

Azərbaycanda seçki başa çatmayıb, ATƏT-in hesabatı isə hazırdır

Azərbaycanda keçirilən növbədənəkar parlament seçkiləri başa çatmamış ATƏT-in Demokratik Təsisatlar və İnsan Haqları Bürosunun seçki hesabatı artıq hazırdır.

Lent.az-ın özəl mənbələrdən əldə etdiyi sənədin artıq tam olaraq yayıma hazır və təsdiqlənmiş formada olduğu görünür.

Sənəddə qeyd olunur ki, seçkilərin hüquqi bazası demokratik seçkilər üçün əlverişli deyil, Konstitusiyaya və digər qanunların icazə verdiyi sərbəst toplaşmaq və ifadə azadlığı məhdudlaşdırılıb, beynəlxalq standartlara və ATƏT-in öhdəliklərinə uyğun gəlmir.

Hesabatda deyilir ki, MSK daxil olan şikayətlərin əksəriyyətinə mahiyyəti üzrə baxıb, lakin dəvət olun-

muş tərəflərin arqumentləri heç vaxt nəzərə alınmayıb. MSK əvvəlcədən hazırlanmış qərarlar qəbul edərək şikayətçiləri qanunla, ATƏT-in öhdəliklərindən və beynəlxalq təcrübədə nəzərdə tutulmuş prosedur təminatlarından məhrum edib.

MSK və məhkəmə qərarları tam əsaslandırılmayıb və MSK qərarlarında əlavə hüquqi müdafiə vasitələrinin mövcudluğu göstərilməyib. Apellya-

siya məhkəmələrinə və Ali Məhkəməyə verilmiş bütün şikayətlər rədd edilib.

Hesabatda vurğulanır ki, siyasi aktorların, hüquq müdafiəçilərinin, vətəndaş cəmiyyəti fəalları, akademiklərin və jurnalistlərin həbs və həbsləri seçkiqabağı dövrdə də davam edib. Hakimiyyət bəzi hallarda şübhəli maliyyə mənbələri və həbs edilmiş şəxslərin uçotunu, o cümlə-

dən dini fundamentalist və separatçı mənbələrə istinad etsə də, bu həbslər bir sıra beynəlxalq və yerli insan haqları qurumları tərəfindən fərqli fikirlərə və tənqidi səslərə basqı kimi qəbul edilir.

Qeyd edək ki, bir neçə gün öncə mediada ATƏT-in Azərbaycandakı növbədənəkar parlament seçkiləri ilə bağlı hesabatının artıq hazır olması barədə məlumat yayılmışdı.

8. Campaign finance regulations prescribe limits for donations and expenditure, but reporting and disclosure requirements as well as oversight remain insufficient, negatively impacting transparency. Despite a previous ODIHR recommendation, and the introduction by the 2023 Law on Political Parties of annual public funding for all parties receiving votes in the previous elections, there is no public funding of the campaign. Lower-level election commissions, mandated with oversight, posted only some financial reports and many of those reports were lacking any information on donations and expenditures, limiting the information available to voters. Several contestants raised concerns about bureaucratic hurdles to open legally prescribed campaign accounts, while at the same time noting voters' reluctance to donate due to fear of retribution.

9. The media legislation includes restrictive registration requirements for media outlets and journalists curtailing pluralism. Contrary to international standards, defamation and libel remain criminal offences, resulting in self-censorship and news websites were blocked without a prior court decision, including during the campaign period. Since November 2023, arrests and detentions of journalists intensified, including on charges depriving them of their registration as journalists; some 20 remain detained. Only the ruling party was effectively entitled to free airtime on the public broadcaster, but it refrained from using this. Legal provisions effectively allow private media to cover the campaign only in paid format. Subsequently, monitored

broadcast media did not provide any coverage of the campaign and contestants, and all election-related news items referred to the activities of the CEC, further limiting the opportunity for candidates to convey their messages to voters and the ability of voters to make an informed choice. Newspapers and online media, which offered space for paid advertisement, became the sole platform for the candidates to convey their messages in media.

10. The law provides for the filing of complaints and appeals to election commissions and courts on potential violations of electoral rights. However, the effectiveness of the dispute resolution mechanism was undermined by the lack of impartiality of election commissions and longstanding concerns over the independence of the judiciary. In line with the law, election commissions established expert groups to consider election complaints. The CEC reviewed most received complaints on merits, but the arguments of the invited parties were never considered, and the CEC adopted decisions prepared in advance, thus depriving the complainants of procedural guarantees prescribed by law, OSCE commitments and international good practice. CEC and court decisions were not fully reasoned, and the CEC decisions failed to indicate the availability of further legal remedies. All appeals filed to courts of appeal and the Supreme Court were rejected or dismissed.

42. The campaign was barely visible. Campaigning was mostly conducted through door-to-door canvassing, posters of candidates displayed on the designated boards and digital content.⁵⁰ Meetings were primarily small-scale, often in closed or intimate settings. In the events observed by the ODIHR EOM, YAP was the most prominent.⁵¹ In addition to YAP candidates, almost all other contestants supported the President's and government's policies. Infrastructure projects in the regained territories and hosting COP29 as a sign of enhancing the international status of the country also featured prominently in their campaigns. Some contestants also campaigned on the need for improved social services and local infrastructure or criticized internal policies of the government, and on a few instances, they criticized the foreign policy.⁵²

43. At odds with international good practice, contestants are required by law to submit their print campaign materials to the ConECs prior to their distribution, which potentially results in self-censorship.⁵³ The authorities publicly called on the contestants to refrain from disrupting the normal conduct of the elections; some contestants perceived it as a call to refrain from criticism of the authorities.⁵⁴ The ODIHR EOM did not observe any campaign materials in formats suitable for persons with various accessibility needs.

44. In line with the law, the CEC provided contestants with a list of 5,506 campaign venues.⁵⁵ Some IEOM interlocutors noted that these venues were under police surveillance, which discouraged voters from participating. In addition, some were located in unsuitable and not easily accessible places. Contestants informed the IEOM that they were reluctant to hold meetings outside the designated venues, due to a five-day advance notification requirement. ODIHR EOM LTOs attended campaign events where participants, including public sector employees, informed them that they were ordered or paid by their employer to attend, raising concerns about voter intimidation and voters' ability to cast vote free of fear of retribution.⁵⁶

14. These were the first parliamentary elections held throughout the internationally recognized territory of the Republic of Azerbaijan, and they unfolded amidst ongoing talks to sign a peace agreement to end the long-lasting conflict with Armenia and the hosting of COP29 with the stated aim to raise the country's international image.⁵

15. The political landscape is shaped by the continued dominance of the President who won a fifth consecutive term in February 2024 with an overwhelming majority of 92 per cent of the votes, and the political party he chairs, the New Azerbaijan Party (YAP). YAP has been uninterruptedly in office since 1993 and holds a majority of 68 of the 114 currently occupied seats.⁶ While there are 9 more parties represented in the parliament, jointly holding 10 seats, along with 37 members of parliament elected as self-nominated, in almost all cases, there are no dissenting votes by MPs, and they do not represent different political views.⁷

16. Detentions and arrests of political actors, human rights defenders, civil society activists, academics and journalists persisted in the pre-electoral period.⁸ While the authorities, in some cases, cited dubious funding sources and accounting of detained individuals, including from religious fundamentalist and separatist sources,⁹ these detentions and arrests are perceived by a number of international and local human rights bodies as a crackdown on dissent and critical voices.¹⁰ In addition, IEOM interlocutors cited concerns about widespread endemic corruption.

21. The electoral legal framework is not conducive to democratic elections as the Constitution and other laws provide for the curtailment of fundamental freedoms of association, assembly and expression, falling short of international standards and OSCE commitments.²¹ Long-standing priority ODIHR and Venice Commission recommendations, as well as European Court of Human Rights (ECuHR) judgements remain unaddressed, including those related to undue restrictions of fundamental freedoms, the composition of election commissions, unequal campaign conditions in public media, and adding voters to the voter lists on election day. Moreover, the Election Code is comprehensive but lacks clarity on some issues, including media coverage of elections, oversight of campaign finances, rules for vote recounts and grants broad discretionary powers to the election commissions including on candidate registration.

25. Technical preparations were conducted efficiently and within the established deadlines despite a compressed timeframe. The CEC held regular sessions attended by representatives of media and contestants, as well as international observers, contributing to transparency. On other hand, CEC sessions and their agendas were not announced in advance while the decisions on administrative matters and session minutes were not published, which detracted from transparency. Decisions were usually adopted unanimously with limited debate. In line with mandate, the CEC conducted cascade trainings for ConECs and PECs. The trainings observed by the ODIHR EOM, both on central and local level, covered essential procedures adequately and were well-attended. The CEC also conducted seminars for various election stakeholders and a widespread voter information program, calling voters to check their entries in the voter list and to vote as well as targeting certain categories of voters, such as women and youth. The CEC provided Braille templates for the ballots to all polling stations and envisaged to equip polling stations in precincts where voters with low mobility reside with ramps.

26. While ConECs were well-resourced, experienced and completed their tasks within prescribed deadlines, publicly available information about their activities was limited, at odds with international standards.²⁸ ConECs sessions were generally held on an *ad hoc* basis and at short notice with only some of their decisions displayed on noticeboards, detracting from transparency. In addition, some ConECs denied ODIHR EOM long-term observers access to their documentation, particularly those related to candidate registration.²⁹ These limitations undermined the principle of transparency, at odds with international good practice.³⁰

27. While ODIHR EOM interlocutors did not raise concerns about the capacity of the CEC to undertake election preparations efficiently, many reported on inconsistent and selective candidate registration by ConECs (see *Candidate Registration* section). In addition, IEOM interlocutors questioned the independence of PECs, noting that these are overwhelmingly composed of public employees and chaired by their supervisors, for example, schoolteachers being PEC members and their director serving as a PEC Chair.³¹

56. Since November 2023, in part following the publication of an investigative report on corruption of high-ranking state officials, persecution of journalists intensified, with some 20 journalists still in detention, including some on charges of grave crimes, depriving them of their registration as journalists until their criminal records are expunged.⁷⁸ Such arrests, combined with the overly-restrictive legal framework contribute to a significantly constrained media-environment, leading to widespread self-censorship and severely limiting the scope for independent journalism and critical discourse.



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