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Preface

Following an invitation from the Ministry of Foreign Affairs of the Republic of Armenia to observe the 12 May Parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) decided to deploy an election observation mission (EOM) to Armenia.

The EOM was preceded by a Needs Assessment Mission (NAM), which between 30 January and 2 February assessed the conditions for an OSCE/ODIHR EOM and advised on its modalities. The NAM recommended on the establishment of an EOM and recommended OSCE participating states to second 24 long-term observers (LTO), and 300 short-term observers (STO) for election day. Close to deployment the number of LTOs increased to 29.

The EOM officially opened on 19 March in Yerevan. The mission, headed by Ambassador Boris Frlec from Slovenia, consisted of 13 core team staff drawn from 12 OSCE participating states. On 24 March the EOM was joined by 29 long-term observers, recruited from 18 OSCE participating states. They were deployed throughout Armenia on 25 March.

Close to election day, the EOM became the International Election Observation Mission as it was joined by parliamentary delegations from the OSCE PA, PACE and the European Parliament.

On election day some 400 international short-term observers (including parliamentarians) observed voting, counting and tabulation procedures.

One Norwegian LTO, Jeremy Franklin, was recruited to the EOM by NORDEM. For election day, NORDEM recruited two STOs, Hanne Thea Stenersrød and Knut Erik Pettersen.

Mr Franklin was deployed to South Yerevan and Masis, while Ms Stenersrød was deployed to Armavir and Mr Pettersen to Syunik region.

This report will present the findings of the Norwegian observers. Generally, their observations correspond to those of the OSCE/ODIHR EOM as represented in the election observation mission’s interim reports and its Statement of Preliminary Findings and Conclusions published on 13 May.

The Norwegian Centre for Human Rights / NORDEM
University of Oslo
June 2007
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Map of Country
Introduction

The 2007 parliamentary elections in the Republic of Armenia (RoA) were the fourth such elections to be observed by the OSCE/ODIHR since Armenia became independent in 1991. Since 1996 OSCE/ODIHR has observed all elections, including presidential, and has assessed that all have fallen short of meeting OSCE and international standards for democratic elections.

Upon the opening of the OSCE/ODIHR election observation mission on 19 March, the head of the mission noted:

“The recently amended election code of Armenia provides a sound framework for democratic elections, but the challenge for the authorities is its implementation in good faith, so that this and future elections are held in accordance with OSCE commitments.”

In a joint statement published on 13 May the International Election Observation Mission concluded that the elections demonstrated improvement from previous ones and were largely in accordance with international commitments, although some issues remain unaddressed.

Positive aspects of the election noted included measures taken by Armenian authorities to address serious shortcomings, also within the electoral code; a dynamic campaign widely covered by the media; efficient and well-prepared election commissions; and voting being conducted in a calm manner on election day without any major incidents.

Some concerns and shortcomings were noted, including gaps in the regulatory framework for the elections; inconsistencies and legal contradictions; and delay or lack of action of authorities to correct irregularities in the election process. On election day, observers reported a few cases of fraud schemes, isolated instances of deliberate falsifications, and problems concerning counting and tabulation processes.

The findings of the Norwegian observers generally corroborate the conclusions made by the IEOM. The following regional trends in the LTO’s area of responsibility should be mentioned:

- Territorial election commissions (TEC) were very forthcoming towards LTOs. Being permanent bodies they appeared to be experienced and well trained for the elections. TEC leadership ‘troikas’ were however, always made up of pro-government/President representatives, which could question their impartiality;

- Campaign conditions were equal for all parties and candidates, and most conducted very visible and active campaigns. Electoral contestants with greater financial means and/or relying on previous merits and actions dominated the campaign.
• The pre-election campaign was calm but highly competitive in some constituencies, while one electoral constituency only saw one candidate running in the majoritarian race;¹

• During the pre-election period several parties and candidates put forward allegations concerning collection of passport details, vote buying and fraud schemes to take place on election day. With the possible exception of one case, observers were not able to verify any of the claims, and neither were political contestants able to substantiate them;

• On election day short-term observers reported that voting was conducted in a calm manner and that precinct election commissions (PEC) seemed to have a good understanding of the process. Opening, voting and closing procedures were generally followed, but the counting process was observed to be very protracted due to unfamiliarity of PECs with new provisions. This in turn delayed the tabulation process at TECs;

• LTOs directly witnessed several cases of bussing of voters to polling stations. Reportedly, the bussing significantly contributed to crowding outside polling premises, witnessed by both LTOs and STOs. LTOs furthermore saw passports being distributed among voters;

• Few complaints regarding irregularities on election day were lodged with election commissions. LTOs observed one recount of proportional results, but it did not produce significantly different results from those recorded in the original protocol.

Political background

In December 1991 Armenia declared itself independent from the Soviet Union and was internationally recognized in early 1992. The first ten years of independence witnessed political instability and economic decline in part due to the closure of numerous industrial production plants, but also because of Armenia’s heavy and costly involvement in the conflict with Azerbaijan over the disputed region of Nagorno-Karabakh, which brought on economic blockade to Armenia from neighbouring Azerbaijan and Turkey.

Today’s political landscape in Armenia in many ways mirrors the recent conflict over Nagorno-Karabakh and Karabakhis, as well as veterans of the Armenian volunteer forces who fought in Karabakh, occupy many influential positions in Armenian politics. Incumbent President Robert Kocharyan, himself a native Karabakhian, served as president of the Mountainous Republic of Nagorno-Karabakh in the mid-nineties.

Previous elections


¹ TEC 13 – Erebuni (Yerevan)
Armenia since 1996 and has assessed that all have fallen short of OSCE commitments and international election standards.

The previous parliamentary elections took place on 25 May 2003. Unlike for the 2007 elections, the 131 seats in the National Assembly seats were divided between 75 proportional seats and 56 majoritarian (one for each electoral constituency). Due to the controversies surrounding the presidential election result earlier in 2003, a number of anti-Kocharyan oppositional parties joined forces and formed the Justice Alliance bloc, where the Armenian People’s Party under the leadership of defeated presidential candidate Stepan Demirchyan constituted the largest party.

The OSCE/ODIHR and the OSCE PA on 26 May 2003 stated the following:

“These elections marked an improvement over the 2003 Presidential elections in the campaign and media coverage. (...) However, they fell short of international standards for democratic elections in a number of key respects, in particular the counting and tabulation of votes.”

The International EOM further assessed that legislation on the registration of candidates, political parties and blocs was applied inconsistently and selectively, and stressed the importance of identifying a viable formula to enhance confidence among electoral stakeholders and secure impartial performance of election commissions. However, equitable campaign opportunities were in place and public television complied with its legal obligation to provide equal conditions to contestants.2

After the elections, a coalition government was formed comprising the Republican Party, Dashnaktsutiun, and the newcomer Orinats Yerkir. The coalition was headed by PM Andranik Margaryan of the Republican Party and the leader of Orinats Yerkir, Artur Bagdasaryan, was appointed Speaker of the National Assembly.

In May 2006 Orinats Yerkir left the government coalition and went into opposition. At the same time, Mr Bagdasaryan resigned as Speaker of the National Assembly. A number of Orinats Yerkir deputies have since defected to other factions.

**Outgoing parliament**

No parties had an absolute majority in the outgoing parliament and the composition was fragmented. After the withdrawal of Orinats Yerkir, the Republican Party and Dashaksutiun remained the ruling parties of government.

The outgoing parliament was composed of the following factions: Republican Party of Armenia - 39 deputies; Justice Alliance – 12; ARF Dashaksutiun – 11; Orinats Yerkir – 9; National Unity Party – 7; United Labour Party – 6; People’s Deputy Group – 15; Entrepreneurs’ Deputy Group – 9, and not belonging to any faction – 21 deputies.

Officially the National Assembly is still organized according to the factions or groupings that contested the 2003 election, but the Justice Alliance has effectively disbanded.

On 25 March 2007 the leader of the Republican Party and Prime Minister, Andranik Margaryan died suddenly from heart failure. President Kocharyan appointed the former Minister of Defence, Serge Sargsyan, to the post of Prime Minister. The President on 11 March appointed a largely unchanged government.

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2 IEOM Statement of Preliminary Findings and Conclusions, see http://osce.org/documents/odihr/2003/05/1205_en.pdf
Recent changes to the Electoral Code stipulate that 90 seats in the National Assembly are filled by a proportional representation system on the basis of party/bloc lists. The remaining 41 seats are filled by candidates elected from 41 majoritarian constituencies.

**Main political parties participating in the proportional contest**

The Central Election Commission registered twenty-four parties and one electoral bloc on 4 April for the seats to be filled by proportional representation. Some of the larger and more established parties also had candidates running in the single-mandate (majoritarian) constituencies, most notably the Republican Party, ARF Dashnaksutiun, Orinats Yerkir, Armenian People’s Party and Prosperous Armenia. Smaller parties mainly focused on the proportional contest only. Below is a presentation of the main front-runners (Armenian acronyms in brackets):

**Armenian Republican Party (HHK):** The party is the dominant force in the outgoing government coalition and parliament. It has a centre-right orientation and strongly backs President Kocharyan. After the death of former Prime Minister Andranik Margaryan in March, Serge Sargsyan assumed leadership of the Party and was appointed PM. HHK had 39 deputies in the outgoing parliament, including 10 ministerial portfolios, and one representative on the Central Election Commission (CEC).

**Armenian Revolutionary Federation Dashnaksutiun (HHD):** Dashnaksutiun is one of the oldest parties, being established in the beginning of the 20th century. During Soviet times it functioned as a diaspora organization and is still strongly linked to the Armenian diaspora. The party is centre-left orientated and also backs President Kocharyan. It is led by Hrant Margaryan. HHD had 11 MPs in the outgoing parliament, including 4 ministerial portfolios, and is represented on the CEC.

**Orinats Yerkir (OYeK, ‘Law-based State’):** Orinats Yerkir was a newcomer in the 2003 elections and performed strongly, winning a total of 19 parliamentary seats. Initially a member of the ruling coalition, together with HHK and HHD, the party withdrew from government in May 2006 and went into opposition. OYeK has since experienced a number of defections to other factions/parties (notably to Prosperous Armenia) and as such had nine deputies left in parliament before the election. The party is led by former Speaker of Parliament, Artur Baghdasaryan. OYeK is represented on the CEC.

**United Labour Party (MAK):** Also a newcomer in 2003, the United Labour Party won six seats in parliament. The party is centred on leading businessman Gurgen Arsenyan. It positions itself centrist-left and supports President Kocharyan. The party is represented on the CEC.

**National Unity Party (AMK):** The party is led by Artashes Geghamyan, who polled third in the 2003 presidential election. An opposition party, AMK contested the election promoting an ‘anti-crisis’ electoral platform. The National Unity Party is represented on the CEC.

**Armenian People’s Party (HZhK):** The party constituted the main partner in the now disbanded Justice Alliance and is led by Stepan Demircchyan, the runner-up in the 2003
presidential election and son of assassinated speaker of parliament Karen Demirchyan. The Justice Alliance faction had 12 deputies in the outgoing parliament, of which most represent HZhK. The party is represented on the CEC.

**Prosperous Armenia (BHK):** A new political party formed around the prominent businessman Gagik Tsarukyan and involving a number of other business leaders. BHK is in opposition to the government, but staunch supporter of President Kocharyan. Although established in 2004, Mr Tsarukyan assumed leadership of the party in 2006, which since has claimed a very large membership base.

**Heritage:** The party was formed and is led by former minister of foreign affairs and diaspora-Armenian Raffi Hovhannisyan. Heritage states that it is in opposition to the government and president.

**Republic Party (HK):** Is headed by Aram Sargsyan, brother of assassinated PM Vazgen Sargsyan. The party is in opposition to government and the president, and is a former member of the Justice Alliance.

**Dashink (DK, ‘Alliance Party):** The party was established in November 2005 by Samvel Babayan, a former military commander from Nagorno-Karabakh. Dashink positions itself as a liberal party based on individualistic values.

### The Legislative Framework

The legal framework for parliamentary (National Assembly) elections in the Republic of Armenia consists of the Constitution and the Electoral Code (EC). These are supplemented by other legislative acts such as the Criminal Code, Civil Code, procedural codes, the Law on Political Parties, and decisions of the Central Election Commission. CEC decisions serve to supplement the EC and ensure proper administration of the elections.

The **Constitution of the Republic of Armenia** was adopted in 1995 and amended after a national referendum in 2005. The Constitution guarantees individual freedom of expression, association (incl. political parties) and assembly. The Constitution proclaims that the powers of the head of state lies with an elected president, while executive powers are vested in a government proposed by the President and approved by Parliament. Legislative powers are vested in the Parliament, and judicial powers in the courts.

The **Electoral Code (EC)** provides a substantial basis for the conduct of democratic elections. The EC was adopted in 1999 and has since been amended several times: most recently in 2005-2006 when OSCE/ODIHR recommendations from the 2003 elections were incorporated. The EC was further amended in February 2007.

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3 On October 1999, five gunmen entered the National Assembly, took the whole cabinet hostage and assassinated the prime minister, speaker of parliament and six other ministers and parliamentarians. Six persons, including the group’s leader, were finally sentenced in December 2003 to life imprisonment.

4 Ibid.

5 Constitution of the Republic of Armenia, Arts. 27-29
Voting rights are guaranteed both by the Constitution and the Electoral Code: A voter who has attained the age of 18 is eligible to vote. Voters who have been recognized as incapable by court ruling, or who have been sentenced to imprisonment by a court ruling and are currently serving their prison terms do not enjoy electoral rights. Any person with voting rights who has attained the age of 25, been a citizen of the Republic of Armenia for the five preceding years, and who has permanently resided in Armenia for the past five years has the right to be elected to the National Assembly. The EC prohibits members of the Constitutional Court, judges, employees of Armenia’s Police and National Security Service, tax and customs services, prosecutorial services, and military servicemen to be elected to the National Assembly.

In its Statement of Preliminary Findings and Conclusions, the EOM assessed that the legal framework provides a good basis for the conduct of democratic elections. However, gaps remain in the regulatory framework for elections and authorities failed to implement certain existing legal provisions. For instance, the EC does not outline what constitutes campaigning, and whether campaign or fundraising activities are permitted before the campaign period. The absence of clear prohibitions on early and indirect campaigning, and failure to fully implement party and campaign finance regulations leave scope for electoral contestants to exceed allowed campaign spending as stipulated in the EC.

The EC furthermore prohibits electoral contestants from giving or promising goods and services to voters during the official campaign period. The EOM noted that this legal provision was generally not observed since it does not outline whether specific intent to influence voters constitutes a violation.

All electoral stakeholders met by the LTO seemed to be familiar with the legal framework governing the elections. However, the ongoing charitable activities of some of the more established and affluent parties/candidates reportedly had the effect of blurring the distinction between political campaigning and the rendering of social assistance to citizens, and could as such be perceived as a manner to influence voting.

Although the EC does call for the posting of result protocols at polling stations after their completion, it does not stipulate the duration of time they should posted. When visiting polling premises after election day, LTOs witnessed only one case where the protocol for proportional results was put up. In all other places protocols for both proportional and majoritarian contests had already been taken down, depriving voters from familiarizing themselves with the results. Neither were results for the majoritarian contests available on the CEC website during the immediate post-election period.

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6 EC, Art. 2.5
7 ibid., Art. 64
8 Such cases e.g., involved Republican Party, Prosperous Armenia and Orinats Yerkir.
9 EC, Art. 61.7 (Amend.)
The Electoral Administration

Armenia operates a three-tiered election administration, consisting of the Central Election Commission (CEC), 41 Territorial Election Commissions (TEC), and 1,923 Precinct Election Commissions (PEC).

As a result of the amendments made to the EC in 2006, the requirement for a quorum of members to be present during decision taking was suspended to prevent a boycott by the opposition. Moreover, the appointment of election commissions at all levels was modified to include a more balanced composition. For the 2007 elections all commissions consisted of nine members, mirroring the formula for the composition of the CEC: one member is appointed by the President; one is a ‘judicial’ appointee from the court system; one member represents the ‘People’s Deputy’ group parliamentary faction (non-partisan); and the remaining are appointees of each of the six parties/blocs that gained representation in the National Assembly after the 2003 elections.\textsuperscript{10} Each CEC member then appoints a corresponding member to each of the 41 TECs, who in turn appoints a member to each of the PECs within the TEC.

The CEC has overall responsibility for the elections to the National Assembly and is directly responsible for the administration of the countrywide proportional vote in which 90 deputies are elected. It is a permanent body and members are appointed for a five-year term.

TECs have direct responsibility for the administration of the election of deputies through the separate majoritarian lists in each electoral constituency. They are also responsible for managing the proportional component of the elections within the constituency. TECs are permanent bodies and membership is fixed on a five-year term.

PECs are established for the duration of elections only and were formed between 23 and 27 April.

On 13 May the EOM assessed that the CEC made notable improvements in its efficiency and transparency of procedures, and all election preparations met the legal deadlines. TECs appeared to be well prepared and were observed to be working in a collegial manner. TEC leadership ‘troikas’\textsuperscript{11} were nevertheless, dominated by pro-government/president representatives, which challenges the spirit of balanced composition as intended in the EC. In comparison, PEC troikas had more diverse composition.

The LTO’s AoR comprised four TECs.\textsuperscript{12} The commissions were very forthcoming and provided the international observers with all information and material they requested.

\textsuperscript{10} i.e. Republican Party, Dashnaktsutun, Orinats Yerkir, United Labour Party, National Unity Party and Justice Alliance. The Armenian People’s Party represented Justice Alliance on the CEC, but on lower-level commissions seats were distributed among the former alliance partners, including Armenian People’s Party, Republic Party, Armenian Democratic Party and Constitutional Right.

\textsuperscript{11} i.e. Chairperson, Deputy Chair and Secretary.

\textsuperscript{12} TEC11-Shengavit, TEC12-Shengavit, TEC13-Erebuni (all in Yerevan) and TEC16-Masis.
Both TECs and PECs were extensively trained and they were also provided with material explaining election procedures. ¹³

TECs operated in a collegial and transparent manner. The commissions did not hold sessions on a regular basis, but according to the CEC timeline and if necessary, upon demand. All members were notified beforehand about sessions and no members were excluded from taking part in the decision-making process of TECs.

TECs generally followed procedures regarding provision of free campaign premises to electoral contestants. ¹⁴ Procedural mistakes in initial requests/campaign schedules submitted by contestants, and delays in the processing requests in some cases considerably delayed the process of allocation of campaign venues. ¹⁵ However, no parties or candidates were refused premises and many would simply hold ad-hoc outdoor meetings without notifying local authorities.

As noted above, appointees in favour of the government and President dominated TEC troikas. In practice the number of pro-government/president TEC members always outnumbered those representing the opposition. In two constituencies, pro-government members had replaced the former Orinats Yerkir troika members as other TEC members expressed distrust in them since that party is now in opposition. In one constituency the TEC member representing the People’s Deputy Group turned out to be a Republican Party (HHK) affiliate, who in turn appointed pro-HHK members to PECs.

Reportedly, all TEC members succeeded in identifying and nominating their representatives to PECs. All PECs members had previously received training by CEC and had certificates to prove this. Before the election they received additional training on new provisions in the EC and election day procedures.

PECs were officially formed on 27 April when they held their first sessions when the leading ‘troikas’ were elected. Presidential appointees and members representing pro-government parties, such as the Republican Party and Dashnaktsutiun, dominated in the troikas. Opposition parties also had seats on the troikas, but to a much lesser degree (e.g. Orinats Yerkir, Justice Alliance).

Voter and Civic Education

To ensure the transparency of the elections, the Electoral Code stipulates in Article 7.5 that: “Citizens shall be informed about the composition, location and working hours of electoral commissions, the formation of electoral precincts and precinct centres, the deadline for submitting appeals about inaccuracies in the voter lists, the nomination and registration of candidates, the voting day and the election results.”

¹³ LTOs witnessed several training sessions for TECs and PECs, the former were conducted by IFES in agreement with the CEC, and funded by USAID.

¹⁴ A CEC decision stipulates that municipalities must provide free of charge indoor premises for the purpose of conducting campaign meetings. Electoral contestants submit TECs such requests, which then forward them to the municipality within 2 days. Municipalities have up to 3 days to consider the request and give an answer, which is then sent back to the TEC. The TEC in turn informs the applicant about the outcome, both orally and in writing.

¹⁵ As experienced by Orinats Yerkir in TEC12.
In addition, the EC provides for provision of free and paid airtime to registered parties and blocs to enable them to present their candidates and electoral platform.\textsuperscript{16}

The EOM commended the CEC for its ongoing efforts during the election period to enhance transparency of election procedures, such as a schedule of regular press briefings and the provision of key information on its website,\textsuperscript{17} adhering to the above legal provision. The CEC also produced short films aired nationwide explaining voting procedures.

In the LTO’s AoR, the domestic observer group ‘It’s Your Choice’ conducted voter education and reportedly held a number of courses for school children (who then would pass the info on to their parents) and adults. Each adult training session consisted of 50 participants and was conducted twice a month with the purpose of familiarizing voters with changes in the EC. The NGO was also involved in collecting general information on deputies in parliament, presented on the parliament’s website.\textsuperscript{18}

**Voter Registration**

For the first time the authorities of Armenia established a single, central and computerized voter register. It is compiled and maintained by Police authorities under the auspices of the government of Armenia. It is the responsibility of community leaders, heads of military detachments and heads of civil acts registration offices and detention facilities to submit to the police information necessary for the compilation and maintenance of the voter list.\textsuperscript{19} Citizens are registered by their place of residence.

Eligible voters who are not included in the voter list have the right to submit a request to their local community head (up until 21 days prior to election day), or to the local police department (up until 15 days before election day) to be included in the voter list. Citizens are included on the basis of presentation of proof of residency.\textsuperscript{20}

In connection with the voter register, the EOM positively noted that the police, as the responsible agency, along with the CEC and others took proactive measures to correct inaccuracies and involve the electorate in updating the voter list through telephone hotlines and publication of voter lists on the CEC website.

In each of the LTOs’ administrative districts\textsuperscript{21} there were special sections of the police (so-called ‘Passport authorities’) involved in compiling and checking voter lists. They had recently been equipped with new soft/hardware, and were electronically linked up to the central voter register. It appeared that the passport authorities put down considerable efforts in improving the lists’ accuracy.

\textsuperscript{16} See also chapter on ‘Media’
\textsuperscript{17} www.elections.am
\textsuperscript{18} www.parliament.am
\textsuperscript{19} EC, Art. 9.4 (abbreviated)
\textsuperscript{20} EC, Art. 10.3 (abbr.)
\textsuperscript{21} i.e. Shengavit and Erebuni city districts, and Masis district.
It should, however, be noted that a large number of voters were temporarily out of country, but still included in the voter list since their registered address was in Armenia.\textsuperscript{22}

Generally, the issue of accuracy of the voter list did not figure prominently in the campaign and most interlocutors expressed satisfaction with the quality of the voter list. Still, most parties and candidates were conducting their own door-to-door checking of the lists, mainly checking for the inclusion of their registered members or supporters. Electoral contestants would then submit info on discrepancies and inaccuracies to the passport authorities, but it was unclear whether the police actually verified and took into account the information it received.

Candidate registration

Under the proportional system the Electoral Code stipulates that each party and bloc wishing to register as electoral contestants must submit one list of MP candidates to the CEC. Women must make up at least 15 percent of the candidates and be positioned at minimum every tenth place on the proportional list.\textsuperscript{23} To be registered by the CEC, a party/bloc must pay an electoral deposit; provide certification of candidates’ citizenship and residence in Armenia for the past five years; and provide income and property declarations of proposed candidates.\textsuperscript{24} The same rules apply to candidates running in the majoritarian system and registered by TECs.

The EOM assessed that the CEC and TECs carried out candidate registration in an inclusive manner. All initial twenty-four parties and one bloc that applied were registered by the CEC without any single proportional candidate being refused registration.\textsuperscript{25} For the majoritarian contest, TECs initially registered 135 candidates countrywide, but some withdrawals and de-registrations resulted in a total of 119 candidates being on the ballot on election day.

The deadline to submit to TECs candidate nomination and registration papers was 28 April and TECs officially registered candidates between 2 and 7 April. Also in the LTOs’ AoR, candidate registration was according to legal provisions. The highest number of candidates running in one constituency was six, while in one constituency only one candidate was registered. In this constituency a total of six candidates initially embarked on the registration process, but most failed to complete it, citing negligible prospects of winning and inability to pay the electoral deposit. One prospective candidate was refused registration due to the fact that he had presented incorrect documents. He failed to produce the correct documents within the 48 hours given him after he submitted the original documents on 28 April.\textsuperscript{26}

\textsuperscript{22} In some precincts, reportedly up to 30% of the voters were temporarily abroad working.

\textsuperscript{23} EC, Art. 100.2

\textsuperscript{24} EC, Art. 101.1-4

\textsuperscript{25} Later in the campaign, two parties withdrew their lists, leaving 22 parties and one bloc on the proportional ballot.

\textsuperscript{26} See also section on review of complaints.
The Election campaign

Following the Electoral Code, the election campaign starts on the day after the registration of candidates and parties (i.e. 8 April) and continues up until the day before elections. The law authorizes a variety of campaign activities and compliance with campaign rules is monitored by election commissions; for the proportional component this is done by the CEC; for the majoritarian component the responsibility lies with TECs. Complaints concerning violations may be submitted election commissions responsible for registering candidates.

Restrictions applicable to the campaign include giving or promising goods or services to citizens (Art. 18.7); distributing anonymous campaign materials (Art. 21.7); publishing opinion polls that are not accompanied by additional info to allow voters to evaluate their results (Art. 22.3); and participation of civil servants in campaigning (Art. 22).

The EOM noted vigorous campaigning by most parties and candidates throughout the country and municipal and community authorities where flexible in providing free of charge campaign venues to parties and candidates. Those electoral contestants who held unannounced rallies could do so without experiencing prohibitive actions from the authorities.

The allegedly clandestine recording of a conversation between the leader of an opposition party, and a diplomat introduced an element of pressure in the campaign environment as the President referred to the comments made by party leader as ‘treasonous’.

In South Yerevan and Masis the campaign was conducted peacefully and in accordance with the law. Except for inequality in campaign means (as mentioned by some interlocutors), campaign conditions were equal for all for all electoral contestants.

Although the period of campaign was relatively short most parties and candidates were somewhat slow in instigating their campaigns after the official opening on 8 April, many reportedly awaiting campaign materials. Later on almost all electoral contestants conducted highly visible and active campaigns and some of the majoritarian races were very competitive. Parties with greater financial means and/or which could refer to recent records of political and social achievements, such as the Republican Party (HHK), Prosperous Armenia (BHK) and Orinats Yerkir (OYeK), and to a lesser degree ARF Dashnaksutiun, established very extensive networks of party/campaign offices and had reportedly large membership bases.

Local authorities complied with their obligation to provide designated space for campaign material. Besides, parties and candidates widely posted their materials on

27 EC, Art. 18.4
28 Extracts of the recording was first published in the Russian-language newspaper Golos Armenii (later also by public broadcaster H1), which contended that the party leader in opposition was seeking a negative assessment of the parliamentary elections by the international community. Although authorities pledged to undertake an investigation into the case it is likely that the incident had a negative impact on the campaign of the party.
29 For instance, TEC 11 (Shengavit) where two incumbent MPs were running, one representing OYeK and the other supported by HHK. Also TEC 16 (Masis) saw a close race between the Prosperous Armenia candidate and the candidate from HHK.
public and private buildings without authorities reacting. Those contestants who could afford it also bought poster space on billboards, owned by the local municipality.

All parties and candidates were granted permission by local authorities to hold rallies in public spaces. For larger rallies, authorities provided basic utilities (e.g. electricity) and security in the form of police, which did not interfere in any way. Depending on who was holding the rally, turnout varied: A Republican Party campaign meeting at a school in Erebuni constituency saw a large turnout of teachers and other staff employed at the school, suggesting that they had been instructed to attend. Incidentally, the Mayor of Erebuni (HHK) chaired the meeting. Likewise, in all other of the LTOs’ constituencies, mayors were actively involved in the campaign for HHK, but all had taken leave from their official duties.

The pre-election period was rife with allegations of collection of passport details for vote buying and other fraud schemes to take place on election day. Interlocutors who put forward such claims were unable to substantiate them, and neither could LTOs directly verify them. However, LTOs did see lists with voters’ names, passport numbers and signatures at one candidate’s campaign office. The head of the campaign office could not adequately and convincingly explain what the purpose of the lists was, and claimed that citizens voluntarily signed up as supporters of the candidate, but that ‘someone’ had instructed him to collect their personal details.

### The Media

Article 24 in the Constitution guarantees “the right to freedom of speech, including the freedom to seek, receive and disseminate information and ideas through any medium of information, regardless of state borders”.

The Law on Television and Radio Broadcasting is the main law for the sphere of the electronic media. It defines the status of TV and radio, regulates their foundation, obligations and licensing procedures.

The Electoral Code governs the conduct of electronic media during the campaign and includes provisions on allocation of free and paid airtime. Registered parties/blocs are entitled to 60 minutes of free airtime on public television, and 120 minutes on public radio. As for paid airtime parties/blocs are entitled to a maximum of 120 and 180 minutes, respectively. The CEC allots the sequence of appearances in free and paid airtime by lottery.

The media monitoring section of the EOM conducted qualitative and quantitative analysis of several electronic media outlets with the aim of evaluating whether media provided impartial and balanced of the political campaign and electoral stakeholders.

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30 EC, Arts. 113.2 and 81.3

31 The following media outlets were monitored: Television channels H1 (state-owned), Shant TV, H2, Yerkir Media, Kentron (owned by Gagik Tsarukyan) and ALM TV (all private); radio stations Public Radio and RFE/Radio Liberty; newspapers Hayastani Hanrapetutyun, AZG, Aravot, Hayakan Zhamanak and Hayots Ashkharh.
The EOM noted that the media extensively covered the elections with an apparent effort to enable most parties and candidates to convey their messages, and that public media adhered to their obligations to provide free airtime. Although many media outlets tried to cover a broad range of political subjects, most TV channels devoted the highest portion of political information in newscasts to the government and to the Republican Party, Dashnaksutiun and Prosperous Armenia.

Television coverage of the elections presented overtly positive and neutral information and was overwhelmingly devoid of critical viewpoints of the elections; only radio stations, such as RFE/RL, and to some extent newspapers displayed critical viewpoints voiced by different electoral stakeholders.

Since LTOs were based in the capital, they did not monitor media coverage of the elections as the core team did this.

Observation on the Polling Day

The International EOM stated that voting on 12 May mostly took place in a calm atmosphere. The conduct of voting was evaluated as very good or good in 94 percent of polling stations visited by international observers. Overcrowding (observed in 14 percent of polling stations), secrecy of vote jeopardized by the open-front voting booths (14 percent) and the presence of unauthorized persons (17 percent of polling stations) contributed to negative assessment of voting procedures by observers.

The counting process was observed to mainly be in line with legal procedures, but nearly 20 percent of PECs experienced difficulties compiling the protocols and 8 percent committed major procedural errors or omissions. Furthermore, there were instances where protocols for the proportional vote were seen to be completed at the TEC premises and some isolated cases of deliberate falsification of results by PECs.

Although apparently within the legal timeframe, the tabulation of results at TECs was protracted and observers recorded instances of procedural and technical errors.

Election Day Observation Report by STO Hanne Thea Stenersrød

Area of responsibility

The STO team was deployed in and around the town of Armavir, 48 km west of Yerevan. The area of Western Armavir and Western Aragatsotn is on the Turkish border and apart from the towns of Armavir and Talin, the area is scarcely populated with small villages, and consists of either mountains or vast agricultural areas. People in the area are poor and the roads are generally in bad condition.

Armavir has approx 40,000 inhabitants and the team was assigned six of the town’s 14 polling stations (PS). The number of voters on the voter lists in these PSs ranged from 1,600 to 1,800. The remaining 7 PSs within the STO’s AoR were located in villages close to Armavir, some of which were subordinate to TEC 15-Talin.
Observation of the opening

For the opening the team chose the second largest on the STO’s list of PSs. In addition to 1,720 voters, there were also 260 military voters on an additional list. The PS was located in a kindergarten close to the town centre of Armavir. The team was present in the polling station 30 minutes before the opening procedures was supposed to start at 07:00.

Both proxies and domestic observers were present for the opening. All unauthorized persons were politely escorted out in the hall by the precinct election commission (PEC) chairman.

Opening procedures were delayed 30 minutes due to late arrival of PEC members, but the PEC managed to complete accreditations, conduct the lottery, distribute voting material, and complete the journal in time for the opening at 08:00 sharp.

Observation of the polling

During election day, the team observed voting in eleven polling stations throughout the AoR. The team visited two of the polling stations twice.

In one PS in the village of Kandidjan the STOs observed two uniformed policemen who stated their business was to maintain order. The team also counted 26 unauthorized persons inside the polling station. The team asked each of them who they were and why they were there. All answered that they were ordinary voters who had finished voting and were just hanging around. Asking the chairman the same question he answered that they were there to assist old and blind people in voting in case they asked for such help.

During the visit the team observed six elderly people being assisted by these bystanders by the authority of the chairman.

Minor breaches were observed during the day, such as the lack of a poster with the names of the party candidates (in one PS), and in four polling stations; the lack of a cordon in front of the voter booths to secure the secrecy of vote, or the cordon being too close to the voting booth. In most cases were PECs appeared to have difficulties controlling the premises, it was due to small locations or high number of observers/proxies in the room.

In general, most of the polling stations appeared to be well organized and well suited for the elections. PECs seemed well trained and the team did not experience any obstacles carrying out its duties. The STO team evaluated voting as good or very good in ten out of eleven polling stations.

Observation of the closing and counting

The STO team chose a large polling station (1,808 voters) close to the TEC for closing and counting. The PS closed at 20:00 sharp, and the chairman allowed everyone inside at that time to vote, upon which the ballot box slots were sealed as prescribed. The counting was observed by the STOs, two domestic observers and five proxies. During the first three hours, a team from a local TV station in Armavir was present filming.

The PEC counted ballots for both the proportional and majoritarian vote. 911 voters had signed the voter list. The new procedure with ballot envelopes resulted in sorting and counting taking a very long time: Every ballot took approx 15 seconds to account for; from removing it from the ballot box, showing the stamp on the envelope and opening it, showing the ballot, reading the name of the party / candidate it was for, and piling it on the table.
At around 23:30 a crowd of 30-50 men gathered outside the polling station, which was on the ground floor, staring through the windows and drinking alcohol. Apparently they were celebrating Prosperous Armenia (BHK) collecting a fair share of the votes. They were loud and intrusive and stayed till 04:00 when they finally left with the BHK proxy.

As the night wore on many corners were cut to shorten the process. Still, counting was not finished until 04:00 when the PEC started struggling with compiling the protocol. PEC members were exhausted after having worked since 07:00 the previous morning and even the simplest tasks, such as counting envelopes and ballots or summarizing numbers had to be done repeatedly because they did not manage to concentrate.

When the protocol, finally was completed (having apparently changed initial data), the PEC made four handwritten copies, and provided STOs with an extra protocol extract. The voting material was packed and sealed as prescribed and before leaving, the PEC chairman posted a copy of both protocols on the wall of the polling station for transparency and information of the counting results.

The observers did not observe any deliberate wrongdoings, although procedures were not always adhered to and errors were committed in counting and sorting due to fatigue of PEC members.

Observation of the aggregation and verification of results

Due to the late hour (05:30) the LTO told the STO team to leave for Yerevan after accompanying the protocol, ballots and other material from the polling station to the TEC. The team only handed over the protocol extract to the STO TEC team, and did not stay to observe handover, aggregation and verification of results.

From the point of view of this STO team the EOM was well organized and well prepared. Logistics worked perfectly, and the team’s interpreter was highly qualified.

Election Day Observation Report by STO Knut Erik Pettersen

Area of responsibility

The STO team was deployed to the the town of Goris in the mountainous region of Syunik 250 kilometres south of Yerevan. The region is situated in the south of Armenia and borders Iran, Azerbaijan and Nagorno-Karabakh. The STOs’ AoR comprised ten polling stations (PS), spread over a large area and including small mountainous villages. The roads were in bad shape and due to thick fog the movement of the team was slowed down. Most of the villages included in the AoR were located close to the border to Azerbaijan and the Armenian corridor into Nagorno-Karabakh.

On election day the team visited seven polling stations. The team covered the opening and the closure of the same PS and was later during the day asked to re-visit this PS due to report of crowding and unrest. The team was very well received at all PSs and was never obstructed in its work. The interpreter and driver were professional and good.

Observation of the opening

The polling station visited for the opening was situated in the centre of Goris. The opening was well organised and procedures were followed. The voting started slowly
and most of the electors after the opening at 08:00 consisted of soldiers based in the town. The team did not observe any errors or problems at the time of departure at 08:45.

Observation of the polling

The general impression of the PECs in the mountainous area was good and few irregularities were observed. Domestic observers and proxies of different candidates were well represented, but representatives of the Republican Party predominated. Due to small buildings and lack of space the team observed incidents of overcrowding inside the polling stations. Posters of the Republican Party were seen on buildings close to and visible from the polling stations. In a number of villages men tended to gather outside the polling centre. At one PS the team reacted to the behaviour of two party representatives and members of the PEC as they were marking their position by checking the passports of random voters that had already been cleared by other PEC members.

In the middle of the day STOs revisited the opening PS. When the team arrived the atmosphere was good and the observers could not identify any irregularities.

Observation of the closing and counting

The counting process in the chosen closing PS (1,535 voters) was conducted professionally and in general according to prescribed procedures. All observers had access to the process and they had the opportunity to give comments. The counting process was transparent but conducted slowly. Intervention and desire to participate in the counting process, combined with lack of sleep, occasionally caused anger among some of the participants. The team did observe difficulties completing the protocols.

After the completion of the counting at 06:30 the STOs accompanied the chairperson to the Territorial Election Commission (TEC). The team did not observe results being entered into the computer as it was asked by the LTO to immediately fax the results of the counting to the Core Team in Yerevan. However, later the STOs were asked by the LTO to stay at the TEC until 09:30. The STO did observe that numbers sometimes were corrected as they were entered into the computer. The STO also observed that a woman representing the PEC in Sisian was partly obstructed when she approached the STOs.

Election Day Observation Report by LTO Jeremy Franklin

Regional background

LTO team 2 area of responsibility comprised four electoral constituencies (TECs) covering two city districts in South Yerevan and one rural district directly south of Yerevan.

Shengavit (TECs 11, 12) city district is located in the southwestern part of Yerevan. The population numbers around 143,000. In Soviet times Shengavit was a major industrial centre and represented 43% of Yerevan’s industrial output. Today, many factories have closed down or are working at half capacity, resulting in high unemployment rates. The district has a numerous small- and medium sized businesses.

Erebuni (TEC 13) city district is located in the southwestern part of the city. The population of Erebuni is around 130,000. Although reportedly a close-knit community, the district is one of the poorest in Yerevan and its inhabitants live a ‘traditional’ way of life. Erebuni has a few larger factories and a lot of small trade.
Masis (TEC 16) district is located south of Yerevan. The district centre is Masis town, located 14 km south of Yerevan and only 4 km away from the Turkish border, delimited by the Arax river. The town was founded in 1969 and during Soviet times it was an industrial centre. The population of Masis region is around 29,000, of which 40% are employed in the agricultural sector. Other places of employment include a tobacco factory, a paper mill and military installations.

Election day

For election day the LTO received 16 STO teams, including nine regular teams, one locally recruited team, and six parliamentarian teams representing OSCE PA (3 teams) and PACE (3 teams). Four of the regular STO teams were designated as TEC teams to follow verification of results and the tabulation process. During the first part of election day LTOs were very busy following up on claims regarding vote buying and fraud schemes. Except for cases of bussing of voters, observers were not able to verify any of the claims.

Observers witnessed that opening procedures were generally followed and all polling stations (PS) opened on time. Voting was generally conducted in a peaceful manner and procedures were in most cases followed. Crowding at PSs was prevalent during the first half of election day, in some cases the result of the arrival of large numbers of voters at the same time who had been bussed to voting centres. LTOs also witnessed distribution of passports among voters, the reason why remains unclear. A few instances of family voting were observed, as well as cases where too many voters were inside the voting area at the same time.32

In general, closing and counting procedures were adhered to and evaluated as good. However, the counting process was protracted due to new provisions, such as verifying and counting ballot paper envelopes. Several PECs experienced difficulties compiling the result protocols, while in one PS observers directly observed falsification of results where votes for smaller parties were redistributed among the six major parties. An attempt to do the same in another PS was also witnessed.

Due to protracted counts and difficulties compiling protocols, PECs started to arrive with the election material to TECs at a late time33. This in turn delayed processing of PECs and tabulation of results. The atmosphere at TECs was generally good, and procedures were mostly followed. However, at TEC 13-Erebuni protocols for the majoritarian component were seen to be completed at the TEC premises and sacks with voting material arrived unsealed. Furthermore, overcrowding due to insufficient size of some TEC premises made it difficult for observers to get a full overview of the tabulation process.

Due to late arrival of PECs and the prospect of designated TEC teams not being able to observe transfer and tabulation of all results, it was decided centrally to pull out these teams after they had observed the processing at TECs of minimum 12 PECs, i.e. around 06:00.

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32 The EC stipulates that no more than 15 voters at any given time can be inside the area of polling.

33 For instance, TEC 12-Shengavit where PECs started to arrive from around 01:30. This TEC used on average 25 minutes to process each PEC.
The Review of Complaints Process

In 2005 the Electoral Code was amended with regard to the procedures for reviewing complaints and suggestions lodged with election commissions. The EC lays down that party and candidate proxies can appeal decisions, actions and inactions of PECs to the relevant TEC. Complaints regarding decisions, actions and inactions of TECs shall be submitted to courts of first instance where the TEC is located. The CEC has the right to review and/or overturn decisions of election commissions that are contrary to the EC. Decisions and actions (inactions) of the CEC (except decisions on election results) can be appealed in a court of appeal (Art. 40.3).

Complaints (requests) for the recount of election results must be submitted to the respective TEC on the day following election day, by 14:00 hrs, and TECs must start the recount activities at 09:00, two days after the voting day. Disputes related to TEC decisions on the outcome of elections in majoritarian districts can be appealed in courts of appeal.

The EOM noted that the complaints and appeal process brought to light inconsistencies and contradictory elements in the legal framework, such as what constitutes early campaigning and deficiencies in enforcing party and campaign finance regulations. After election day the EOM recorded initial requests for recounts in twelve constituencies, but which where actually carried out in five. All recounts were conducted in compliance with the law and none produced any major discrepancies. The CEC and TECs processed election complaints and appeals in a transparent and timely manner. Most of the complaints received by the CEC were rejected on jurisdictional grounds, or because they were without substance.

During the pre-election period LTOs were not aware of any written complaints being lodged with election commissions or other appropriate bodies. One prospective majoritarian candidate in TEC 13 appealed the TECs decision not to register his candidacy in the local court. The court upheld the TECs decision, based on the candidate not qualifying for the residence requirement.

TECs received few complaints regarding irregularities on election day. Since they contained procedural errors they were rejected in accordance with the EC.

LTOs observed one recount of proportional results from one PEC in TEC 11 requested by a Republic Party proxy, who claimed that ballots for the party had been added to stacks of ballots for other parties. The recount disclosed some minor technical errors, but this did not impact on the distribution of votes among parties. Ten requests submitted by Deputy Group PEC members regarding recounts of

34 EC, Art. 27.4
35 EC, Art. 41.9
36 EC, Art. 40.7
37 EC, Art. 40.9.2
majoritarian results in TEC 13 were all withdrawn when the members reconsidered their grounds for requesting recounts.\textsuperscript{38}

Conclusions and recommendations

The elections in the LTOs’ AoR were generally conducted in line with OSCE and other international standards for democratic elections. Voters could choose among a large number of parties and candidates, presenting a genuine choice. None of the parties or candidates experienced obstacles to their campaign and most conducted very visible and active campaigns under equal conditions.

Both electoral contestants and election commissions alike seemed to have a good understanding of the electoral framework and generally they adhered to it. However, the law does not appear to make a distinction between what constitutes campaigning and the ongoing rendering of social assistance (also during the campaign period) conducted by some parties, the latter might be perceived as a manner to influence voting behaviour.

Election commissions operated in a timely and transparent manner and they received no complaints in the pre-election period. However, on election night the verification of result protocols at one TEC led to the commission instructing PEC to complete new protocols on spot, which at worst may facilitate manipulation of results.

Voting and counting procedures were mostly adhered to, but there were some isolated cases of purportedly committed falsification of results. The counting process was protracted and a high number of PEC had difficulties compiling result protocols. Most PECs reportedly put up preliminary results at the polling premises, but since the EC does not stipulate how long they should be posted, within two days after the election almost all had been removed.

Comments on the election observation mission

This LTO generally found the EOM core staff competent and the flow of information between the core team and the long-term observers was satisfactory. Before deployment LTOs were comprehensively briefed and were provided with sufficient written background material. During the pre-election period LTOs were summoned to three mid-term meetings, which was more than adequate.

STO logistics centrally were very good, although this LTO would have preferred to identify and recruit own STO drivers and interpreters.\textsuperscript{39} The LTO’s regular STOs were very capable, conscientious and hard working. However, it would have been desirable to

\textsuperscript{38} Apparently, the above PEC members, who supported the one Republican Party candidate who won, thought it implausible that a number of voters actually voted \textit{against} the candidate. On these grounds, recounts were requested to verify results for the majoritarian vote in ten precincts.

\textsuperscript{39} For LTO teams in and around Yerevan this was done by the core team, which ‘outsourced’ some of the work to LTOs in Yerevan.
receive more seconded STOs in the capital to facilitate better coverage of polling stations on election day.

Appendices – not published in the web version

1. OSCE/ODIHR Statement of Preliminary Findings and Conclusions

2. OSCE/ODIHR Post-Election Interim Report No. 1