



## INTERNATIONAL ELECTION OBSERVATION MISSION

Parliamentary Election, Republic of Azerbaijan – 6 November 2005

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

**Baku, 7 November 2005** – The International Election Observation Mission (IEOM) for the parliamentary elections of the Republic of Azerbaijan is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA).

This statement of preliminary findings and conclusions is delivered prior to the completion of the election process, including the tabulation and announcement of final results, the expiry of legal deadlines for hearing possible complaints and appeals, and instalment in office of elected officials. A conclusive assessment of the entire election will depend, in part, on the conduct of these remaining phases of the process.

The OSCE/ODIHR EOM will remain in Azerbaijan to continue the observation and may issue additional public commentary, as necessary. The OSCE/ODIHR will publish a Final Report, presenting a comprehensive analysis of all observers' findings and offering recommendations for further improvement of the election process, approximately two months after the completion of the process. The PACE will adopt a report on these elections in the January 2006 session, following which further steps will be taken.

The institutions represented in the IEOM stand ready to support the authorities of the Republic of Azerbaijan in their efforts to conduct elections in line with OSCE Commitments and other international standards for democratic elections.

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### PRELIMINARY CONCLUSIONS

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The 6 November parliamentary elections did not meet a number of OSCE commitments and Council of Europe standards and commitments for democratic elections. While there were improvements in some respects during the pre-election period, notably in the registration of candidates, uncertainty was evident with regard to key aspects of the process such as voter registration, and continued restrictions on the freedom of assembly, a fundamental right, marred the campaign period. While voting was generally calm, the election day process deteriorated progressively during the counting and, in particular, the tabulation of the votes.

While high level state authorities expressed the political will to improve the overall election process, particularly as reflected in two presidential decrees, implementation by executive authorities only partially achieved the stated objectives.

Despite an inclusive candidate registration which provided for a competitive election in most constituencies and enhanced voter choice, interference from executive authorities and media bias favoring incumbents resulted in a failure to provide equitable conditions for all candidates during the campaign period. At times, civil and political rights were infringed upon, and there was

harassment and intimidation of some candidates and their supporters. The complaints and appeals process overall did not provide redress for these shortcomings.

Improvements in the following areas were noted:

- Respect of legal provisions for free airtime on the State-funded media and televised debates generally permitted candidates to convey their messages to the electorate;
- Candidates were able to hold numerous rallies and meetings with voters, although many opposition rallies and meetings were restricted or prevented by the authorities;
- Amendments to the Election Code in June 2005 made limited improvements to the electoral framework;
- The Central Election Commission (CEC) approved a number of regulations to enhance the integrity of voting, counting and tabulation, although the decision to introduce inking of voters' fingers was taken very late in the process;
- The CEC undertook an extensive voter education campaign through the media;
- A number of election commissions operated in a transparent and collegial manner, and a few issued warnings to candidates or officials for violating the law;
- Distribution of new identification documents to most of the population was a welcome development and could impact positively on voter registration for future elections;
- The Constitutional Court reinstated a candidate who was wrongfully denied registration;
- While too late for a meaningful implementation for this election, the lifting of the ban prohibiting domestic NGOs which receive more than 30 percent foreign State funding from observing elections was a welcome implementation of a longstanding recommendation.
- Domestic observers were able to register as individuals, generally without impediments.

However, the election process revealed a number of important shortcomings including:

- Local executive authorities often interfered in the campaign and failed to act impartially, and were regarded by many as serving only the interests of pro-government candidates;
- No effective sanctions were imposed on representatives of local executive authorities who, in violation of the law, interfered in the election process, diminishing confidence in the rule of law;
- Undue restrictions by local executive authorities were placed on the ability of opposition parties to conduct rallies, and on several occasions, police used disproportionate force to thwart unsanctioned rallies. The election campaign was further marred by detentions of party supporters, and several opposition candidates experienced police detentions or other harassment;
- The composition of election commissions favored pro-government candidates, at times undermining confidence in the independence and impartiality of the election administration;
- Restrictive interpretations of campaign provisions and pressure on an independent TV channel limited voters' access to diverse information;
- The CEC and constituency election commissions (ConECs) generally failed to address a number of issues in an effective manner, such as the use of voter cards, military voting and the handling of complaints;
- There was a lack of uniformity in updating voter lists and issuance of voter cards;
- At least 38 constituencies deviate from legal norms regarding the number of registered voters per constituency.

## **Election Day**

On election day, IEOM observers assessed voting positively in 87 percent of polling stations visited, while voting was assessed negatively in a considerable 13 percent of polling stations visited. The IEOM observed attempts to influence voter choices, unauthorized persons interfering in or directing the process and cases of ballot box stuffing. Inking procedures, in particular the checking of voters' fingers for traces of ink, were not followed in 11 percent of polling stations visited, with several PECs not applying the procedure at all. There was a presence of candidate representatives and non-partisan domestic observers in nearly all polling stations visited. However, there were observations of domestic observers and PEC members being expelled or dismissed from polling stations.

IEOM observers assessed the ballot counting process as bad or very bad in 43 percent of counts observed. They noted a wide range of serious violations, including tampering with results protocols (15 percent), result protocols completed with pencil (15 percent), intimidation of observers (17 percent) and unauthorized persons directing the process (14 percent). The results protocols were not posted in 54 percent of the counts observed, as required by law.

The tabulation of results at constituency level was, overall, assessed as bad or very bad in 31 percent of the ConECs visited. By 11:00 hours on 7 November, the CEC had not posted any polling station protocols on its website.

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## **PRELIMINARY FINDINGS**

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### **Background**

The 6 November 2005 elections are the third parliamentary elections held in Azerbaijan since independence on 18 October 1991. The OSCE/ODIHR, jointly with the UN, observed the 1995 parliamentary elections. In 2000, the OSCE/ODIHR, jointly with the OSCE PA and the PACE, observed the 2000 parliamentary elections. The OSCE/ODIHR, in cooperation with other international institutions, also observed the 1998 and the 2003 presidential elections. While observers noted limited improvements in the course of past elections, observers were not in a position to report that elections in Azerbaijan were conducted in line with OSCE Commitments and other international standards for democratic elections.

The 6 November 2005 elections to the Milli Majlis are the first parliamentary elections to be conducted after the adoption of the 2002 constitutional amendments under a plurality election system. All 125 members of Parliament will be elected in single seat constituencies, in one single round of voting.

The CEC registered 48 political parties and blocs for the 6 November elections. The New Azerbaijan Party (YAP), currently chaired by President Ilham Aliyev, has held a dominant position in government since 1993. On the opposition side there are two main blocs: "New Politics" (YeS), including the Azerbaijan National Independence Party (ANIP), and "Azadliq", which is formed by the parties Musavat, the Popular Front of Azerbaijan (APFP) and the Azerbaijan Democratic Party (ADP). Another party which fielded candidates in over 60 constituencies is the opposition Liberal Party of Azerbaijan (ALP).

## Legal Framework

The legal framework for the parliamentary elections includes the Constitution as amended following the 2002 referendum, the Election Code, the Law on Freedom of Assembly, Law on Radio and TV Broadcasting, and other legislation. The Election Code was adopted on 27 May 2003 and was amended by Parliament most recently on 26 June 2005. While some of the 26 June amendments implemented previous recommendations for improvement of the electoral process, in their Final Opinion, the OSCE/ODIHR and the Council of Europe's Venice Commission concluded that most of the recommendations were not implemented or were only partially implemented.

Positive aspects of the Election Code include aspects of enhanced transparency, requirements for impartiality by all three tiers of election commissions, and detailed rights and duties of officials and other participants in the process.

There are still shortcomings in the legal framework that have had an adverse effect on the conduct of the elections. The composition of election commissions favors the incumbent authorities and undermines confidence in the independence of the election administration. The provision for voter cards would only be effective if there was strict control and accountability in their distribution. The Law on Freedom of Assembly in practice provides local executive authorities with considerable discretion to restrict and ban election rallies and other campaign events. The Election Code provisions regarding complaints are ambiguous, permitting procedural variations as it is not specified where a complaint by candidates and political parties should first be initiated. The Election Code does not provide for voting for citizens residing abroad in parliamentary elections. While there are a significant number of citizens who are unable to vote as a result, it is recognised that the single mandate election system used for parliamentary elections creates serious logistical challenges for the organisation of voting abroad.

Two presidential decrees, issued on 11 May and 25 October 2005, acknowledged 'mistakes and deficiencies in the sphere of elections,' and identified continued shortcomings in the election process, including the distribution of voter cards and interference by executive authorities. The 25 October decree proposed, *inter alia*, that Parliament lift the ban on NGOs which receive more than 30 per cent of their funding from foreign State sources from observing elections; that the CEC provide for the use of invisible ink to mark voters' fingers as a safeguard against possible multiple voting; that the CEC prepare guidelines on complaint procedures and deliver improved decisions on violations by candidates, including applying administrative and criminal sanctions, in cooperation with the Prosecutor General; and that the central and local executive authorities create equal conditions for freedom of assembly. On 28 October Parliament passed the amendment to the Law on Public Unions and Foundations lifting the limitations on domestic observation.

## Election Administration

The election was administered by a three-tiered system of election commissions headed by the 15 member Central Election Commission (CEC). There are 125 constituency election commissions (ConECs) and 5053 precinct election commissions (PECs). All election commissions have a 2/3 requirement for quorum and for adopting decisions.

In accordance with the transitional provisions of the Election Code, for all commissions, the chairperson was nominated by the parliamentary majority and the pro-government parties enjoyed decision making majority. During the pre-election period, commission members nominated by

opposition parties in some constituencies claimed that they were in a number of instances not informed of ConEC meetings, denied access to key documents and had little influence on the decision-making process. The OSCE/ODIHR EOM was able to verify some of these claims.

The CEC held regular meetings open to media and observers, and most decisions were published and available on its website. The CEC met most deadlines of the Election Code regarding technical preparations for the elections. An extensive voter education effort was conducted through the media.

A number of aspects of the CEC's performance were problematic, including processing of complaints and appeals, the uniform implementation of the Election Code by ConECs and PECs, and organization of military voting. Observers reported uncertainty and confusion on the interpretation of some legal and procedural issues by ConECs and PECs.

The Election Code provides that military voting should take place in regular polling stations and should be conducted in special military polling stations only under exceptional circumstances. However, instead of being regarded as an exception, the creation of special military polling stations appeared to be the practice. The CEC delegated the responsibility for organization and conduct of military voting to the Ministry of Defense, resulting in a non-transparent process.

Voter lists were prepared by local executive authorities. Voters were able to update their registration at the PEC up to 30 September, but few appeared to do so. Political parties have made a number of complaints to the CEC regarding inaccuracies in the voter lists. Voters can be included on the voter list through election day, based on a court decision.

The Election Code provides that voter cards are used as a document certifying voter's inclusion in the voter list in a given precinct. Voter cards were also seen by the authorities as a safeguard against multiple voting. The OSCE/ODIHR EOM observed a lack of accountability and uniformity in issuing voter cards. Following the 25 October presidential decree, the CEC adopted a decision, less than two weeks prior to election day, to introduce the marking of voters' fingers with invisible ink, as a safeguard against possible multiple voting. The late introduction of inking, after the training of election officials had commenced, posed a significant challenge to the election administration in terms of training, and voter education and implementation. After the decision to introduce finger inking, the CEC agreed informally not to enforce the legal requirement for voters to present a voter card in order to vote. It is unclear whether ConECs and PECs were informed accordingly.

Although the Ministry of Interior is actively distributing new identification documents to all citizens, the process is not finalized, and the CEC reintroduced old and expired Soviet passports, as well as Form Number 9, as identification documents on election day in order to ensure that voters would not be disenfranchised.

Nine members of parliament were to be elected from constituencies 'in exile' located in territories occupied by Armenia. The CEC formed 487 PECs subordinated to nine ConECs that were relocated to areas where internally displaced persons (IDPs) from these territories moved following the 1991 hostilities. Some 283,000 voters were on the voter list in the IDP polling stations located either 'in exile' within other regions or in areas that are partially occupied. The issue of voter registration and voting of IDPs represented a challenge to the election administration.

The Election Code provides for a balanced distribution of voters per constituency, with up to 5 percent variation for populated areas and up to 10 percent for sparsely populated areas. According to CEC data as of 4 November, 38 constituencies surpassed the 10 percent limit and 14 of these were above 15 percent.

### **Candidate Registration**

Registration of candidates was completed on 7 September. The process was inclusive and marked a significant improvement over previous parliamentary elections. Registration was granted to 2063 candidates, out of some 2148 applicants. The ruling YAP, the opposition ALP, as well as the opposition Azadliq and YeS blocs registered candidates in more than 60 constituencies, thereby entitling them to free airtime and space in State-funded media. More than half of all candidates declared themselves as “independent or non-affiliated.”

The number of registered candidates dropped by almost one quarter immediately before the elections. The deadline for the withdrawal of candidacy was 26 October. According to the CEC, as of 5 November, 476 candidates had withdrawn from the elections, 39 were deregistered by the Court of Appeal, 2 were cancelled by the CEC, and 2 candidates died.

The OSCE/ODIHR EOM received allegations of illegal pressure exerted on candidates to withdraw in many constituencies. This pressure included threats of criminal prosecution, tax investigations and closures of businesses owned by candidates and their families. In some cases, there were applications to the Court of Appeal for deregistration of candidates for allegedly bribing individual voters with small sums of money. Many deregistered candidates alleged that such petitions were politically motivated and that the last-minute nature of the cases gave almost no time to prepare a defense.

### **Campaign Environment**

#### *Overview*

The election campaign began on 7 September, and candidates have been actively canvassing voters. The campaign rhetoric was sometimes heated and negative, reflecting a polarized political atmosphere. The campaign environment was characterized by the fact that the ruling YAP dominates government and most district administrations, including the election commissions.

The campaign was undermined by numerous cases of interference of local executive authorities in the election process, with widespread evidence that such interference either favored candidates associated with the incumbents or disadvantaged opposition candidates.

The OSCE/ODIHR EOM observed and received reports of detentions of numerous opposition candidates, their relatives and party activists. Further, many candidates and campaign staff were harassed during the course of their campaign activities, for example, while meeting with voters, displaying posters or distributing leaflets. Restrictions on freedom of movement were often imposed during the campaign period.

Illegal campaigning by candidates, such as provisions of gifts and services to voters that amounted to vote buying, has been widely observed and often appeared to be regarded as legitimate campaign activity. On 3 October, Lider TV showed the YAP National Executive Chairman and candidate in constituency 19, distributing 20 TV sets to a home for elderly people.

Complaints against such activities were made formally to the authorities, who did not always take steps to ensure compliance with the law.

The OSCE/ODIHR EOM observed cases of abuse of administrative resources such as the use of offices, vehicles and employees for campaign purposes. The EOM received a number of reports from citizens, particularly from the regions, regarding heads of schools, hospitals and State-owned companies who collected signatures that allegedly oblige staff to vote for selected candidates. The OSCE/ODIHR EOM also received reports of intimidation and coercion of school staff and parents of pupils.

The 11 May and 25 October presidential decrees acknowledged many of these issues and provided instructions to state and local executive bodies to ensure that the parliamentary elections are conducted in full compliance with the Election Code. While the decrees addressed some of the shortcomings observed by the OSCE/ODIHR EOM and the pre-election mission of the PACE, the overall lack of implementation undermined their objectives.

### *Freedom of Assembly*

Despite the 11 May Presidential Decree instructing local executive authorities to ‘take necessary measures to ensure freedom of assembly,’ the opposition often faced disproportionate restrictions from the authorities in its attempts to hold rallies in central Baku and central locations in regional cities. Under the Law on Freedom of Assembly, restrictions and bans on rallies must be ‘highly needed’ and ‘a measure of last resort’ to be justified. Although the opposition made complaints about restrictions on rallies to election commissions, it did not challenge them in the courts.

Dialogue between the opposition and the government on the issue of provision of an appropriate venue for opposition rallies became deadlocked early in the campaign. Requests made by the Azadliq bloc to organize rallies in the centre of Baku were refused by the Mayor’s office. Subsequently, Azadliq organized unsanctioned rallies despite repeated announcements by law enforcement bodies that illegal meetings would be dispersed by police.

Attempts to hold rallies on 25 September, 1 October, 9 October and 23 October were broken up with violence by police in riot gear supported by numerous plain-clothed persons presumed to be policemen. On 9 October the OSCE/ODIHR EOM observed several instances of disproportionate and unprovoked violence, including a police attack on a café where people were beaten up with truncheons and dispersed. Numerous injuries were reported, while participants and candidates were arrested or detained for several hours.

On 23 October, Azadliq decided to hold smaller rallies in the city centre. Police arrested a number of passers-by on a main shopping thoroughfare on the grounds that they were “suspected” of being Azadliq supporters. The OSCE/ODIHR EOM observed at least 60 to 80 people temporarily detained in buses. Police officers at the scene told EOM observers that these people would be later taken to a police station or driven to the city outskirts to be abandoned there. However, Baku police later officially informed the EOM that only 15 persons had been arrested in total and denied that other detentions had taken place.

In the regions, Azadliq leaders met with voters, but often under close surveillance by the police. The OSCE/ODIHR EOM confirmed that even authorized Azadliq rallies and meetings with voters were in several instances obstructed (Gazakh, Agstafa) or dispersed (Ganja). In one instance, the Azadliq rally was banned (Aghdjabedi). The EOM observed roadblocks between Tovuz and Gadabey, and in the Balakan region, which had been established by local police apparently to

control and prevent attendance at the Azadliq meeting. The 25 October Presidential Decree acknowledged such developments and charged the Ministry of Internal Affairs to create all necessary conditions for the pre-election campaign on the basis of the law.

In expectation of the announced return of its exiled leader and registered candidate, Mr. Rasul Guliyev, the ADP called on its supporters to meet him at the airport, while the authorities mounted a security operation throughout Azerbaijan. Mr. Guliyev is charged with embezzlement of public funds. A number of people were arrested or detained throughout the country, or arbitrarily prevented from traveling. In the aftermath of these events, two ministers and other high-ranking officials were dismissed and arrested for alleged conspiracy in the planning of a coup d'état. The intimidation of those who responded to opposition calls to go and meet Mr. Guliyev in Baku continued following the event.

On 4 November, police searched the campaign headquarters of Mr. Ali Kerimli, candidate and leader of the opposition APFP, and briefly detained his campaign manager. On 5 November, a similar search was conducted of the campaign headquarters of Mr. Guliyev, and two campaign staff were detained, one of whom reportedly remains in custody.

### **Media Environment**

Television is the main source of information in Azerbaijan. Newspaper coverage is limited or non-existent outside urban areas and most newspapers have a small circulation. Despite a diverse media environment that includes State-funded and private broadcasters and print media, a number of domestic interlocutors and international media organizations have raised concerns about freedom of the media in Azerbaijan. The March 2005 assassination of a prominent journalist has remained unsolved, further affecting the media community. The general lack of media outlets offering independent and objective reporting raised a concern over the access of voters to a broad range of information.

The State-funded media monitored by the OSCE/ODIHR EOM distributed free airtime and space in accordance with legal requirements, which enabled the four eligible political parties and blocs to convey their messages. Regular televised debates gave the parties further opportunities to inform voters of their views. However, outside the free time, all monitored electronic media, through prime time news coverage, favored the incumbents and their candidates.

News coverage of the campaign suffered from a restrictive and inconsistent interpretation of legal provisions. The CEC interpretation of the campaign provisions appeared to have led to some confusion between the media's role in providing information about candidates and actual campaigning on their behalf. The CEC maintained the position that if any candidate were to be interviewed during the daily news coverage, then all candidates should be given airtime if the legal requirement for equal conditions were to be observed. This did not limit intensive coverage of the work of state officials, most notably the President.

In its prime time news and current affairs programs, the AzTV demonstrated clear bias. Media monitoring results show that in the eight weeks preceding the election, AzTV provided 97 percent of its political and election prime time news coverage to the activities of the President, the presidential administration, the government and the YAP. This coverage was overwhelmingly positive in tone. In contrast, the news programs on AzTV largely ignored activities of opposition candidates. Thus, AzTV failed to meet its legal obligation to create equal conditions for the candidates and political parties. No legal sanctions were imposed on AzTV.



Public TV (ITV) devoted 79 percent of its prime time news coverage to the President, the presidential administration the government and the YAP. This coverage was almost exclusively positive or neutral in tone. The opposition election bloc Azadliq received 20 percent of prime time news coverage, 47 percent of which was of negative tone and 3 percent was of positive tone. Public TV offered more information than AzTV through its political and analytical programs. On a positive note, both Public TV and AzTV devoted much more than the prescribed time to voter education programs with the participation of CEC representatives.

Private Lider TV, Space TV and ATV demonstrated a pattern of political favoritism very similar to that of State-funded broadcasters. Lider TV also produced prime time news items and programs discrediting opposition candidates.

ANS was the only TV channel to provide a more balanced coverage of the campaign. However, the channel's potential audience is far less than that of the other networks with countrywide coverage. ANS representatives reported administrative difficulties in reaching its audience. On 30 September, the National TV and Radio Council (the Council) ordered ANS to shut down its local radio branch in Shaki over a licensing dispute, although the Minister of Communications stated that the ANS programs were in conformity with law. The Council also warned ANS that its national license might be revoked. The forced closure of a media outlet without a court decision during an election campaign is a development of concern.

The possibility for opposition candidates to conduct their media campaigns was confined to free and paid political advertising. Political advertising was less expensive than in previous elections, ameliorating the pro-government bias in news programs to some degree. However, on 17 October AzTV stopped live broadcasts by Azadliq candidates, alleging that some broadcasts had included incitements to change the government by force and thus all broadcasts must be pre-recorded to be checked for content. Azadliq complained to the CEC that this violated equal campaign conditions since live broadcasts from other candidates were shown without restriction. The CEC did not consider or adjudicate this complaint but referred the case to its media working group. AzTV lifted the ban on showing live campaign broadcasts by Azadliq after three days.

On 25 October, the Council sent a warning to ANS claiming that the total amount of paid broadcast time per week should not exceed 6 hours. In so doing, the Council appeared to have overstepped its authority, since the Election Code restricts the amount of paid broadcast time only for State-funded broadcasters. Moreover, under the Law on Radio and TV Broadcasting, the CEC bears the responsibility to oversee the allocation of free and paid broadcast time.

The print media provided a plurality of views but often supported specific political parties or blocs. The State-funded newspapers monitored by the OSCE/ODIHR EOM showed a clear bias in favor of the incumbents.

While physical attacks on journalists have been fewer than during previous elections, problems persisted. There were several cases of assaults or detention of journalists covering election events. For instance, during the 9 October opposition rally, unidentified individuals physically attacked and injured a *Zerkalo* journalist, clearly identified by a blue Press jacket.

### **Complaints and Appeals**

The failure of election commissions and the prosecutors to address or rectify serious violations by executive authorities and candidates had a marked and negative impact on the election process. Most violations during the campaign were allowed to take place without effective sanction.

Senior government officials confirmed to the OSCE/ODIHR EOM and to the pre-election mission of the PACE that local executive authorities had continued to interfere with the election process, and this was also recognized by the President in his 25 October decree. A quarter of the more than 550 complaints registered with the CEC concerned violations and interference by local executive authorities and other state bodies. The CEC notified the Prosecutor General of at least 35 possible cases of criminal liability for investigation. However, only seven of these cases alleged interference by local executive authorities.

The CEC did not adopt a complaints procedure until 1 November or issue guidelines on complaints to lower level commissions, adversely affecting the election process. Overall, the complaints process showed that election officials were unable or unwilling to address violations in a fair and effective manner. In many cases, complaints from opposition or independent candidates did not receive impartial adjudication. Decisions were often delayed for long periods beyond the 3-day deadline, and investigations into complaints were superficial. Some ConECs refused to disclose details of complaints to EOM observers. Warnings issued by ConECs rarely appeared to be effective in challenging unlawful interference by executive officials. This further reduced confidence of candidates in the complaints process.

In a welcome development, the Prosecutor General announced on 1 November that five prosecutions for election-related offences had commenced, involving two cases of assault, and three cases of subornation of voters by candidates. A decision not to prosecute has been taken in 19 cases, with two cases awaiting consideration.

The Constitutional Court overturned a CEC decision and a Court of Appeal ruling which had revoked the candidacy of Hajiaga Nuri, a candidate of the 'For Azerbaijan' election bloc, who was described in the bloc's nomination papers as a representative of the Islamic Party. The court decided that the candidate's Constitutional rights had been infringed and Mr. Nuri was reinstated to stand for the election.

### **Participation of Women**

Women are underrepresented in the political life of Azerbaijan. The outgoing parliament has 14 women MPs out of 124. There is no woman among the 18 cabinet ministers in government. Women enjoy equal rights under the Constitution, but there are no specific measures to promote the participation of women in elections in Azerbaijan. The abolition of the party list component of the electoral system and transition to a single-mandate electoral system could diminish chances of women candidates to be elected. Only 214 of the 2063 candidates initially registered were women, and 45 withdrew before election day, some allegedly under pressure. Only a small percentage of participants in campaign activities were women.

The level of women's participation in upper levels of the election administration was low. There are 2 women among the 15 members of the CEC, and 3 women out of 125 ConEC chairpersons. Women are better represented at the PEC level, approximately 25 percent, including 26 percent in the position of chairperson.

### **Domestic Observers**

The Law on Public Unions and Foundations was amended on 28 October to lift the ban on observing elections by domestic NGOs which receive more than 30 percent of their funding from foreign State sources. This was an implementation of a previous recommendation of the Council

of Europe's Venice Commission and the OSCE/ODIHR. Although the amendment came after most domestic observers had already registered, thus having little practical effect for this election, the amendment was nevertheless a step towards increasing public confidence in the election process and will facilitate future domestic election observation efforts.

The Election Monitoring Center (EMC) deployed a long-term domestic observation effort. Several NGOs, including EMC, For the Sake of Civil Society, and the Coordinating Advisory Council for Free and Fair Elections deployed large numbers of short term observers on election day. IEOM observers found that domestic observers were present on election day in 97 percent of polling stations visited. However, there were reports of domestic observers being expelled from polling stations.

In general, the registration process of domestic observers did not raise major concern. However, EMC reported three cases where staff were asked to appear before the police and were questioned on their activities or asked to provide the police with lists of trainees. The EMC central office was visited by the police on 26 October and the next day, the Baku district coordinator was detained for a few hours and released after questioning.

### **Election Day and Vote Count**

Voting was conducted in a generally calm atmosphere. Overall, observers assessed voting positively in 87 percent of polling stations visited, while voting was assessed negatively in a considerable 13 percent of polling stations visited. The IEOM observed attempts to influence voter choices in 6 percent of polling stations visited, unauthorized persons were present in some 9 percent of polling stations visited, and overall tension reported in 14 percent in polling stations visited. Other serious violations of procedures observed included cases of ballot box stuffing and inconsistent application of voter card rules was observed in one third of polling stations visited. Group or family voting remained an issue, as it was observed in 19 per cent of visits.

Inking procedures, in particular the checking of voters' fingers for traces of ink, were not followed in 11 percent of polling stations visited, with several PECs not applying the procedure at all, indicating that the late introduction of inking after the training of election officials had posed a significant challenge to the election administration in terms of training, voter education and implementation. IEOM observers reported that the size of ballot boxes appeared to be insufficient in some cases.

There was a presence of candidate representatives and non-partisan domestic observers in nearly all polling stations visited. However, there were observations of domestic observers and PEC members being expelled or dismissed from polling stations. The IEOM observed local executive officials and observers of YAP candidates interfering in or directing the process, or otherwise attempting to influence voters. The presence of video cameras filming voting and, in some instances, individuals - including exit pollsters in some cases - attempting to influence voter choices or identify voters with their votes, appeared intimidating to voters.

Inadequate voting premises (15 percent) frequently resulted in overcrowded polling stations (14 percent), which at times diminished the transparency of the process. Some 43 percent of polling stations were assessed as inaccessible for disabled persons.

The general atmosphere in the polling stations deteriorated sharply during the count. International observers assessed the ballot counting process as bad or very bad in 43 percent of counts observed and reported a high lack of confidence in the announced results. They noted a wide range of

serious violations, including tampering with results protocols (15 percent), result protocols completed with pencil (15 per cent), intimidation of observers (17 percent) and unauthorized persons directing the process (14 percent). Key procedures were not followed by more than a quarter of PECs. In several cases, protocols were not taken directly to the ConEC. The results protocols were not posted in 54 percent of the counts observed, as required by law.

The tabulation of results at constituency level was, overall, assessed as bad or very bad in 31 percent of the ConECs visited. Tabulation procedures were not followed consistently, and the organization of the work was assessed as poor or very poor in 24 per cent of cases observed. Observers reported a significant lack of confidence in the accuracy of results in 19 percent of the observations. By 11:00 hours on 7 November, the CEC had not posted any polling station protocols on its website, despite the computer networking of all ConECs with the CEC

### **Mission Information and Acknowledgements**

The OSCE/ODIHR Election Observation Mission opened in Baku on 5 September 2005 with 18 experts and 30 long-term observers deployed in the capital and 13 regional centres. On election day, 617 short-term observers were deployed in an International Election Observation Mission (IEOM), including 62 parliamentarians from the OSCE Parliamentary Assembly, 51 from the Parliamentary Assembly of the Council of Europe, 12 from the European Parliament and 11 from the NATO Parliamentary Assembly. In total, there were observers from 42 OSCE participating States. The IEOM observed the polling and vote count in over 2500 polling stations throughout the country and in 90 ConECs after polling stations closed, to observe the tabulation of results.

The Honourable Alcee Hastings, President of the OSCE Parliamentary Assembly, was appointed by OSCE Chairman-in-Office as Special Coordinator to lead the short term observers. Mr. Leo Platvoet led the Delegation of the Parliamentary Assembly of the Council of Europe. Mrs. Marie Anne Isler Béguin led the Delegation of the European Parliament, and Mr. Michael Clapham led the Delegation of the NATO Parliamentary Assembly. Ambassador Geert-Hinrich Ahrens headed the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank the Government of the Republic of Azerbaijan for the invitation to observe the elections, the Central Election Commission for providing accreditation documents, and the Ministry of Foreign Affairs and other state and local authorities for their assistance and cooperation. The IEOM also wishes to express appreciation to the OSCE Office in Baku for their support throughout the duration of the mission and the Embassies of OSCE participating States in Baku for their support.

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