct.

Another concrete recommendation:

There were a number of domestic and citizens observers in most of observed 465 PSs – between 8-13, while the PECs members were 6.

Minding this, a clearer legislative **distinction between observer, party representative and agent/proxy** could be considered. It would be better if different kind of observers in PSs have **different badges** – for example „observer“, „representative“, „contestant agent“, etc.

* * *

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

Based on the video recordings, CEC cancelled the election results in 4 PSs – due to registered irregularities and violations of the voting process and procedures.

Concerning this we could recommend the following:

First, this good practice **could be extended quantitatively in the next elections** – the number of PSs in which the election process is monitored online via cameras could be increased to 1 500 or 2 000 PSs. This would be a **good step towards full online monitoring** of the election process in PSs through cameras.

Second, the angle of camera recording could be improved. The angle should allow the clear recording of at least three things: **the table on which the members of the electoral commission operate**, plus **all the booths** in which voters vote, plus the **two ballot boxes** in which voters release their ballot papers. Of course, this depends on the arrangement in the polling station, reducing the number of booths, moving ballot boxes to the PEC table or just in front of it. In these elections, we recorded instances of insufficient spatial organization, so some of these key elements remained out of sight.

FOUR PARALLEL EXIT POLLS

Exit Polls are **one of the main democratic instrument to prevent counting falsification** and for guaranteeing the fairness of the political elections. That is a proven instrument for **safeguarding of true democratic and transparent electoral process**. This is one of obligatory component of election day in the countries with developed democracy.

In Azerbaijan that is a practice during elections since 2003, in conformity with European and world standards. Four parallel and independent Exit Polls were conducted in the e-day, 11 April 2018.

CEC ensured pluralism, when it comes four professional and civil research organizations – international and domestic – to carry out parallel and independent Exit Polls.³⁰ They are two domestic organisations: ELS – Independent Research Centre and Rey – Monitoring Centre. They are two international organisations: Arthur J. Finkelstein&Associates (U.S.) and OpinionWay (France). They were supported in their field work from domestic partners: research organisations Citizens' Labor Rights Protection League and For the Sake of Civil Society, respectively.

All of the above-mentioned research organisations – domestic and international – have an undisputed **research reputation**. They are working in accordance with **established professional standards** for the conduct of Exit Polls.

The forecast ratings of the four Exit Poll agencies were **announced public immediately** after voting has come to the end officially (19 o'clock). Begging from 19.15 o'clock they started announcing their results one by one on briefings held at Hilton Hotel Baku.

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The forecast ratings of the four Exit Poll agencies were corresponding with the official election results of the first candidate and with explicable diversion for the candidates, who received 3 percentage points or less.

This correspondence with the real vote of the people of Azerbaijan indicates, and is a clear evidence for the **accuracy and correctness of counting process** – from the level of PECs, through ConECs and finally CEC, as a real numerical expression of the electoral will of the voters on the 11 April 2018.

³⁰ On 24 March 2018 CEC registered organizations to hold Exit Polls during the election.

On the 9 April GISDI held collegial meetings with the teams of ELS, OpinionWay and Finkelstein&Associates. They were polite enough to introduce us their **methodology and questionnaires, size and methods of sample and the organization of their fieldwork** of the teams of interviewers, as well as the **timing of the field work** and methods of **processing the data**.

Thus, we were given the opportunity to make sure that these three Exit Poll agencies are indeed in conformity with the professional standards and good practices.

Table № 5.

Exit Polls Forecasts

Exit Poll Agency	Domestic		International		CEC official RESULTS	
	ELS	Rey	OpinionWay France	Finkelstein & Ass. USA	Preliminary	Final
PSs in the Sample	300 PSs	350 PSs	210 PSs	200 PSs	91% - PEC's protocols	100% - PEC's protocols
Covered Constituences by the Sample	118 Const.	48 Const.	118 Const.	40 Const.		
Voters in the Sample	60 000	26 625	11 495	14 000		
Announced their forecasts at ... o'clock	19.15	20.00	19.30	19.45		
Ilham ALIYEV	82.71%	84.49%	86,53%	85.57 %	86,09%	86,02%
Zahid ORUJ	3.37%	3.21%	2,92%	2.92 %	3, 07%	3,12%
Sardar MAMMADOV	3.56%	3.04%	2,81%	2.48 %	2,97%	3,03%
Gudrat HASANGULIYEV	4.23%	3.72%	3,10%	2.96 %	3,4%	3,02%
Hafiz HAJIYEV	2.01%	1.57%	1,73%	1.76 %	1,51%	1,52%
Araz ALIZADA	1.87%	1.65%	1,21%	1.42 %	1,4%	1,38%
Faraj GULIYEV	1.33%	1.46%	1,03%	1.52 %	1,18%	1,17%
Razi NURULLAYEV	0.93%	0.86%	0,67%	1.37 %	0, 74%	0,74%

- The data in the table is provided in percentage points.
- Marginal errors are in the profesional standarts.

REGARDING THE EXIT POLLS, conducted in these elections, we recommend the electoral administration to concern the following:

Firstly, it would be better if the organizations that **conduct Exit Poll combined it with Quick Count** – of the observed PS sample, collecting their protocols with election results. And to announce the predicted results not only from Exit Polls but also from the Quick Counts. This is practically possible to be done until 22:00 on the election day – or 10-12 hours before the CEC announces its preliminary calculations of the election result based on 90% processed PS protocols.

This would also be a good practice in the election process. By the rule, when the Quick Count is made, and the predicted percentages are declared, the accuracy of the forecast improves. So research organizations once again could demonstrate the accuracy of their work and their professionalism.

Secondly, it would be better if the Exit Poll agencies announce besides the results they have, the **used proceder of weighting of per cent results**. This is a valid requirement for the disclosure of research data. That is a requirement, especially in cases where the PS sample does not cover the entire country, when it is pre-restricted to only a part of the 125 Constitutions.

RECOMMENDATIONS

LEGAL FRAMEWORK

The observation of these presidential elections has shown that the **Electoral Code provides a well-structured and well-balanced legal framework** for the preparation and organization of the electoral campaign, election day and counting of the results, for democratic observation of the electoral process. In general, **it guarantees citizens' electoral rights, active and passive suffrage, as well as the free and democratic expression of the political will of people of Azerbaijan**. In this version, the Electoral Code has a well-balanced structure and synchronization between the different norms for the election process and all key procedures.

We should point out here that, in this version, the Election Code fully **complies with the specific state structure** of the Republic of Azerbaijan, with basic **democratic standards for political elections**, as well as with the regional **traditional culture and accumulating democratic practices**.

Regarding this, our recommendation is **not to undertake any “radical reforms” to this Election Code**.

* * *

However, **some specific and partial additions and improvements could be done**. Above all, they concern:

- **composition of CEC** and its public activity;
- instructions and training of **PECs members**;
- participation of women and **gender** balance;
- **media** in electoral process and election observation, and Exit Polls;
- organization of activities in polling stations and **arrangement of its rooms**;
- consistent and **synchronous operation** of PECs members;
- optimization of the **number of booths** in PECs;
- location and **direct observation of ballot boxes**;
- **folding of each ballot paper** by the voter before it is blunted by him in one of the ballot boxes;

- **signing of the protocol** with the election results in each PS **by all members** of the PEC;
- receipt by each observer and an authorized representative in the PEC of a **copy of the signed Protocol with results**.

* * *

Amendments to the Election Code should be made in due time – at least several months prior to the respective elections.

We understand that within the last 2 years important amendments were introduced in the Constitution and as a result thereof the last amendments of the Election Code were unavoidable. Nevertheless, and even if such amendments were objectively required, this might be, and was, used by some to raise voice against the level of democracy and the transparency of the electoral process as a whole.

Therefore, it is our recommendation that any further amendments to the Election Code should be implemented early enough before the elections.

ELECTORAL MANAGEMENT BODIES

Regarding the **COMPOSITION** of CEC:

- **A new quota** in the decision making body of CEC could be added. A new quota by **independent experts and recognized public figures** could be considered to be added to the CEC composition.

This would further widen the civil society base and political pluralism in the formation of CEC. This could give an additional and effective argument against the assertion that CEC is a politically dependent body of the ruling party and the president.

How this could be done?

First option: A seat could be taken away from the current three quotas. Each of them will consist of 5 not 6 members as it is now. Thus 3 seats would be released for the 4th group of "independent experts" at the CEC. The quotas become respectively: 5, 5, 5, and 3.

Second option: The number of the CEC members could be increased from 18 members of 20-22. This brings new 2-3-4 seats in the CEC for the 4th group of "independent experts". Quotas become respectively: 6, 6, 6 and (2-3-4).

- **The expert groups reviewing the claims and appeals** at the CEC and ConEC level should include as their external members independent experts, including persons with **relevant technical expertise** (e.g., graphologists, media experts, etc.)

That would improve the quality of the respective commission's decisions. An amendment like this would minimise the cause of criticism based on alleged partiality of the decisions.

Regarding TRANSPERANCY of elections:

- In order to gain more transparency and to avoid unjustified criticism of the observation process, it seems advisable for the CEC to make **public its registries of observers**, observers organizations both domestic and international, as well as agents/proxies and other representatives of registered candidates;
- The transparency of the CEC during the election campaign and on e-day could be increased if **CEC regular meetings are open to public or broadcasted lively**. At least CEC could consider publishing not only the Decision of approval of minutes of its meetings, but the protocol of each meeting and meeting shorthand.
- We would recommend that upon filing a claim before the CEC not only the claimant and the defendant should attend the hearing but, also, **other persons involved in the electoral process** – i.e., other registered candidates and their representatives and agents. That have a stake in the overall process and a legal interest in providing their view on the respective decisions should be allowed to attend as well.
- The CEC **decisions should be more clearly dated**. That is important due to the date of the decisions and the date when the decision come into force often are different.

Regarding INSTRUCTIONS and TRAINING of PECs members:

Considering the results of our observation in the e-day and minding all the instructions and trainings CEC has done in preparation of these presidential elections, we recommend to CEC to highlight more clearly in its instructions the following issues **in order to keep the secrecy of vote and to ensure the voting procedures are fulfilled by PECs in full compliance with the Election Code**.

- The UVlamp check of the left thumb of each voter **should be done by a PEC member in front of the other members**, not at the entrance of the PS, but in the beginning of the PEC's table. All PEC members and observers should have a **direct view on this procedure**.
- The members of PEC **should cut the upper left corner of each ballot right in front the voter** and then give it to him/her to vote.
- The members of PEC **should oversee weather the voters pull the voting booths curtain when enter the booth**. If not, they should politely ask voters to do this in order to keep the secrecy of their vote.
- The voters should be instructed by PEC members to **fold the ballot immediately after marking their choice in the both and to drop it folded in the ballot box**. This is directly connected with the secrecy of vote.
- Regarding arrangement of the PS room, we recommend that the **ballot boxes should be situated either on the table of PEC or right in front of it**, on a place that allows direct visibility and supervision by commission members and observers.
- **The number of the voting booths in PS could be reduced** to 3 in the sections with more than 1 000 voters and up to 2 for all smaller electoral sections.

PARTICIPATION OF WOMEN and gender balance

Women were dominant amongst the PECs members and chairs, as well as among the domestic observers and party representatives. Thus, in these elections at this level of the electoral administration and the domestic observers and representatives in the PECs, women dominated. Probably this was done in response to previous recommendations for more female participation.

We now have reason to make a reverse recommendation with a view to organizing the next elections in Azerbaijan: **to equate men and women among members of PECs and among the chairmen of PECs.**

Pre-electoral CAMPAIGN

Considering the opportunities of voters to receive more comprehensive information of the political ideas and platforms of different candidates as well as the provision of greater opportunities for the participation of potential candidates and rising the level of pluralism in election campaign, we could recommend **the election timeline to be extended.**

Now the election campaign is 23 days – it is the shortest in the group of the so-called Eastern Partnership countries (Venice Commission).

MEDIA in electoral process

On the base of the media monitoring results GISDI could recommend the following:

- Consideration should be given to review the legal framework to encourage both public and private media to provide **more objective editorial coverage of the campaign.** As such information would assist voters to make a more informed choice.
- Regarding the right of voters to do an informed choice, the **payed media coverage of campaign should be marked and separated** by the editorial content.
- The Election Code should address the right of voters to receive comprehensive and diverse information about political alternatives through the media. The media could be **legally obliged to provide fair, balanced and impartial coverage** of the election campaign in their news and current affairs programs.

Election OBSERVATION

A clearer legislative **distinction between observer, party representative and agent/proxy** could be considered.

Also, the differentiation **between observer of observer's organization/mission and individually registered observer** (citizen observers) could and should be made more distinct.

It would be better if different kind of observers in PSs have **different badges** – for example „observer“, „representative“, „contestant agent“, etc.

TRANSPERANCY with PSs CAMERAS

Firstly, this good practice could be **extended quantitatively in the next elections** – the number of PSs in which the election process is monitored online via cameras could be increased to 1 500 or 2 000 PSs.

This would be a good step towards **full online monitoring** of the election process in PSs through cameras.

Secondly, the **angle of camera recording could be improved**.

The angle should allow the clear recording of at least three things: **the table on which the members of the electoral commission operate**, plus **all the booths** in which voters vote, plus the **two ballot boxes** in which voters release their ballot papers.

Of course, this depends on the arrangement in the PSs rooms, as well as it depends on reducing the number of booths, moving ballot boxes to the PEC table or just in front of it.

In these elections, we recorded instances of insufficient spatial organization, so some of these key elements remained out of sight.

RESEARCH ACCURACY and exact result predictions

From EXIT POLLS:

Regarding the Exit Polls, conducted in these elections, we recommend the electoral administration to concern the following:

Firstly, it would be better if the organizations that conduct **Exit Poll are able to combine it with Quick Count** – on the base of the observed PS sample of Exit Polls, collecting their protocols with election results. And to announce the predicted results not only from Exit Poll but also from the Quick Count.

This is practically possible to be done until 22:00 on the election day – or 10-12 hours before the CEC announces its preliminary calculations of the election result based on 90% processed PS protocols.

This would also be a good practice in the election process. By the rule, when the Quick Count is made, and the predicted percentages are declared, the **accuracy of the forecast improves**. So research organizations once again could demonstrate the accuracy of their work and their professionalism.

Secondly, it would be better if the Exit Poll agencies announce besides the results they have, the used **methodology of weighting of results proceder**.

This is a valid requirement for the disclosure of research data. That is required especially in cases where the PS sample does not cover the entire country, when it is pre-restricted to only a part of the 125 Constituences.

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

Annex №1

PRESIDENTIAL ELECTIONS RESULTS

11 April, 2018

	in numbers	
	CONSTITUENCIES, PRECINCTS and voting PROTOCOLS	
1	Number of constituencies	125
2	Number of the protocols submitted by the ConECs	125
3	Total number of precincts	5 641
4	Number of the precincts the voting results of which have been considered to be invalid	4
5	Number of the precincts where the voting was invalid	0
	VOTERS and TURNOUT	
6	Total number of voters	5 332 817
	- number of the voters included in voters' lists*	5 293 561
	- number of the voters included in supplementary voters' lists	18 452
	- number of the voters who got de-registration voting cards	20 804
	BALLOT PAPERS	
7	Number of the ballot papers provided to ConEC by CEC	5 347 803
8	Number of the voters issued ballot papers **	3 962 123
9	Number of the cancelled ballot papers without being used	1 383 792
	- by the Precinct Election Commissions	1 312 344
	- by the Constituency Election Commissions	71 448
10	Number of the spoilt ballot papers	1 888
11	Number of the ballot papers in ballot boxes	3 958 852
12	Number of INVALID votes	12 413
13	Number of VALID votes	3 946 439

* Excluding those issued de-registration voting cards

** Voters' turnout: 74.30 % (in percentage compared to the total number of voters in VL)

Distribution of valid votes among the candidates to presidency

		Electoral RESULTS	
	Candidate's name	Number of votes	Percentage
1	ALIYEV Ilham Heydar	3 394 898	86.02
2	ORUJ Zahid Maharram	122 956	3.12
3	MAMMADOV Sardar Jalal	119 621	3.03
4	HASANGULIYEV Gudrat Muzaffar	119 311	3.02
5	HAJIYEV Hafiz Alamdar	59 924	1.52
6	ALIZADEH Araz Mammad Mubariz	54 533	1.38
7	GULIYEV Faraj Ibrahim	45 967	1.17
8	NURULLAYEV Razi Gulamali	29 229	0.74
	Total	3 946 439	100.00

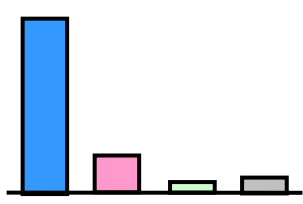
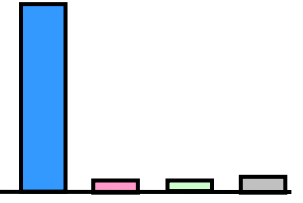
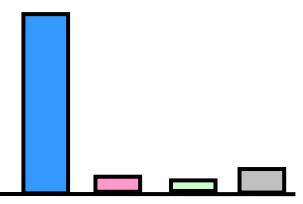
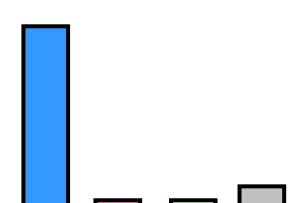
Note:

Final Election Results according to the PROTOCOL ON THE VOTING RESULTS BY CENTRAL ELECTION COMMISSION OF THE REPUBLIC OF AZERBAIJAN (The protocol was compiled at 12:30 on 15 April 2018)
Available at: <http://www.msk.gov.az/en/elections/prezident-seckileri/11-04-2018/1011/> (Last visited: 20 April 2018)

Annex № 2

PRESIDENTIAL ELECTIONS IN AZERBAIJAN

TIME SERIES from 2003 to 2018

Year	Candidates	% of valid votes	Year
2003	1 st : Ilham Heydar Aliyev	76,84	
	2 nd : Isa Gambar	13,97	
	3 rd : Lala Shovket Hadjiyeva	3,62	
	Others	5,57	
2008	1 st : Ilham Heydar Aliyev	88,73	
	2 nd : Iqbal Agha-Zade	2,86	
	3 rd : Fazil Gazanfar Mustafayev	2,47	
	Others	5,94	
2013	1 st : Ilham Heydar Aliyev	84,54	
	2 nd : Jamil Hasanli	5,53	
	3 rd : Iqbal Agha-Zade	2,40	
	Others	7,53	
2018	1 st : Ilham Heydar Aliyev New Azerbaijan Party	86,02% 82-87% (Exit Polls)	
	2 nd : Zahid Maharram Oruc Own Initiative	3,11% 3.0-4.0% (Exit Polls)	
	3 rd : Gudrad Muzaffar Hasanguliyev Whole Azerbaijan Popular Party	3,03% 3.0-4,2% (Exit Polls)	
	4 th : Sardar Calal Mammadov Azerbaijan Democrat Party	3,02% 2,0-3,0% (Exit Polls)	
	Others (4 contestants)	4,73%	

Note:

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

Before this elections political and election analysts have been asked 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%)?

The election results of these presidential elections gave objective fair-spoken answer of their question.

Annex № 3

NOMINATION, APPROVEMENT AND REGISTRATION OF CANDIDATES

LIST OF APPROVED AND REGISTERED CANDIDATES

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

Name	Candidacies are nominated by: ...	Previous participation & results
Incumbent president		
Ilham Heydar ALIYEV	New Azerbaijan Party	2003 – 76,84% (8 candidates) 2008 – 88,73% (7 candidates) 2013 – 84,54% (10 candidates) 2018 – 86,02% (8 candidates)
Candidates who have been REGISTERED by way of nominating		
Zahid Maharram ORUJ	Own initiative	2013 – 1,46% 2018 – 3,12% (+ 1,66%)
Sardar Jalal MAMMADOV	Azerbaijan Democrat Party	2013 – 0,62% 2018 – 3,03% (+ 2,41%)
Gudrat Muzaffar HASANGULIYEV	Whole Azerbaijan Popular Front Party (People's Front)	2003 – 0,50% 2008 – 2,28% 2013 – 1,99% 2018 – 3,02% (+ 1,03%)
Hafiz Alemdar HAJIYEV	Modern Musavat Party	2003 – 0,34% 2008 – 0,65% 2013 – 0,66% 2018 – 1,52% (+ 0,86%)
Alizade Mammad ARAZ	Azerbaijan Social Democratic Party	2013 – 0,87% 2018 – 1,38% (+ 0,51%)
Faraj Ibrahim GULIYEV	National Revival Movement Party	2013 – 0,86% 2018 – 1,17% (+ 0,31%)
Presidential candidates, who run for the first time		
Razi Gulamali NURULLAYEV	Initiative group "Front-line Initiative Group"	2018 – 0,74%

Note:

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).

LIST OF REJECTED AND DROPPED OUT NOMINATIONS

Individuals who have NOT BEEN REGISTERED as a candidate due to insufficient NUMBER OF SIGNATURES		
Ali Nadir Aliyev	Citizens and Development Party	–
Tural Feyruz Abbasli	Own initiative	–
Individuals who have NOT BEEN REGISTERED as a candidate due to the failure to submit the required DOCUMENTS fully		
Anar Azer Umudov	On his own initiative	–
Asif Rasim Mammadov	On his own initiative	–
Elshan Shirzad Hasanov	On his own initiative	–
Fuad Aghasi Aliyev	Azerbaijan Liberal Democratic Party	–
Ramazan Alakbar Bakirov	On his own initiative	–

Note:

The listed candidates failed to submit the required signatures sheets or other necessary documents on time (12 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>

Sources:

All of the information above has been collected from the decisions of the CEC Azerbaijan website and the protocols posted from the 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

REASONS FOR THE REJECTED REGISTRATIONS

Name	Nomination documents submission	Reasoning for the rejection / dropping out
Ali Nadir Aliyev	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.
Anar Azer Umudov	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.

Asif Rasim Mammadov	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.
Elshan Shirzad Hasanov	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.
Fuad Aghasi Aliyev	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.
Ramazan Alakbar Bakirov	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.
Tural Feyruz Abbasli	09.02.2018	The candidate submitted the signature sheets with insufficient number of signatures (40,000) from minimum 60 out of the 125 constituency.

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>

Annex № 4

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
Constitutional requirements (Art. 100)		
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)	—
NO 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) <u>Right to be included to the VL:</u> According to articles 47.1 and 47.2 of the Electoral Code of Azerbaijan, all citizens possessing suffrage rights if they are permanently residing for at least 6 out of 12 months prior to election announcement . If they have it they have a right and shall be included in the voters list by the relevant precinct.	—
Central Election Commission (CEC) requirements		
Registration of NOMINATIONS	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 : ²	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. It is also required that the signatures are collected from at least 60 out of the 125 constituencies . 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) ³	-
Requirements for a nomination on own initiative		
	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 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 the political 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

Annex № 5

VOTER TURNOUT DURING ELECTION DAY

11 April 2018, from 8.00 to 19.00 o'clock

Information announced by the Election Information Centre of the Central Election Commission	
Time	Turnout
10:00 o'clock	18,71%
12:00 o'clock	39,39%
15:00 o'clock	60,74%
17:00 o'clock	69,93%
19:00 o'clock	74,30%
Official final turnout	74,30%

Sources:

10 o'clock: <http://en.apa.az/azerbaijan-politics/domestic-news/azerbaijan-reveals-voter-turnout-in-presidential-election-as-of-10-00.html>

12 o'clock: <https://www.azernews.az/nation/130157.html>

15 o'clock: <https://news.az/articles/politics/130297>

17 o'clock: <http://en.apa.az/azerbaijan-politics/domestic-news/azerbaijan-reveals-voter-turnout-in-presidential-election-as-of-17-00.html>

19 o'clock: <http://today.az/news/politics/168824.html>

There was a high voter turnout – 74,30%. There is no surprise here as well. The turnout on the previous presidential elections was similar. The pre-election surveys have also predicted such turnout.

Voter turnout **was rhythmic throughout the election day** – without excessive crowding of voters in some of the time slots in election day. Up to 15.00 o'clock, for 7 hours, 60% of voters had voted. In the next 4 hours of e-day the electoral activity has faded away.

This rhythm of voting is another empirical indicator of the calm atmosphere of these elections, as well as of the rationality of the electoral behaviour of the citizens of Azerbaijan.

Annex № 6

CENTRAL ELECTION COMMISSION COMPOSITION

The Parliament 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 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 (18 members)	Quotas in CEC
Parliament MAJORITY (New Azerbaijan Party)	72 seats (57,6%)	6 or 33,3%	57,6% $\Rightarrow$ 33,3%
Parliament MINORITY (opposition parties)	12 seats (9,6%)	6 or 33,3%	9,6% $\Rightarrow$ 33,3%
INDEPENDENT members of the Milli Majlis	40 seats (31,8%)	6 or 33,3%	31,8% $\Rightarrow$ 33,3%

Possible composition of the CEC with 21 members, for example*:

	Representation in the Milli Majlis (125 seats)	Number of appointed members in CEC (21 members)	Quotas in CEC
Parliament MAJORITY (New Azerbaijan Party)	72 seats (57,6%)	5 or 24%	57,6% $\Rightarrow$ 24%
Parliament MINORITY (opposition parties)	12 seats (9,6%)	5 or 24%	9,6% $\Rightarrow$ 24%
INDEPENDENT members of the Milli Majlis	40 seats (31,8%)	5 or 24%	31,8% $\Rightarrow$ 24%
New quota: independent EXPERTS	0 seats	3 or 14%	$\Rightarrow$ 14%

* GISDI Recommendation, 22 May 2018

About GISDI

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 could be found at www.gisdi.eu