



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Armenia — Presidential Election, 18 February 2013

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Yerevan, 19 February 2013 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP).

Karin Woldseth (Norway) headed the PACE delegation, and Milan Cabrnoc (Czech Republic) headed the EP delegation. Ambassador Heidi Tagliavini (Switzerland) is the Head of the OSCE/ODIHR Election Observation Mission, deployed from 10 January 2013.

The assessment was made to determine whether the election complied with OSCE commitments and Council of Europe standards, as well as with domestic legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the election process, in particular the tabulation of results and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The PACE will present its report at its April part-session, in Strasbourg. The EP will present its report to the Foreign Affairs Committee at its upcoming meeting.

Preliminary Conclusions

The 18 February presidential election was generally well-administered and was characterized by a respect for fundamental freedoms. Contestants were able to campaign freely. Media fulfilled their legal obligation to provide balanced coverage, and all contestants made use of their free airtime. At the same time, a lack of impartiality of the public administration, misuse of administrative resources, and cases of pressure on voters were of concern. While election day was calm and orderly, it was marked by undue interference in the process, mainly by proxies representing the incumbent, and some serious violations were observed.

The electoral legal framework is comprehensive and conducive overall to the conduct of democratic elections. On several occasions, the state authorities declared their intention to hold elections in line with international standards and Council of Europe and OSCE commitments. Following the 2012 parliamentary elections, a working group was established to explore ways for improving the electoral process. In line with good electoral practice, the OSCE/ODIHR recommended in October 2012 that fundamental aspects of the legal framework should not be amended so close to the presidential election.

Election commissions administered the election in a professional manner. The Central Election Commission (CEC) worked in an open and transparent manner. It accredited 6,034 citizen observers from 26 NGOs in an inclusive process. At the same time, the CEC provided unsound clarifications of some campaign-financing provisions. Various measures undertaken by the authorities contributed to the improved quality of the voter lists. While several candidates alleged that the voter lists were inflated and raised concerns about possible impersonation of out-of-country

voters on election day, no evidence of this had been provided prior to election day to support their claims.

Candidate registration was inclusive. The CEC registered all eight nominees who submitted complete documentation and paid the required electoral deposit; one candidate eventually withdrew. The 10-year citizenship and residency requirements for candidates to stand appear disproportionate. The deprivation of voting rights of all prisoners, regardless of the severity of the crime committed, is at odds with the principle of universal suffrage and with the case law of European Court of Human Rights on this issue.

The election campaign was characterized by general respect for fundamental freedoms and contestants were able to campaign without hindrance. Campaign activities were of limited scope. They took place against the backdrop of three main parties not nominating candidates and of a number of prominent personalities deciding not to stand; of the eight candidates, only the incumbent was nominated by a parliamentary party. During the campaign, one candidate was shot and injured in circumstances that are being investigated. Despite this incident, the campaign remained peaceful.

The campaign of the incumbent President was most active and visible. Misuse of administrative resources, including cases of pressure on voters, lack of impartiality on the part of the public administration, participation of public and civil servants in the campaign of the incumbent as well as several instances of campaign offices located in buildings occupied by state or local government bodies blurred the distinction between the state and the ruling party which is at odds with paragraphs 5.4 and 7.7 of the 1990 OSCE Copenhagen Document.

The media gave wide attention to political and election-related information, and media monitored by the OSCE/ODIHR EOM regularly covered all candidates. They gave more coverage to Serzh Sargsyan and Raffi Hovannisyan reflecting the greater extent of their campaign activities. Public television and radio complied with their legal obligation to provide free airtime and balanced coverage of the contestants and all candidates utilized their free airtime. However, the coverage of the campaign was mostly formal and did not provide analytical comment, and no debates were organized between candidates.

Election commissions and courts received a limited number of complaints. The Electoral Code limits the right to file complaints to those whose personal electoral rights are at stake, essentially restricting the right of voters and observers to seek judicial remedy for breach of electoral rights. Court decisions on electoral rights may not be appealed, which limits effective legal redress.

The voting process was orderly, calm and well organized in the majority of polling stations visited. Undue interference in the process, mainly by proxies representing the incumbent, and some cases of serious violations, including intimidation of voters, were observed in a number of polling stations. The ink for stamping voters' passports was deficient, as it proved to be easily removable from voters' passports. The majority of vote counts observed was assessed positively, although irregularities and procedural violations were at times noted. Tabulation was assessed positively in all but one of the 41 Territorial Election Commissions, however observers were prevented from adequately observing entry of results into the computer system in 12 cases. The CEC announced a preliminary voter turnout of 61.2 per cent.

Preliminary Findings

Background

In line with constitutional provisions, on 8 December 2012 the Central Election Commission (CEC) announced the presidential election for 18 February 2013. The last presidential election of 19 February 2008 was won by Serzh Sargsyan of the Republican Party of Armenia (RPA) with 52.8 per cent of the vote. His main competitor, former President Levon Ter-Petrosyan, received 21.5 per cent. The election results were challenged and Mr. Ter-Petrosyan's supporters staged a series of protests. Following clashes between protesters and the police, 10 people lost their lives and some 200 were injured.

The most recent parliamentary elections were held on 6 May 2012. The RPA, led by the incumbent President, won 69 of the 131 seats in parliament. Also represented in the parliament were Prosperous Armenia (PA, 37 seats), the Armenian National Congress bloc (ANC, 7 seats), Rule of Law (RoL, 6 seats), the Armenian Revolutionary Federation – *Dashnaktsutyun* (ARF, 6 seats) and Heritage (5 seats). The current government is a coalition of RPA and RoL.

Election System and Legal Framework

The president is directly elected by popular vote for a five-year term. To be elected in the first round, a candidate must win an absolute majority of votes cast. Otherwise, a second round is held two weeks later between the first and second-placed candidates. The candidate who receives the highest number of votes in the second round is elected. The same person may not serve more than two consecutive terms.

This election was the first presidential election to be held under a new Electoral Code adopted in May 2011.¹ The new Code addresses a number of previous recommendations offered by the OSCE/ODIHR and the Council of Europe's European Commission for Democracy through Law (Venice Commission) and has been assessed as comprehensive and providing a sound framework for the conduct of democratic elections.² Areas of improvement include the accessibility of voter lists, the introduction of a gender quota for election commissions, and greater campaign finance transparency, among other things. At the same time, certain shortcomings remain, such as the possibility to easily de-register candidates, insufficient separation of state and party structures, unnecessary obstacles for citizen observers' accreditation, and an ineffective complaints and appeals procedure.³

Following the 2012 parliamentary elections, a working group composed of government and other state officials was established by presidential decree to explore the recommendations offered in the OSCE/ODIHR EOM Final Report and by other observer organizations, and to put forward an action plan for their implementation. The results of the group's work were presented to the OSCE/ODIHR in October 2012, which recommended that fundamental aspects of the legal

¹ Other relevant legislation includes the Constitution (last amended in 2005), the Law on Political Parties (last amended in 2012), and the Law on Freedom of Assemblies (2011). The Administrative Offences Code and the Criminal Code were both amended in 2011, increasing fines and prison terms for electoral offences and establishing additional election-related offences.

² At the request of the National Assembly, the OSCE/ODIHR and the Venice Commission issued a Joint Opinion on the 2011 Electoral Code, which is available at: <http://www.osce.org/odihr/elections/84269>.

³ See the OSCE/ODIHR and Venice Commission Joint Opinion on the Electoral Code and the OSCE/ODIHR EOM Final Report on the 2012 parliamentary elections, available at: <http://www.osce.org/odihr/91643>.

framework should not be amended so close to the upcoming election, in line with good electoral practice.⁴

The Constitution guarantees the fundamental rights and freedoms necessary for democratic elections. The 10-year citizenship and residency requirements for candidates to stand appear disproportionate. The deprivation of voting rights of all prisoners, regardless of the severity of the crime committed, is at odds with the principle of universal suffrage and with the case law of European Court of Human Rights on this issue.⁵

Election Administration

The presidential election was administered by a three-tiered system of election commissions, comprising the CEC, 41 Territorial Election Commissions (TECs), and 1,988 Precinct Election Commissions (PECs).

The current CEC was formed in 2011 and is composed of seven members appointed by the President, based on nominations by the Human Rights Defender (three members) and the Chairpersons of the Court of Cassation and the Chamber of Advocates of Armenia (two members each). Each TEC is composed of seven members appointed by the CEC from among citizens nominating themselves for these positions. The Electoral Code establishes gender quotas for the composition of the CEC and TECs, requiring that at least two commission members are of the less-represented gender. Three of the current CEC members are women, as are 32 per cent of all TEC members and 10 per cent of TEC chairpersons.

Two members of each PEC are appointed by the respective TEC, while each party and bloc represented in parliament may appoint one of the remaining six PEC members. PEC members had to pass a test and obtain a CEC qualification certificate in order to be appointed. All PECs were formed by the 24 January legal deadline. All TECs, as well as the RPA, PA and RoL nominated members for all PECs, while the ANC, Heritage and ARF did not fill their seats in 457, 65 and 51 PECs, respectively.⁶ The vacancies were filled by the corresponding TEC chairpersons, in line with legal provisions. At PEC level, 48 per cent of commissioners were women, as were 32 per cent of chairpersons of the polling stations visited on election day.

The chairpersons, deputy chairpersons and secretaries of the CEC and TECs were elected by commission members from among themselves. The positions of PEC chairpersons and secretaries were distributed by the CEC among the party and bloc appointees, proportionally to their seats in

⁴ See the Venice Commission's Code of Good Practice in Electoral Matters, II.2.b, available at: [http://www.venice.coe.int/webforms/documents/CDL-EL\(2002\)005-e.aspx](http://www.venice.coe.int/webforms/documents/CDL-EL(2002)005-e.aspx).

⁵ Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will "guarantee universal and equal suffrage to adult citizens," while Paragraph 24 provides that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law." Paragraph 14 of General Comment No. 25 (1996) to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) by the UN Human Rights Committee states that grounds for the deprivation of voting rights should be "objective and reasonable"; see at: <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/bb722416a295f264c12563ed0049dfbd?Opendocument>.

The Venice Commission's Code of Good Practice in Electoral Matters recommends that the deprivation of suffrage rights must be based on a "criminal conviction for a serious offence" and recommends that the "withdrawal of political rights should only be carried out by express decision of a court of law." See also the European Court of Human Rights, *Hirst v. United Kingdom*, no. 74025/01 (6 October 2005), available at www.echr.coe.int.

⁶ Parties which did not fill their quota for all PECs cited lack of interest since they did not nominate a candidate, lack of resources and party supporters living in some communities, as well as the wish not to participate in what they considered an "unfair election" as reasons.

parliament. TECs and PECs were generally well-equipped, although OSCE/ODIHR EOM LTOs reported that in some cases their premises were unsuitable or too small at the time of their visits.

The CEC and TECs carried out the administrative preparations for the election in a professional manner and according to legal deadlines. The CEC approved the main procedural rules and instructions, including on stamping of voters' passports on election day, and made them available on its website well in advance of election day. The question whether candidates may provide free transport services to voters on election day was not addressed by the CEC, but this issue did not surface on election day. The CEC also did not clarify the rules under which candidates who withdraw from the election would compensate the free airtime expenses provided by the state for their campaign. Voting via internet was organized for diplomatic service staff posted abroad and their family members.⁷

The CEC worked in an open and transparent manner, granting information and access to its sessions to candidates and their proxies, observers and media representatives. Starting from 1 February, CEC sessions were also live-streamed on the CEC website. With the support of several international organizations, the CEC launched voter education spots on television and also produced information materials on various aspects of the electoral process, including for voters with disabilities.

The CEC, in co-operation with the International Foundation for Electoral Systems (IFES) and the OSCE Office in Yerevan, provided training for all TEC and PEC members, including on complaints procedures. PEC training sessions were organized in each province and were positively assessed by OSCE/ODIHR EOM LTOs.

Candidate Registration

Candidate registration was inclusive. Candidates could be nominated by political parties and through self-nomination. A total of 15 nominations were submitted to the CEC before 4 January. One nominee announced his withdrawal, and six were not registered for failure to pay the deposit of AMD 8 million (approximately EUR 14,700).⁸ The CEC registered all eight nominees who had submitted complete documentation and paid the electoral deposit.⁹ One of the candidates, Aram Harutyunyan, withdrew on 8 February, expressing his hope that all other candidates except the incumbent would withdraw, thereby de-legitimizing the election.

Three prospective nominees were not issued the required residency certificate by the Passport and Visa Department of the police (PVD). The Electoral Code does not define how the 10-year residency is calculated. The PVD informed the OSCE/ODIHR EOM that it issued the certificate only to nominees who had not been residing outside Armenia for a period of more than 6 months

⁷ Article 60.1 of the Electoral Code states that "Electors who are — on the voting day — on diplomatic service in diplomatic and consular representations of the Republic of Armenia, as well as members of their families residing abroad with them and having the right to vote, may participate in national elections, by voting electronically within the time limits and as prescribed by the Central Electoral Commission." Some 228 of the 243 voters falling under this category used this means of voting.

⁸ Article 80 of the Electoral Code sets the amount of the electoral deposit for presidential candidates. The deposit is non-refundable, unless a candidate has received at least 5 per cent of the votes cast. Paragraph 36 of the OSCE/ODIHR and Venice Commission Joint Opinion states that "the amounts of the electoral deposits are important as deposits should not be arbitrary obstacles to candidacy". The Joint Opinion reiterates that "the amount of an electoral deposit must be considered carefully since every citizen should be provided a meaningful opportunity to stand as a candidate". See also Complaints and Appeals section.

⁹ The registered candidates were Hrant Bagratyan, Andrias Ghukasyan, Aram Harutyunyan, Paruyr Hayrikyan, Raffi Hovannisyan, Arman Melikyan, Serzh Sargsyan and Vardan Sedrakyan.

continuously over the last 10 years. This was based on Article 7 of the Law on State Registration,¹⁰ and appears to be overly restrictive as it runs against international standards and good electoral practice.¹¹

Voter Registration

Voter registration is passive and based on the state population register. The PVD is responsible for the maintenance of a nationwide electronic voter register and submits the updated voter register to the CEC. Voter lists were extracted from the voter register and preliminary voter lists were available for public review within the legal deadlines. The final voter lists were posted online by the PVD and at polling stations on 16 February. Special voter lists were compiled for military units, pre-trial detention centers, and police and National Security Service personnel stationed outside their place of residence. Registration of voters on election day was also possible based on a PVD or court decision, and 14,293 voters used this possibility.

In an effort to contribute to transparency and build public confidence regarding voter registration, a searchable digital version of the voter register was posted on the CEC website on 8 January, as required by law. The CEC introduced a new feature in the searchable voter register that allows voters to check their personal record as well as of voters registered at the same address.

The police launched a telephone hotline, and together with the CEC conducted voter education through the media. The police organized door-to-door visits to check addresses with high numbers of registered voters, incorrect addresses and demolished buildings where citizens were still registered. The PVD published monthly updates regarding its activities. A pilot electronic, intranet-based system was introduced for the Yerevan Civil Status Registry Office, linking it to the state population register (SPR) to provide an improved notification and data exchange mechanism. The various measures undertaken contributed to the improved quality of the SPR and the voter lists. Prior to election day, 2,505,980 voters were registered.

Some presidential candidates voiced their concerns regarding the voter lists, alleging that the number of registered voters was highly inflated and could be used for impersonation of voters residing abroad on election day, but no evidence of this had been provided prior to election day to support their claims.¹²

The Campaign Environment and Campaign Finance

The election campaign was characterized by general respect for fundamental freedoms and contestants were able to campaign without hindrance. Campaign activities were low-key and took place against the backdrop of decisions of PA, ANC and ARF to not nominate or support any candidate.¹³ Out of the eight candidates, only the incumbent was nominated by a parliamentary

¹⁰ Article 7.2 provides that: “Armenian citizens leaving to a foreign country for residence of more than 6 months or residing in a foreign country for more than 6 months are required to notify in writing the appropriate embassy or consular office of the Republic of Armenia ...”

¹¹ Article 25 of the ICCPR states that grounds for the deprivation of voting rights should be “objective and reasonable”; see also Article 15 of ICCPR. The Code of Good Practice in Electoral Matters of the Venice Commission (1.1.c.ii and iv) states that “a length of residence requirement may be imposed on nationals solely for local or regional elections” and “residence in this case means habitual residence”.

¹² Some political parties (ANC and National Self-Determination Party [NSDP]) also voiced their concerns regarding the accuracy and possible manipulation of voter lists to the OSCE/ODIHR EOM.

¹³ ANC did not nominate a candidate after the announcement of Mr. Ter-Petrosyan not to run in the election due to his age, lack of financial resources and of trust in the electoral process. PA and ARF did not specify why they did not nominate candidates.

party.¹⁴ His campaign was most visible and included a number of rallies and indoor events throughout the country. Four of the other candidates also had campaign activities in the regions. Candidates, their political representatives and voters actively used online media and social networks, in particular Facebook. Out of 57 rallies observed by OSCE/ODIHR EOM LTOs, 36 were held in support of the incumbent. An estimated 40 per cent of attendants at the rallies were women.

Mr. Sargsyan's campaign had an extensive network of offices and of RPA offices that were also used for his campaign. According to RPA information provided to the OSCE/ODIHR EOM, the countrywide number of campaign offices of the incumbent (except in Yerevan) was 1,186. The other candidates either had no campaign offices or had a limited number of them in the larger cities.

All candidates, except the incumbent, raised concerns about the integrity of the electoral process, voter list deficiencies and misuse of administrative resources.¹⁵ The campaign regulations did not provide sufficient protection against the misuse of administrative resources, nor against the blurring of the distinction between the state and the ruling party. This calls into question the separation of state and political party, as called for in paragraph 5.4 of the 1990 OSCE Copenhagen Document.¹⁶ The lack of impartiality of public administration also went against paragraph 7.7 of the same document.¹⁷

In Yerevan and in eight of the ten provinces, OSCE/ODIHR EOM LTOs verified instances of misuse of administrative resources in favour of the incumbent.¹⁸ This took several forms: pressure on public workers by superiors to attend campaign events;¹⁹ involvement of public and civil servants in the election campaign;²⁰ campaign offices located in buildings occupied by state and local government bodies and by election commissions; and use of public utilities for campaigning.²¹

According to the Electoral Code, campaign offices may not be located in buildings occupied by election commissions or by state or local government bodies, with the exception of an area within such a building that does not belong to state or local government bodies. OSCE/ODIHR EOM LTOs reported several cases where campaign offices of the incumbent or of RPA were located in buildings occupied by state or local government bodies²² or co-located with election

¹⁴ The other party-nominated candidate was Mr. Bagratyan (Freedom Party, which is a member of the ANC). Messrs. Hovannisyan (Heritage) and Hayrikyan (NSDP) are the leaders of their respective parties but were self-nominated.

¹⁵ Mr. Ghukasyan went on hunger strike for the duration of the campaign period, after the CEC rejected his request to deregister the incumbent. Messrs. Bagratyan, Hayrikyan and Hovannisyan released a joint public statement on 28 January, calling for the creation of fair and equal conditions for all candidates and urging citizens to participate in the election in the highest possible number.

¹⁶ Paragraph 5.4 provides for "a clear separation between the State and political parties; in particular, political parties will not be merged with the State".

¹⁷ Paragraph 7.7 provides that the participating States will "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution."

¹⁸ OSCE/ODIHR EOM LTOs observed use of administrative resources in the provinces of Aragatsotn, Ararat, Armavir, Kotayk, Lori, Shirak, Syunik and Vayots Dzor, as well as in several districts of Yerevan.

¹⁹ A total of 13 such instances were observed in Yerevan, and provinces of Aragatsotn, Lori, Shirak and Syunik.

²⁰ A total of 16 such instances were observed in Yerevan and the provinces of Aragatsotn, Armavir, Shirak, Syunik and Vayots Dzor.

²¹ A total of 11 such instances were observed in the provinces of Aragatsotn, Ararat, Lori, Kotayk, Shirak and Syunik.

²² A total of 13 such instances were observed in Yerevan and the provinces of Aragatsotn, Armavir, Lori, Shirak and Syunik.

commissions.²³ LTOs also observed RPA and incumbent campaign offices in buildings owned by state or local government.²⁴

Public and civil servants were to a large extent involved in the election campaign for the incumbent.²⁵ While on leave, their high number contributed to a blurring of the line between state and political party as well as between the performance of official and campaign functions.²⁶ OSCE/ODIHR EOM LTOs also noted several violations of the Electoral Code by regional or municipal officials who campaigned while performing their official duties.²⁷

On 31 January, presidential candidate and NSDP leader Paruyr Hayrikyan was shot and injured. Two suspects were arrested on 7 February. Although on 5 February Mr. Hayrikyan stated publicly that he would not apply to the Constitutional Court in order to have the election postponed, he subsequently filed an application on 10 February but withdrew it the following day.

The new Electoral Code could be effective in ensuring the integrity and increasing the transparency of campaign finances, if implemented properly.²⁸ By law, candidates have to conduct all election-related financial transactions through a special bank account with the Central Bank of Armenia. Nevertheless, one candidate did not open such an account and the CEC opined that this was not necessary as he was not incurring any incomes or expenditure; there are no legal sanctions for not doing so. Whereas the Electoral Code lists rents of premises as campaign expenditure, the CEC issued a decision excluding the rent of campaign offices from expenditures that have to be included in the financial declarations of candidates.²⁹ Other expenses such as payment of individuals employed by campaign offices are also not listed among types of campaign expenditures and were not reported by candidates.

All candidates submitted their declarations of incomes and assets after registration, but the Oversight and Audit Service of the CEC (OAS) does not have jurisdiction to assess the validity of the data declared. Mr. Melikyan did not open a campaign account and did not submit financial declarations but he was not sanctioned as no sanctions are stipulated for such cases. The Central Bank submitted to the OAS reports on campaign funds of the candidates every three working days. However, these reports appeared incomplete as they only contained information on the total income and expenditure and not on the sources of funding or the amount of each contribution. After

²³ Four such cases were observed during the time of visits in Aragatsotn and Armavir.

²⁴ As observed in the provinces of: Armavir (in a chess-school, a museum and a hotel owned by the municipality), Syunik (village clinic), Vayots Dzor, and Yerevan (in public libraries), Aragatsotn, Kotayk and Syunik (five Houses of Culture); and Kotayk, Lori and Shirak (in three buildings owned by a school or in the school itself).

²⁵ Mr. Sargsyan, in an interview for Radio Free Europe/Radio Liberty from 20 January, stated: “[...] why shouldn’t they use their leadership — I mean their prestige — for their political party or for ensuring the victory of their party’s leader?”; (see at: <http://www.rferl.org/content/armenia-president-serzh-sarkisian-interview/24878387.html>).

²⁶ According to the Ministry of Territorial Administration, 9 out of 10 governors took leave in order to campaign for the incumbent. See Article 18.6 of the Electoral Code.

²⁷ For example in the provinces of Aragatsotn, Armavir, Shirak and Vayots Dzor as well as in Yerevan.

²⁸ Candidates may finance their campaign by their own funds (up to AMD 5 million, around EUR 9,250), and voluntary contributions by voters (up to AMD 100,000, around EUR 185 per voter). Party-nominated candidates may also receive up to AMD 25 million (EUR 46,300) by the political party that nominated them. The maximum amount a presidential candidate is allowed to spend on the campaign is AMD 100 million (around EUR 185,000). Contributions from anonymous sources, foreign citizens and legal entities are not allowed.

²⁹ CEC Decision No. 33 of 16 February 2012 on Official Clarification for the Purpose of Excluding the Controversial Perception of Article 26 of the Electoral Code.

reviewing the reports of candidates and banks and their presentation at the CEC, all reports were published on the CEC website, together with the OAS's statements of findings.³⁰

The Media

Television is the most important source of information, especially outside Yerevan. Public television *H1*, which has nationwide coverage, is considered one of the most influential media outlets. While print media have declining impact, the readership of online media, including a number of politics-oriented portals, is rapidly growing. OSCE/ODIHR EOM interlocutors welcomed the existence of a freer media environment and the variety of information available, especially on the internet; however, they also pointed out persisting problems, including self-censorship and media ownership affecting editorial independence.³¹

Public and private broadcast media are required by law to present impartial and unbiased information about contestants in their news programs and to ensure equal and fair conditions. Each candidate was entitled to 60 and 120 minutes of free airtime on public television and public radio, respectively; both broadcasters complied with their legal obligation. All candidates utilized their free airtime.³² *H1* aired free campaign spots starting from 18:00, which is before high primetime coverage and potentially limits viewership.

The National Commission for Television and Radio (NCTR) is obliged to oversee media compliance with legal provisions, including through its own media monitoring. On a daily basis it monitored 12 media outlets, including 5 national channels. The methodology focused only on a quantitative analysis, omitting an assessment of the tone of the broadcast. Additionally, coverage data of other licensed television and radio channels was provided by broadcasters themselves, and randomly scrutinized by NCTR. Continuing a positive practice established during the 2012 parliamentary elections, NCTR published two monitoring reports before election day. According to the NCTR, there were no media-related complaints.

OSCE/ODIHR EOM media monitoring results showed that the media paid significant attention to political and election-related information through news, numerous interviews and advertisement.³³ The amount of available information increased with the start of the official campaign period. Most monitored broadcast media (except *ArmNews*,³⁴ *Yerkir Media* and *Radio Azatutyun*) offered viewers formal news coverage and did not provide analytical comment on the campaign messages. By contrast, online and print media offered some critical commentary and analysis. The Yerevan Press Club called upon broadcasters, including public television, to organize debates. Some private stations offered to do so, but the candidates, including the incumbent, decided not to avail

³⁰ According to the declared and published information as of 13 February, Mr. Sargsyan and Mr. Hovannisyan received AMD 102 and 82 million (EUR 188,000 and 151,000), respectively, and spent AMD 84 and 58 million (EUR 156,000 and 108,000), respectively. The other candidates received a combined total of AMD 17 million (EUR 31,000) and spent a total of AMD 16 million (EUR 29,500); see at: <http://www.elections.am/audit/>.

³¹ On 12 February, 12 NGOs issued a statement condemning recent cases of lawsuits against media outlets, calling upon "business tycoons to seek off-court solutions, courts for more balanced approach and legislative change in order to clarify respective provisions of Civil Code"; see at: <http://www.ypc.am/bulletin/t/45608/ln/en/#45610>.

³² Mr. Ghukasyan offered his free airtime to various representatives of civil society. While Mr. Sedrakyan did not utilize free airtime for the first 10 days of the campaign, he later at times also offered it to civil society.

³³ On 11 January the OSCE/ODIHR EOM commenced its quantitative and qualitative monitoring of: *H1* (public TV), *H2*, *Armenia TV*, *Shant*, *Kentron* and *Yerkir Media* (nationwide private TV channels); public radio and *Radio Azatutyun* (radio stations); *Hayastani Hanrapetutyun* (state-funded newspaper), *Aravot* and *Haykakan Zhamanak* (private newspapers); www.news.am and www.lin.am (online media).

³⁴ Two advertisements of Mr. Sargsyan aired by public television used the voice of editor-in-chief of *ArmNews*.

themselves of this option. As a result, voters were not given the opportunity to see meaningful exchange about the contestants' platforms.

The monitored media regularly covered all candidates. At the same time, it covered Mr. Sargsyan and Mr. Hovannisyian more extensively, with the incumbent dominating in seven and Mr. Hovannisyian in four monitored media.³⁵ Media coverage focused predominantly on campaign events. It also extensively covered the attack on Mr. Hayrikyan and subsequent developments.

Coverage of the contestants by public television *HI* and public radio reflected the different levels of activity of the various candidates. *HI* dedicated most coverage to Mr. Sargsyan and Mr. Hovannisyian, who received 20 and 18 per cent, respectively, of almost exclusively positive or neutral information. At the same time, *HI* showed bias against opposition parties and against some candidates in its analytical program 'Viewpoint', hosted by the channel's editor-in-chief.

Complaints and Appeals

Election commissions and courts received a limited number of complaints. The Electoral Code limits the right to file complaints to those whose personal electoral rights are at stake, essentially restricting the right of voters and observers to seek judicial remedy for breach of electoral rights. Court decisions on electoral rights may not be appealed. The absence of a possibility to appeal against court decisions on electoral matters limits the access to effective legal redress.

Decisions, actions and inactions of election commissions can be appealed to the superior commission, while complaints against the CEC are under the jurisdiction of the Administrative Court. The law allows for overlapping jurisdiction between the Administrative Court and superior commissions, as complainants may choose to file complaints also to the Administrative Court. Proceedings in an election commission are suspended if the case is already under consideration by a court. Complaints filed by the candidates against election results and on declaring obstacles for campaigning as insurmountable are solely under the Constitutional Court's purview. On other election-related issues, citizens may challenge the constitutionality of the legal provisions only after exhausting all judicial means. The timeframe for consideration of such cases can amount to ten months, which does not provide for timely and effective redress within the electoral timeframe, as provided by paragraph 5.10 of the 1990 OSCE Copenhagen Document.³⁶

Prior to election day, the CEC received five complaints. Two complaints concerned the issue of the electoral deposit and were rejected on the grounds that the amount of the deposit is established by the Electoral Code and thus outside of the CEC's competence. The other three cases were rejected on substance.³⁷ The Administrative Court received five complaints.³⁸ All complaints were either

³⁵ Mr. Sargsyan received the biggest share of political coverage in *Armenia TV* and *Shant* (32 and 30 per cent, respectively), while Mr. Hovannisyian was mostly presented in *H2* and *Kentron* (29 and 26 per cent, respectively).

³⁶ Paragraph 5.10 of the OSCE 1990 Copenhagen Document establishes the right of everyone to seek "effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity."

³⁷ Mr. Ghukasyan in one case claimed that the candidacy of Mr. Sargsyan puts into question the legitimacy of the election and requested his deregistration; in another case he requested to remove his appearance from one of Mr. Sargsyan's campaign spots. Presidential nominee Ruben Ayvazyan requested to prohibit CEC members from allegedly conducting negative campaigning after the CEC Chairperson said that he does not know who Mr. Ayvazyan is.

³⁸ Two complaints challenged CEC decisions on candidate registration, over the issue of the electoral deposit. In two other cases, the complainants claimed that the PVD had improperly denied them issuance of the ten-year permanent residence certificate. Mr. Ayvazyan challenged the CEC decision on the issue of prohibiting negative campaign by CEC members.

denied consideration due to lack of jurisdiction or rejected on substance. The decisions were published on the website of the court.

The Constitutional Court informed the OSCE/ODIHR EOM of two complaints from presidential nominees on the issue of the electoral deposit requesting to consider it as an insurmountable obstacle for campaigning and as such to postpone the election. These complaints were considered inadmissible. The OSCE/ODIHR EOM was informed that another presidential nominee filed a third complaint as a citizen on the constitutionality of the requirement of an electoral deposit; this complaint is currently under consideration.

The Prosecutor General's office, the police and the Special Investigative Service are investigating over 90 election-related cases, and publicized information about them on their websites. Most cases concerned vote buying, intimidation of voters and hindrance of campaign. Whereas these bodies assured the OSCE/ODIHR EOM that their reaction would be immediate, most cases are still under investigation since there are no shortened timeframes for election-related criminal offences and regular criminal proceedings are applicable. Additionally, 63 complaints about voter intimidation by officials, the voter lists and the electoral deposit were also addressed to the Human Rights Defender.

Citizen and International Observers

The Electoral Code provides for international and citizen election observation. Candidate proxies enjoy rights similar to observers. Citizen observers could be nominated by public associations engaged in issues related to the protection of democracy and human rights. Individuals must pass a CEC-administered test to qualify as citizen observers and observer certificates are valid for a three-year period.³⁹ In an inclusive process, the CEC accredited 6,251 citizen observers from 26 NGOs, 572 observers from 10 international organizations, 34 observers from diplomatic representations in Armenia, and 25 representatives of foreign election management bodies invited by the CEC.

Election Day

Election day was calm and peaceful overall. The CEC announced a preliminary voter turnout of 61.2 per cent, with notable regional variations. The CEC started posting preliminary election results by polling stations online around midnight. Final preliminary results were announced the following morning, and indicated that Mr. Sargsyan received 58.64 per cent of the votes, followed by Mr. Hovannisyanyan with 36.74, Mr. Bagratyan with 2.15, Mr. Hayrikyan with 1.23, Mr. Ghukasyan with 0.57, Mr. Sedrakyan with 0.42 and Mr. Melikyan with 0.24.⁴⁰

International Election Observation Mission (IEOM) observers assessed opening procedures positively in almost all 75 polling stations observed. While the voting process was orderly and well organized in the majority of the 970 observations, IEOM observers assessed it negatively in 5 per cent of cases, mainly because of undue interference in the process and some cases of serious violations.

Numerous cases of RPA activists directing voters to vote outside polling stations were observed by IEOM observers, as well as proxies for the incumbent unduly interfering in or directing the work of PECs (7 per cent of polling stations observed), attempts to influence voters' choices (2 per cent), and cases of tension and intimidation of voters (2 and 1 per cent, respectively). Observers noted several indications of vote buying and observed two cases directly. Candidate proxies were present

³⁹ In the 2012 parliamentary elections, over 27,000 citizen observers from 54 NGOs were accredited.

⁴⁰ See at: <http://www.elections.am/flash/web/default.aspx>.

in 88 per cent of polling stations observed, mostly representing the incumbent; proxies for other candidates were present in a limited number of polling stations. Citizen observers were present in 63 per cent of polling stations observed.

IEOM observers noted a number of serious violations, including group voting (6 per cent), ballot boxes that were not properly sealed (5 per cent), series of seemingly identical signatures on voter lists and proxy voting (3 per cent each) and multiple voting (2 per cent). IEOM observers also reported four cases of indications of ballot box stuffing. In 6 per cent of polling stations observed, not all voters were marking their ballot in secret, and in 12 per cent, they did not put it in the envelope before leaving the voting booth. The special ink for stamping voters' passports, which should have remained visible for 12 hours as one of the safeguards against multiple voting, proved to be easily removable, despite prior testing by the CEC. In 7 per cent of polling stations visited, one or more voters were turned away, in most cases because their names were not on the voter list of that particular polling station.

IEOM observers assessed all but 9 of the 106 vote counts observed positively. Some observers reported cases of procedural errors, including failure to count the number of voters and of signatures on voter lists (9 and 7 cases, respectively). In 10 counts, not all ballots were shown so that all present could see who they had been marked for. PECs had problems completing the results protocol in 11 cases, in 7 counts the protocol form had been pre-signed, and in 5 counts the protocol was not publicly posted. Non-PEC members participated in 14 counts observed.

The tabulation process was assessed positively in all but one of the 41 TECs, on the basis of 90 observations. However, IEOM observers reported that 12 TEC premises were inadequate and that overcrowding negatively affected the process in 12 TECs. IEOM observers reported that not all PEC protocols had been completely filled in upon arrival at TEC (36 reports) and that PECs had to correct arithmetical errors (19 reports). In 12 TECs, IEOM observers were not able to adequately observe entry of results into the computer system.

***The English version is the only official document.
However, this statement is also available in Armenian.***

Mission Information & Acknowledgements

The OSCE/ODIHR Election Observation Mission opened in Yerevan on 10 January, with 16 experts in the capital, and 24 long-term observers deployed throughout Armenia.

On election day, some 283 short-term observers were deployed, including a 24-member delegation from the PACE, and a 9-member delegation from the EP. In total, there were observers from 36 OSCE participating States and one partner for co-operation. Voting was observed in 853 polling stations out of a total of 1,988. Counting was observed in 106 polling stations across all constituencies. The tabulation process was observed in all 41 TECs.

The observers wish to thank the authorities of the Republic of Armenia for the invitations to observe the election, the Central Election Commission for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and other authorities for their assistance and co-operation. The observers also wish to express appreciation to the OSCE Office in Yerevan and embassies and international organizations accredited in Armenia for their co-operation and support.

For further information, please contact:

- Ambassador Heidi Tagliavini, Head of the OSCE/ODIHR EOM, in Yerevan (+374 10 548 999);
- Mr. Thomas Rymer, OSCE/ODIHR Spokesperson (+48 609 522 266); or Mr. Raul Mureşan, OSCE/ODIHR Election Adviser, in Warsaw (+48 22 520 0669);

- Bogdan Torcătoriu, Secretary Interparliamentary Co-operation and Election Observation, PACE, in Yerevan (+ 374 98 355 387) or in Strasbourg (+33 388 413 282);
- Emilia Gallego Perona, EP, in Brussels (+322 284 4061).

OSCE/ODIHR EOM Address:

18 Baghramyan Street

0010 Yerevan, Republic of Armenia

Tel: +374-10-548 999

Fax: +374-10-545 922

Email: office@odihr.am

Website: www.osce.org/odihr/elections/98629