



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Armenia – Parliamentary Elections, 2 April 2017

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 2 April parliamentary elections were well administered and fundamental freedoms were generally respected. Despite welcomed reforms of the legal framework and the introduction of new technologies to reduce the incidents of electoral irregularities, the elections were tainted by credible information about vote-buying, and pressure on civil servants and employees of private companies. This contributed to an overall lack of public confidence and trust in the elections. Election day was generally calm and peaceful but marked by organizational problems and undue interference in the process, mostly by party representatives.

The legal framework for elections is comprehensive but complex. The new Electoral Code was adopted less than one year before elections in a reform process that was characterized as inclusive and seen by most IEOM interlocutors as a step forward in building overall confidence in the electoral process. A number of previous OSCE/ODIHR and Council of Europe's Venice Commission recommendations were addressed, although some areas merit further attention. Some IEOM interlocutors criticized the complexity of the new electoral system. Civil society organizations did not endorse the final text because of restrictions on citizen observers.

The Central Election Commission (CEC) met all legal deadlines and conducted its work in a transparent manner while operating collegially and efficiently. The CEC approved rules of procedure for Territorial Election Commissions (TEC), Precinct Election Commissions (PEC) and guidelines for observers and proxies. They also issued a number of clarifications of the Electoral Code mostly at the request of NGOs and proactively reacted to campaign violations. Decisions and agendas were published on the CEC website in a timely manner. However, the CEC did not pursue complaints rigorously.

Many IEOM interlocutors expressed confidence in the work of the TECs. Impartiality of PECs was questioned due to the distribution of leadership positions favouring the ruling party. The quality of training sessions organized by the CEC for lower-level commissions and voter education materials was overall positively evaluated by the OSCE/ODIHR EOM, but the printed materials did not always reach its target audience.

The accuracy of the voter lists was improved as a result of enhanced inter-institutional collaboration. The voter list contained a total of 2,654,195 voters, including a significant number of voters who are residing abroad. Some stakeholders expressed concern about the introduction of criminal liability for false reporting of voter impersonation. Although the law provides sufficient mechanisms for voters to request corrections, the voter lists continue to include addresses where a high number of voters are registered, which requires further scrutiny by the authorities.

Voters were identified on election day through the use of Voter Authentication Devices (VADs), which contained an electronic copy of the voter lists. Voters' fingerprints were also scanned and the CEC informed the IEOM that it will conduct cross-checks to identify potential cases of multiple voting in case of complaints. For the first time, scanned copies of signed voter lists from PECs will be

published, which all IEOM interlocutors regarded as an important deterrent of voter impersonation despite the disclosure of voter's private data.

In an inclusive process, the CEC registered candidate lists of five political parties and four party alliances. For the first time the system provides for four reserve seats for minorities, however, some parties cited difficulty in finding minority candidates. All contestants complied with the requirement that each gender must appear in each integer group of four candidates and, out of a total of 1,558 candidates 30 per cent were women. In a positive development and in line with previous OSCE/ODIHR recommendations, the gender quota applies also to the distribution of obtained and vacant seats.

The official campaign began on 5 March and ended on 1 April. The campaign started slowly and intensified as election day approached. Most campaigns focused on individual candidates rather than party platforms or policies. Contestants were largely able to campaign without restrictions, but isolated incidents of violence were reported in some areas of the country. Positively, many government officials took leave for campaign purposes.

However, there was credible information of vote-buying, of pressure on public servants including in schools and hospitals, and of intimidation of voters to vote for certain parties. This contributed to an overall lack of public confidence in the electoral process.

Some legal provisions for campaign finance reporting and oversight were strengthened, however, so-called organizational expenditures, such as for campaign offices, transport and communication are excluded from reporting, which diminished transparency. All contestants submitted reports on campaign income and expenditure to the CEC's Oversight and Audit Service (OAS) before election day, which were published online. While no violations of campaign finance were identified by the OAS, it did not proactively examine the accuracy of the reports.

Freedom of expression is guaranteed by the Constitution and broadly exercised. However, the freedom of broadcast media is limited by the interference of owners into editorial autonomy. This results in self-censorship of journalists and discouragement of critical reporting of the government, including on public television. Journalists stated that recent cases of violence and lack of prosecution hamper journalists' work and undermine their safety. There is no interference in Internet freedom, with online news sources contributing to increased political pluralism in media. OSCE/ODIHR EOM media monitoring of the campaign period showed that the public channel *HI* devoted equitable coverage to each contestant in its newscasts.

Most IEOM interlocutors stated that there is a continuing public reluctance to report electoral offences due to lack of confidence in the effectiveness of the complaint adjudication system. The lack of independence of the judiciary, election administration and law enforcement bodies, and the manner in which they dealt with complaints undermined the effectiveness of legal redress, at odds with OSCE commitments and Council of Europe standards.

International and citizen observation is permitted and party proxies are entitled to be present at polling stations. The CEC accredited a total of 28,021 citizen observers, but media and civil society criticized legal possibilities to selectively limit the number of citizen observers and media representatives at polling stations. Furthermore, international NGOs were refused an invitation to observe the elections, which is at odds with OSCE commitments.

Election day was calm and peaceful overall. Voting procedures were generally followed and the VADs functioned effectively. However, the voting process was marked by overcrowding, long queues and interference by party representatives and police. Crowds were allowed to gather outside of polling

stations, contrary to the law. Voters had difficulties understanding the voting process in 35 per cent of observations and instances of group voting and attempts to influence voters were observed. The vote count was conducted in a transparent manner but was assessed negatively in many cases, mostly due to interference of party representatives, as well as some procedural omissions. IEOM observers assessed the tabulation process positively in 33 out of 38 TECs observed. Despite some overcrowding, the processing of results protocols at the TECs was generally well organized.

PRELIMINARY FINDINGS

Background

Following constitutional amendments, approved in a referendum on 6 December 2015, Armenia is transitioning from a semi-presidential to a parliamentary political system. The amendments reduced the powers of the president in favour of the prime minister and the parliament and changed the electoral system from a majoritarian one to a largely proportional system, with district lists.¹ These were the first elections to be held under the new political system.

At the last parliamentary elections in 2012, the Republican Party of Armenia (RPA) won 69 seats and formed the government. In 2016, it entered a coalition with the Armenian Revolutionary Federation (ARF), which held five seats. The parliamentary opposition included Prosperous Armenia (PA) with 33 seats, the Armenian National Congress (ANC) with 7 seats, Armenian Renaissance (AR) with 5 seats, and Heritage with 4 seats.

Legal Framework and Electoral System

Parliamentary elections are regulated by a comprehensive legal framework, primarily consisting of the amended Constitution, the 2016 Electoral Code, and CEC regulations and decisions.² The reform process that led to the new Electoral Code was characterized as inclusive and seen by most IEOM interlocutors as a step forward in building overall confidence in the electoral process. Civil society organizations were initially involved in the discussions of the draft Electoral Code, but did not endorse the final text, as their calls to ease restrictions on citizen observers were not addressed.

The new Electoral Code, which was adopted less than one year before election day,³ addressed a significant number of previous OSCE/ODIHR and Council of Europe's Venice Commission recommendations.⁴ It provides for improved voter identification, measures to enhance the independence of election authorities, removal of the mandatory test for citizen observers, and an increased gender quota on candidate lists. Amendments also clarified important provisions related to campaigning, campaign finance, candidate registration and complaints and appeals. The Code additionally provided for publication of the signed voter lists, the use of Voter Authentication Devices (VADs) as well as web cameras on election day to identify voters and prevent multiple voting, impersonation and fraud.

¹ See the Council of Europe's Venice Commission [Opinions on the Draft Amendments to the Constitution](#). After the expiry of the current mandate in 2018, the president will be indirectly elected by parliament for a seven-year term.

² Other relevant legislation includes the Law on Political Parties, Law on Freedom of Assembly, Criminal Code, and Law on the Constitutional Court. The majority of legislation was amended in order to bring it in line with the new Electoral Code. The Law on Constitutional Court still refers to the old electoral system.

³ Section II.2.b of the 2002 Council of Europe's Venice Commission Code of Good Practice in Electoral Matters recommends that "the fundamental elements of electoral law, in particular the electoral system, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendments less than one year before an election".

⁴ See [Joint Opinions of the OSCE/ODIHR and Venice Commission related to Armenian electoral legislation](#).

However, some prior OSCE/ODIHR and Council of Europe's Venice Commission recommendations remain unaddressed, including those related to narrow rules on legal standing for submitting electoral complaints; citizenship and residency requirements for candidates, as contained in the constitution; electoral thresholds for alliances to enter parliament; formation of candidate lists for national minorities; and exclusion of organizational expenditures from campaign finance reporting. A number of IEOM interlocutors also expressed concerns about complicated voting procedures, limitations on the number of citizen observers and journalists allowed in polling stations, and criminal sanctions for negligent or intentional reporting of incorrect information from the signed voter lists.⁵ Some of these issues proved to be problematic during these elections.

The new electoral system is comprehensive but complex. A minimum of 101 members of parliament (MPs) are to be elected through a two-tier proportional system, with candidates elected from a single national list and 13 district lists.⁶ To qualify for the distribution of seats, political parties must pass a threshold of five per cent, while alliances of parties must pass seven per cent. The system also provides for a total of up to four reserved seats for the largest national minorities (Yezidis, Russians, Assyrians, and Kurds). In line with the Electoral Code, a "stable parliamentary majority" (defined as 54 per cent of seats) must be achieved to form a government.⁷ If a stable majority is not formed as a result of the elections, or by forming a political coalition within 6 days after finalization of the results, a second round is held between the top two candidate lists 28 days after election day. Some IEOM interlocutors criticized the complexity of the electoral system and its deviations from a purely proportional system and raised concerns that there was a lack of efforts to raise public awareness as to how votes would transfer into seats.

Election Administration

The elections were administered by a three-tiered system, comprising the CEC, 38 Territorial Election Commissions (TECs), and 2,009 Precinct Election Commissions (PECs). The CEC is a permanent and professional body, composed of seven members elected by parliament for six-year terms. All CEC members were re-elected in October 2016 by a strong majority vote in parliament.⁸

The CEC conducted its work in a transparent manner and overall operated collegially and efficiently, meeting legal deadlines; however, the CEC did not pursue complaints rigorously. Its sessions were attended by observers, media, and party representatives and were streamed online. Decisions and agendas were published in a timely fashion on the CEC website. The CEC approved rules of procedure for TECs, PECs and guidelines for observers, and proxies. In line with prior OSCE/ODIHR recommendations, the new Electoral Code empowers the CEC to issue legally binding instructions to ensure uniform implementation of the law. However, the CEC instead opted to issue clarifications to lower-level commissions, which were not regarded as legally binding, detracting from legal certainty.⁹

The CEC developed and disseminated a wide variety of printed and audio-visual voter education materials on new election day procedures, the quality of which was positively assessed by the OSCE/ODIHR EOM. However, the distribution of printed materials was not sufficiently wide to reach

⁵ The possible punishment includes imprisonment for two to five years.

⁶ The ballot paper includes one part with the closed national list and one part with the open district list. The district candidates have to appear on the national list as well. A voter can, in addition to choosing a national list, also give a preference vote to one district candidate.

⁷ Additional mandates may be allocated to the political party or coalition receiving an absolute majority of the votes in order to attain a "stable parliamentary majority".

⁸ The composition of the CEC raised concern among civil society due to its alleged poor performance in previous elections. Seventeen civil society organizations issued a [joint statement](#) criticizing the appointment of the CEC.

⁹ On 28 March, the Administrative Court ruled, that the CEC clarifications with regards to invalidation of ballots are not legally binding, and therefore not subject to appeal. The CEC also informed the OSCE/ODIHR EOM that their clarifications are not binding to the PECs.

voters in remote areas. Materials were provided in accessible formats for persons with disabilities.¹⁰ No voter education material was produced in minority languages.

The TECs, formed in 2016, are professional bodies composed of seven members appointed by the CEC for six-year terms. The TECs were responsible for supervising PECs, handling complaints against PECs, recounts, and tabulating the results.¹¹ The PECs were formed on 11 March for organization of voting and counting.¹² While many IEOM interlocutors expressed confidence in the work of the TECs, the impartiality of PECs was questioned due to the distribution of leadership positions that favoured the governing parties.¹³ The quality of training organized by the CEC for the PECs was overall positively evaluated by the OSCE/ODIHR EOM. However, the complexity of election day procedures prompted concerns about the capacity of PECs to administer them.

Women are well represented in the election administration. Three of the seven CEC members are women, including the deputy chairperson. Women comprise 35 per cent of TEC members, but with only 16 per cent in leadership positions.¹⁴ IEOM observers reported a higher proportion of women in PEC compositions (some 57 per cent, including 39 per cent chairpersons in the PECs observed).¹⁵

Voter Registration

All citizens over the age of 18 on election day are eligible to vote, unless declared incompetent by a court decision.¹⁶ In line with a prior OSCE/ODIHR and Council of Europe's Venice Commission recommendation, the amended Constitution grants prisoners convicted for lesser offenses the right to vote. Voter registration is passive and voter lists are based on the State Population Register, which is maintained by the Passport and Visa Department (PVD) of the police and includes all voters with an official permanent residence in Armenia.¹⁷ The voter register, as of 28 March, contained a total of 2,654,195 voters, including a significant number of voters who are residing abroad and maintain an official residence in Armenia.¹⁸ In addition, special lists are maintained for military voters and those imprisoned or in temporary detention.¹⁹

The improvement of inter-institutional collaboration, including integration of computer systems and staff communication between the PVD and Ministry of Justice, led to enhanced accuracy and inclusiveness of the voter lists, including removal of the deceased. The Electoral Code provides sufficient mechanisms for voters to request corrections to the PVD.²⁰ However, voter lists continue to

¹⁰ Videos included sign language and guidebooks on voting procedures were produced in large font and braille script.

¹¹ The TEC members are drawn from among self-nominated qualified voters.

¹² Each parliamentary party or coalition appointed one member to each PEC, while the respective TEC appointed two.

¹³ The chairs and secretaries of the PECs are distributed proportionally to the strength of the parties in parliament. As a result, the RPA had either chairperson or secretary position in 1,786 out of 2,009 PECs. While the PA have one of the leadership positions in 1,250 PECs, other parliamentary parties have no more than 300 positions each.

¹⁴ By law, at least two members in each TEC should be of the other gender. There is no gender requirement for PECs.

¹⁵ The CEC did not maintain gender-disaggregated data on the composition of the PECs.

¹⁶ Article 29 of the 2006 UN Convention on the Rights of Persons with Disabilities requires states to "guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others".

¹⁷ Voters without permanent address and the homeless could register to vote if they applied to the PVD. A total of 915 voters did so for these elections.

¹⁸ According to the 2011 census, a total of 2,190,686 citizens over the age of 18 are actually residing in Armenia.

¹⁹ Some 1,480 pre-detainees and convicts were registered to vote. By law, information on military voters, including on their number is not made public.

²⁰ Voters could request corrections, inclusions, and deletions related to themselves or other voters until 23 March, a few voters made such request. Voters can be added to the voter list on election day only based on relevant decision by the PVD or a court.

include addresses where a high number of voters are registered, which requires further scrutiny by the authorities.²¹

In response to longstanding requests of the opposition and civil society, and in an effort to prevent voter impersonation on election day, significant measures were implemented to enhance the transparency of the registration process. The preliminary and final voter lists were posted at polling stations for public scrutiny on 21 February and on 30 March, respectively. As required by law, the PVD also published the entire preliminary and final voter lists on its website. In addition, the CEC plans to publish scanned copies of the signed voter lists from all PECs by 3 April, allowing for public checks of those who voted but were allegedly abroad.²² All IEOM interlocutors regarded this as an important deterrent of potential fraud, despite concerns over the disclosure of voter's private data. However, such measures should not substitute for steps by the authorities to take effective action against those who engage in electoral malfeasance.

In a step to facilitate the right to vote, voters had the possibility to change their registration to a temporary residence where they will be physically located on election day.²³ However, several political parties and NGOs expressed concerns that some district candidates pressured voters to change their registration to districts where they were running. The PVD officers reported to the OSCE/ODIHR EOM that there were no organized efforts to transport and re-register voters where they do not live.

In a further effort to prevent potential electoral fraud through impersonation and misuse of voter list entries, voters were identified on election day through the use of VADs, which contained an electronic copy of the voter lists.²⁴ Voters' IDs were scanned to determine if the voter was registered in that polling station and if the voter had already been marked in the system as having voted. Voters' fingerprints were also scanned and the CEC reported to the IEOM that it planned to conduct cross-checks to identify potential cases of multiple voting in case of complaints.

The introduction of the VADs was welcomed by most IEOM interlocutors as a useful tool for building confidence in the integrity of election day proceedings. However, the late introduction of the VADs led to a limited time for testing of equipment and training of operators.²⁵ In addition, concerns were raised about VADs functionality, the familiarity of the electorate with the details of their use.²⁶

Candidate Registration

In an inclusive process, the CEC registered the candidate lists of all five political parties and four party alliances that applied, with a total of 1,558 candidates for these elections.²⁷ Candidates were required to be an eligible voter, at least 25 years old, residing in and being a citizen of only Armenia for the preceding four years, and having command of the Armenian language.²⁸ Addressing a prior recommendation of the OSCE/ODIHR and Council of Europe's Venice Commission, the language test administered by the Ministry of Education and Science was based on reasonable and objective criteria.

²¹ For example, there are some 2,500 addresses where 15 or more voters are registered in the same address.

²² Marked voter lists from the PECs will be scanned at the TECs on 3 April for further publication at CEC website.

²³ Total of 28,277 voters made such requests, including police on duty and PEC members at polling stations outside the precinct where they live.

²⁴ The introduction of new technologies in the electoral process was strongly supported by the opposition and civil society. Technical assistance was provided by UNDP.

²⁵ On 25 March, the CEC held a public demonstration of the VADs attended by media and international community.

²⁶ The final version of VAD software was provided to the CEC on 18 March. In general, voters did not have possibility to familiarize with the VADs until election day.

²⁷ The AR, ARF, Communist Party of Armenia (CPA), Congress-Armenian People's Party alliance (CoAPP), Free Democrats (FD), Ohanyan-Raffi-Oskanian alliance (ORO), the RPA, Tsarukyan alliance (TsA), and YELK alliance.

²⁸ Language proficiency may be proven either by having secondary or higher education or by passing a test. All 11 candidates who applied for the test received language proficiency certificates.

Candidacy restriction based on citizenship of another state is at odds with international jurisprudence.²⁹

Candidate lists could be submitted by political parties and party alliances. While a list may include non-party members, the law does not provide a possibility for candidates to stand individually.³⁰ Each contestant submitted a single national list with a minimum of 80 candidates and district lists corresponding to the 13 electoral districts.³¹ Only the AR, CoAPP, RPA, and TsA nominated candidates for the national minority list. Some other parties met with by the IEOM cited difficulty in finding minority candidates that were not loyal to the ruling party. Parties and alliances submitted a financial deposit that is refunded if the list receives more than four per cent of the valid vote.³²

All contestants complied with the Electoral Code requirement that each gender must be represented by at least 25 per cent of candidates on the national lists, with each gender appearing in each integer group of four candidates. In a positive development and in line with previous OSCE/ODIHR recommendations, the gender quota applies also to the distribution of obtained and vacant seats. Almost 30 per cent of registered candidates were women.

Electoral Campaign

The official electoral campaign started on 5 March and ended on 1 April, 24 hours before election day. The campaign started slowly and intensified as election day approached.³³ Depending on available resources, parties campaigned through rallies, car parades, door-to-door canvassing, posters, media advertisements, and social media. Most campaigns focused on individual candidates rather than political platforms or policies. Women were active as candidates; however, party platforms did not directly address issues related to gender equality.³⁴ Contestants were largely able to campaign without restrictions, but isolated incidents of violence were reported in some areas of the country.³⁵

In an effort to prevent abuse of administrative resources, the Electoral Code prohibits campaigning by government officials while performing their activities and the use of public buildings for campaigning. Positively, many government officials in the regions involved in the campaign, took leave for these purposes, while central government officials, including the prime minister, campaigned mostly on weekends.³⁶

Widespread allegations of vote-buying to vote for certain parties were reported throughout the country and the OSCE/ODIHR EOM received many credible reports directly from the public.³⁷ Several OSCE/ODIHR EOM interlocutors, including some government officials, indicated that vote-buying had become an entrenched part of political culture stating that accepting money or other benefits in

²⁹ In *Tănase v. Moldova* (application no. 7/08, 27 April 2010), the ECtHR stated that “where multiple nationalities are permitted, the holding of more than one nationality should not be a ground for ineligibility to sit as an MP”.

³⁰ According to the CEC, 15 per cent of nominated candidates were not members of the nominating party.

³¹ A maximum of 1 candidate per 15,000 voters may be included in a district list. The district candidates have to also appear on the national list. The maximum number of district candidates ranged from 7 to 15.

³² The deposit is AMD 10 million (some EUR 19,450). EUR 1 is approximately AMD 514 (Armenian *Dram*).

³³ The OSCE/ODIHR EOM observed a total of 99 rallies across the country.

³⁴ According to OSCE/ODIHR EOM media monitoring results, only nine per cent of campaign coverage in prime time news were devoted to female political actors.

³⁵ The OSCE/ODIHR EOM received reports from Aragatsotn, Ararat, and Armavir provinces.

³⁶ Governors of Gegharkunik and Vayots Dzor, mayors of Agarak (Meghri) and Hrazdan, and three deputy governors in Kotayk took leave to be able to campaign full time.

³⁷ The OSCE/ODIHR EOM received credible reports that the Governor of Syunik promised bonuses to employees of mining company ZCMC who voted for the RPA; that the RPA offered money to teachers in Kotayk, and Syunik; and that the TsA also offered money to voters in Syunik. The OSCE/ODIHR EOM also received many direct reports from people in the regions that they expected to be paid for their vote.

exchange for votes was often justified by extreme poverty and lack of economic opportunities. This created an atmosphere in which overall public confidence in the electoral process was diminished.

The OSCE/ODIHR EOM also received credible reports of pressure and intimidation on voters, especially on private and public sector employees.³⁸ In response to information obtained by the Union of Informed Citizens, through recordings of 114 school principals admitting that they had collected lists of names of teachers and parents of students who would support the RPA. These lists were then submitted to local authorities. Two political parties filed complaints with the CEC claiming that it was an abuse of administrative resources.³⁹ Although voters were generally free to obtain information on all contestants, some opposition parties informed the IEOM that their supporters were pressured not to attend their rallies.⁴⁰

Collectively, the widespread allegations of vote-buying and pressure and intimidation of voters had a negative impact on the campaign and raised concerns about voters' ability to cast their votes free of fear of retribution, at odds with paragraph 7.7 of the 1990 OSCE Copenhagen Document.⁴¹

Campaign Finance

In line with the law, all contestants opened a special bank account for their campaign finance transactions, which could include contributions from voters, personal funds of candidates and parties.⁴² Contributions from legal entities, as well as from foreign and anonymous sources, were not allowed. The law limited campaign expenses to AMD 500 million per contestant for the first round.

Following prior recommendations made by the OSCE/ODIHR and Council of Europe's Venice Commission, some legal provisions for campaign finance reporting and oversight were strengthened.⁴³ Under the Electoral Code, the Oversight and Audit Service (OAS) should act independently from the CEC, however, the CEC appoints the head of the OAS and the law does not clearly set its institutional status or working methods. In addition, the OAS cannot initiate any administrative proceedings on its own or challenge a CEC decision. Six auditors were appointed by the parliamentary parties to work with the OAS, however, their activities were not sufficiently regulated or implemented consistently.⁴⁴ Overall, the OAS did not have a proactive approach to monitoring campaign finance.

³⁸ The OSCE/ODIHR EOM was informed by several public employees that on 15 March, the Governor of Syunik instructed them to vote for the RPA. The head of a cultural centre in Syunik requested his staff to create lists of RPA supporters. In Syunik, teachers were threatened that they would be fired if they would not vote for the RPA. Teachers, doctors and other public employees were asked by their supervisors to attend meetings with an RPA candidate in Armavir. A private company owner in Yerevan threatened his employees that they would be fired if they would not provide him with a list with sufficient number of potential RPA supporters.

³⁹ The RPA [admitted that collection of names had occurred](#) but insisted that it was legitimate campaigning as it did not take place during work hours. See *Complaints and Appeals*.

⁴⁰ The CoAPP, ORO, and YELK representatives informed the OSCE/ODIHR EOM that their supporters were prevented from attending their rallies.

⁴¹ Paragraph 7.7 of the 1990 OSCE Copenhagen Document requires participating States to "ensure that law and public policy to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties ... 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".

⁴² Respectively, AMD 500,000, AMD 5 million, and AMD 100 million. The law does not explicitly regulate receiving in-kind donations.

⁴³ See also [the 2014 GRECO Second Compliance Report on Transparency of Party Funding in Armenia](#).

⁴⁴ While the Electoral Code mandates the OAS to summarize bank statements, OAS Rules of Procedures require audit of these statements. The CEC's Procedure on auditing campaign incomes and expenditures mandates the OAS to cross-check and verify the expenditures; however, this was not carried out. While some auditors informed the OSCE/ODIHR EOM that they examine all submitted reports, others selectively looked only into declarations

All contestants submitted two financial reports before election day, declaring donations and expenditures.⁴⁵ The OAS did not identify violations of campaign finance and published information on total income and expenditures of contestants on the CEC's website.⁴⁶ A list of donors was provided by the Central Bank to the OAS every three days, however, this information was not published.⁴⁷ Despite a prior OSCE/ODIHR and Council of Europe's Venice Commission recommendation, so-called organizational expenditures such as for campaign offices, transport, and communication were excluded from campaign finance reporting. These factors diminished the transparency and integrity of the campaign finance system.⁴⁸

Media

Freedom of expression is guaranteed by the Constitution and was broadly exercised. Numerous media operate in Armenia, however, the media landscape is characterized by a limited and politically affiliated advertising market which leaves room for only a few self-sustainable media outlets. Major commercial television (TV) stations are reportedly financed by businessmen in order to promote their political and commercial interests, often perceived by IEOM interlocutors to be affiliated with the government. The ultimate ownership of media outlets is not transparent.⁴⁹

Journalists informed the IEOM that interference of media owners into their editorial autonomy results in self-censorship and discourages critical reporting of the government, including on public TV. News stories of public interest related to the elections, including the publication of lists of supporters collected by principals of schools and electoral complaints heard by the CEC, were not covered by the public broadcaster *HI* primetime news but were covered in other media. Journalists also reported that recent cases of violence against journalists and insufficient prosecution undermine their safety and hinder their work.⁵⁰ Positively, there is no interference in Internet freedom, with online news sources contributing to increased media pluralism and critical reporting of the government. In addition, some online media outlets, financed by international donors, provide space for in-depth and investigative journalism.⁵¹

The Electoral Code stipulates that TV and radio must provide "impartial and non-judgemental" news coverage of candidates' campaigns. This provision is vague and was not clarified by the body which oversees implementation of media-related provisions during the campaign, the National Commission for Television and Radio (NCTR). Many TV journalists interpreted this provision to mean that they must provide an equal amount of coverage to every contestant in each programme and complained that

upon request of their nominating party. The OAS informed the OSCE/ODIHR EOM that it did not exercise their right to request information from companies providing goods and services for cross-checking the transactions.

⁴⁵ Although the CEC set up a declaration form, declarations were not filled in a consistent manner by the contestants.
⁴⁶ According to the reports, the RPA spent some AMD 380 million for campaign purposes, TsA some AMD 155 million, ORO some 89 million, AR some 72 million, and other parties collectively spent some AMD 165 million.

⁴⁷ Article 12.5 of the 2002 CIS Convention on the Standards of Democratic Elections, Electoral Rights, and Freedoms states that "political parties shall submit information on their donors and the use of campaign funds and the electoral bodies shall publish this information".

⁴⁸ Article 7.3 of the 2003 UN Convention against Corruption provides that states should "consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties".

⁴⁹ Although Article 18 of the Law on Television and Radio limits the license to one TV and one radio station per legal entity, the law does not require the ultimate and benefiting owner of media outlets to be disclosed.

⁵⁰ The OSCE Representative on Freedom of the Media called for [protection of journalists' rights](#) and [for thorough investigations of incidents](#) involving journalists.

⁵¹ For example, Civilnet.am, Hetq.am, and Radio Liberty.

this limited substantial campaign reporting. The NCTR did not communicate any guidance on how an inequality of the coverage would be assessed.⁵²

During the campaign, the public broadcaster *HI* broadcast a total of 60 minutes free airtime per contestant, in line with the law. In addition, all contestants purchased political advertising on monitored TV stations under equal conditions.⁵³ OSCE/ODIHR EOM monitoring results showed that during the campaign the public *HI* devoted an equitable share of airtime to all contestants in its newscasts. *Armenia TV* devoted almost double the news coverage to the RPA and CoAPP (21 and 19 per cent respectively) than to each of the other contestants. *Kentron TV* devoted significantly more news coverage (18 per cent) to the TsA than to other contestants. *Shant TV* devoted 20 per cent of the news to the RPA while giving between 7 and 12 per cent to the others. *Yerkir Media* favoured the ARF with 25 per cent of its news leaving the other contestants with 6 to 13 per cent of coverage. The news coverage on all monitored TV stations was 98 per cent neutral or positive in tone. However, OSCE/ODIHR EOM media monitoring results for the period from 24 February to 4 March, before the start of official campaign, revealed a clear bias of monitored TV stations in favour of their publicly perceived party affiliation.

Generally, the amount of campaign related coverage on the most popular TV stations *Armenia TV*, *Shant TV*, and the public *HI* was limited and prime time programming during the campaign was dominated by entertainment programmes. *Kentron TV* and *Yerkir Media* provided more election related coverage, including interviews and discussion programmes. They have, however, less audience share. There were no televised candidate debates on major TV stations, including *HI*, which could have enhanced the opportunity of voters to compare electoral programmes of the contestants and allowed opposition parties to challenge the ruling parties directly in public.

Complaints and Appeals

Under the Electoral Code, 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. Complaints against election results are solely under the Constitutional Court's purview.⁵⁴ Contrary to a previous OSCE/ODIHR recommendation, the Electoral Code limits the right to file complaints to those whose personal electoral rights are at stake.⁵⁵ Only contestants, but not voters, can appeal the final election results, contrary to international standards and good practice.⁵⁶ Overall, the new timelines for filing and resolving complaints are reasonable.

Despite a substantial number of allegations raised throughout the process, a limited amount of complaints were filed with the election administration and courts. The CEC received 15 complaints, including 4 from contestants. The other nine complaints came from NGOs and were subsequently

⁵² In addition, on 15 and 25 March, the NCTR issued its monitoring reports. Although the NCTR reported an unequal amount of time for the coverage of contestants, no violations were recorded by the NCTR.

⁵³ Between 24 February and 31 March the OSCE/ODIHR monitored the public *HI* and the commercial *Armenia TV*, *Kentron TV*, *Shant TV*, and *Yerkir Media*. In addition, three online news sources *aravot.am*, *armtimes.com*, and *hetq.am* were monitored.

⁵⁴ Such an appeal may be filed only on the fifth day of promulgation of the final results to the Constitutional Court, which has 15 days to decide on it. Complaints cannot be filed prior to the expiry of this deadline. The Electoral Code expanded the list of CEC decisions related to election results, which can be challenged with the Constitutional Court.

⁵⁵ Section 99 of the Explanatory Report to the 2002 Council of Europe's Venice Commission Code of Good Practice in Electoral Matters states that "Standing in [electoral] appeals must be granted as widely as possible. It must be open to every elector in the constituency ... to lodge an appeal". One NGO informed the OSCE/ODIHR EOM that it filed five complaints with the European Court of Human Rights challenging the lack of legal standing in electoral dispute resolution, which are currently pending consideration.

⁵⁶ Section II.3.3.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "All candidates and all voters registered in the constituency concerned must be entitled to appeal".

denied for lack of standing; however the CEC took up the issues *ex officio*.⁵⁷ All complaints related to campaign violations, including allegations related to campaign offices located in state owned buildings, promising goods and services to voters, abuse of administrative resources, and campaigning while performing official functions.

The CEC rejected two complaints, in which parties requested de-registration of the RPA for abuse of administrative resources for engaging schools principals and teachers in the collection of lists of supporters. The CEC found that there was no evidence that principals and teachers were collecting the signatures while performing their official duties or during campaign period. Although the CEC examined some of the alleged facts, they were reluctant to thoroughly consider contentious issues including possible pressure and intimidation of teachers to collect the signatures.⁵⁸

TECs received no official complaints but proactively initiated administrative proceedings in relation to campaign violations, including destruction of campaign materials, in some 50 cases. The Administrative Court received two complaints from two prospective candidates who were refused residency certificates and six appeals against CEC decisions, including on campaign issues and denial of accreditation of media representatives; all were rejected.

The Prosecutor General's working group on election-related offences has identified some 225 cases from media sources, mostly related to vote-buying and obstruction of voting rights; 57 cases, including 46 about vote-buying, were investigated by the police. The vast majority of cases were dismissed due to lack of evidence. While the 2016 amendments to the Criminal Code decriminalized the receiving of a bribe, if reported, public reluctance to report vote-buying persisted.⁵⁹ Additionally, the Ombudsman reviewed 148 allegations, mostly related to campaign violations, and referred five cases to the law-enforcement bodies.

Most IEOM interlocutors stated that there is a public reluctance to report electoral offenses due to lack of confidence in the effectiveness of the complaint adjudication system. The lack of independence of the judiciary, election administration and law enforcement bodies,⁶⁰ the limited right to file complaints, and the manner in which election administration dealt with complaints undermined the credibility of electoral dispute resolution and the effectiveness of legal redress, at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document, Council of Europe and other international standards.⁶¹

Citizen and International Observers

The law provides for international and citizen observation and entitles party proxies to be present at polling stations. In order to be accredited, citizen observer groups are required to adopt an internal code of conduct for their observers and to hold their own trainings. Despite prior OSCE/ODIHR and Council of Europe's Venice Commission recommendations, the new Electoral Code requires citizen observer groups to include in their charter explicit aims related to democracy and human rights protection for at least one year preceding the call of elections, thereby narrowing the opportunity to

⁵⁷ One of the complaints filed by an NGO was reviewed by the CEC on the merits and dismissed. However, the Administrative Court denied appeal of this decision due to lack of legal standing.

⁵⁸ The CEC stated that submission of supporters lists to the local authorities does not contradict to the law, as the authorities may be engaged in campaign. While the law explicitly prohibits public officials to engage in campaign while performing their official functions, the CEC did not examine when these activities were carried out.

⁵⁹ Only two allegations on vote-buying were reported to law enforcement bodies by citizens.

⁶⁰ [The 2015 GRECO Corruption prevention in respect of members of parliament, judges and prosecutors](#) report assesses the independence of the judiciary as unsatisfactory.

⁶¹ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states: "...everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". Article 8 of the Universal Declaration of Human Rights states that "everybody has the right to an effective remedy ... for acts violating the fundamental rights...".

observe. Due to non-compliance with this requirement, the CEC refused accreditation of two citizen organizations.⁶² Some NGOs informed the IEOM that the 15-day deadline for applications for observer's accreditation also created hurdles in mobilizing observers.⁶³

The CEC accredited 49 citizen organizations with a total of 28,021 observers as well as 640 international observers. Some IEOM interlocutors regarded a number of citizen organizations as being affiliated with some district candidates. All international NGOs were officially refused an invitation to observe the elections with a formal explanation that there was already a high number of observers accredited, challenging OSCE commitments.⁶⁴ Media and civil society criticized the Electoral Code provisions, which introduced the possibility to selectively limit the number of citizen observers and media representatives at polling stations, but this was not an issue on election day.⁶⁵

Election Day

Election day was generally calm and peaceful, with no serious incidents reported throughout the country. However, IEOM observers noted tension (6 per cent of observations) and intimidation of voters (3 per cent) taking place inside and outside the polling stations. This was generally as a result of large numbers of party proxies and others who were present around polling stations throughout the day. The police did not consistently enforce the law prohibiting crowds from gathering in front of polling stations.⁶⁶ The preliminary turnout was reported at 61 per cent by the CEC.

The opening of polling stations was assessed positively in 95 per cent of observations. The procedures were generally followed and polling stations opened on time. However, ballots boxes were not shown to be empty and then sealed in 5 per cent of polling stations observed.

The voting process was assessed negatively in 12 per cent of observations by the IEOM observers. This was primarily due to overcrowding in 26 per cent of observations, poor queue control (12 per cent) and voters having difficulties in understanding voting procedures (35 per cent). Although procedures were generally followed, voters did not always vote in secret (2 per cent) and group voting, including family voting, was noted in 10 per cent of observations. IEOM observers noted some cases of serious violations, including attempts to influence voters for whom to vote in 7 per cent of observations, proxy voting (2 per cent), and the same person accompanying multiple voters in voting booths (3 per cent).⁶⁷ A significant number of polling stations (69 per cent) were not accessible to persons with disabilities.

Party proxies were present in 97 per cent of polling stations observed and citizen observers in 94 per cent, contributing to the transparency of the process. However, in 12 per cent of observations proxies, citizen observers, local officials or police were seen to be interfering in the conduct of the elections.⁶⁸ In addition, large groups of people were present in the immediate vicinity of polling stations in 30 per

⁶² "Citizen Headquarters" that was previously accredited and observed local elections in October 2016 and "Northern Gate" established on 28 April 2016 were denied accreditation by the CEC.

⁶³ The OSCE/ODIHR and Venice Commission previously recommended that this deadline be shortened.

⁶⁴ Among others, European Network of Election Monitoring Organizations and European Platform for Democratic Elections were denied invitation to observe. In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States reaffirmed their commitment to "invite observers to our elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe our election proceedings".

⁶⁵ Such limitations may only be imposed if agreed by qualified majority of PEC members and, in any case, the limitation on the number of observers cannot be below 15. Visitors, international observers, and representatives of TV are exempt from this limitation.

⁶⁶ The Electoral Code prohibits gatherings within 50 meters of polling stations.

⁶⁷ The Prosecutor General registered 1,594 reports of alleged violations on election day, including on vote-buying, violation of secrecy of the vote, and voter impersonation. A total of 254 cases were referred for further inquiry. Out of 176 cases registered by the police, 32 were directed for further investigation.

⁶⁸ IEOM observers noted that some citizen observers were associated with political parties or district candidates.

cent of cases, with tension seen in 6 per cent of observations and intimidation of voters in 4.5 per cent of observations.

The process of voter identification through the VADs was conducted efficiently and without significant issues.⁶⁹ IEOM observers noted some problems with scanning of ID documents and fingerprints; however, this did not lead to significant disruptions of voting. IEOM observers noted 9 cases of voters attempting multiple voting that were captured by the VADs. The VADs provided the possibility for voters to be redirected, in case they were registered in another polling station in the same TEC, and this was observed in 55 polling stations.

For the first time, web cameras were installed in the 1,499 largest polling stations in these elections, so that election day procedures could be recorded and observed via the Internet.⁷⁰ Due to technical issues, the public online streaming was not available for all polling stations, especially in the morning on election day; however, the contestants and the CEC had uninterrupted access to all cameras through direct connection to servers throughout the day.⁷¹ After closing, a number of polling stations were set up by PECs in such a way that the counting procedures could not be followed via the web cameras in a meaningful manner.

The vote count was conducted largely in a transparent manner, with those present generally having a clear view of counting procedures and the possibility to examine ballots on request. The process was assessed negatively in 20 out of 118 observations, mostly due to interference of party proxies and observers who directly participated in the counting of votes in 32 polling stations observed. Procedures were generally followed; however, the PECs did not determine the validity of ballots in a consistent and reasonable manner in 11 percent of polling stations, particularly for district candidates. Transparency was, at times, undermined by not showing ballot papers to all present (5 per cent) and counting ballots for district candidates one by one (15 per cent). The PECs had difficulties in filling in the results protocol in 16 observations, which did not reconcile in 9 per cent of observations and were pre-signed by PEC members in 9 cent of observations. IEOM observers noted cases of tension or unrest in 7 polling stations and intimidation of PEC members in 8 cases.

The tabulation process started immediately after the results protocols were delivered from the PECs to the TECs. IEOM observers assessed the tabulation process positively in 33 of 38 TECs observed. The processing of PEC results protocols in the TECs was generally well organized. The observers noted some cases of changing of protocol figures due to mathematical errors; however, no deliberate falsification. Tabulation is ongoing and should, by law, finish by 16:00 on 3 April. The CEC started publishing the preliminary results online shortly after midnight broken down by polling stations, providing for transparency of election results.

⁶⁹ The CEC reported that they had to replace few VADs due to malfunctions.

⁷⁰ The Electoral Code provides for installation of web cameras at all polling stations; however, this was not followed due to financial limitations.

⁷¹ Some 30 cameras were not operational at various times, reportedly due to interruptions in power supply.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Yerevan, 3 April 2017 – 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 OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of Council of Europe (PACE), and the European Parliament (EP). The assessment was made to determine whether the election complied with OSCE commitments, Council of Europe's and other international obligations and standards for democratic elections and with national legislation.

Mr. José Ignacio Sánchez Amor was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. Mr. Geir Joergen Bekkevold headed the OSCE PA delegation. Ms. Liliane Maury Pasquier headed the PACE delegation. Ms. Heidi Hautala headed the EP delegation. Ambassador Jan Petersen is the Head of the OSCE/ODIHR EOM, deployed from 20 February.

Each of the institutions involved in this International Election Observation Mission has endorsed the 2005 Declaration of Principles for International Election Observation. 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 electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its Standing Committee meeting in Minsk in July 2017. The PACE will present its report at its Standing Committee on 30 May in Prague. The EP will present its report at the meeting of its Committee on Foreign Affairs on 10 April.

The OSCE/ODIHR EOM includes 14 experts in the capital and 28 long-term observers deployed throughout the country. On election day, 439 observers from 41 countries were deployed, including 340 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 63 -member delegation from the OSCE PA, a 24 -member delegation from the PACE, and a 12 -member delegation from the EP. Opening was observed in 118 polling stations and voting was observed in 1,470 polling stations across the country. Counting was observed in 141 polling stations, and the tabulation in 38 TECs.

The IEOM wishes to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties, media and civil society organizations, and the international community representatives for their co-operation.

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*The English version of this report is the only official document.
Unofficial translation is available in the Armenian language.*