

Helsinki Citizens' Assembly -Vanadzor



Implementation of IEOM Recommendations in Armenia in 2003-2013

Assessment Report



Vanadzor
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Introduction

First Presidential Elections in the Republic of Armenia were held in October 1991 following the Referendum on Independence in September 1991. Since then, Armenia has held several Parliamentary, Presidential and local elections, as well as referenda.

Despite the ongoing reforms and constant improvement of the electoral legislation, the level of trust toward the electoral system is decreasing in Armenia. According to the Caucasus Barometer 2013, only 9% of Armenian respondents believed that the last national elections were completely fair¹, while in 2011, 12 % of the respondents believed so². General skepticism toward electoral integrity in Armenia stems from several detrimental practices, including:

- Vote buying and voter intimidation
- Abuse of voters' lists and falsification of voting results
- Abuse of administrative resources, including campaigning in public institutions during working hours and prohibiting the same access to opposition candidates, forcing employees to participate in pro-incumbent rallies and restricting their participation in opposition rallies
- Poor regulation of campaign funding and unfair campaigning
- Ineffective adjudication of complaints
- Disproportionate media coverage and lack of pluralism

Election observation by HCA Vanadzor and other local NGOs shows that while some improvements have been made in electoral law and in practice, violations have also evolved to be more sophisticated. International election observation missions (IEOMs) have been rather instrumental in promoting electoral reforms, specifically in reforming the electoral legislation; however, there is a need to conduct a comprehensive analysis of the relevance and implementation of recommendations proposed by international observation missions.

The current research aims to study the development of electoral legislation and administration in Armenia in the light of IEOM recommendations in an attempt to identify the effectiveness of the missions in holding the Republic of Armenia to standards of democratic elections.

¹ Caucasus Barometer (CB), Public Perceptions on Political, Social and Economic issues in South Caucasus Countries 2013, The Caucasus Research Resource Centers (CRRC), April 2014 http://www.crrc.am/hosting/file/_static_content/barometer/2013/CB2013_public%20presentation_English.pdf

² Caucasus Barometer (CB), Public Perceptions on Political, Social and Economic issues in South Caucasus Countries 2011, The Caucasus Research Resource Centers (CRRC), September 2012, http://www.crrc.am/hosting/file/_static_content/barometer/2011/CB-2011-Eng-present.pdf

Abbreviations

CEC - Central Electoral Commission

CIS - Commonwealth of Independent States

CoE - Council of Europe

EP - European Parliament

IEOM - International Election Observation Mission

IFES - International Foundation for Election Systems

LSG - Local Self- government

NCTR - National Commission on Television and Radio

ODIHR - Office of Democratic Institutions and Human Rights

OSCE - Organization for Security and Cooperation in Europe

PACE - Parliamentary Assembly of the Council of Europe

PEC - Precinct Election Commission

RA - Republic of Armenia

REC - Regional Electoral Commission

TEC - Territorial Election Commission

UNDP - United Nations Development Program

Methodology

The project aimed to study recommendations and observations made by international election missions since 2003, including OSCE/ODIHR, PACE, EP, and others, to analyze their role in electoral reforms and the impact of those changes on future elections. The report initially aimed to cover the recommendations of other IEOMs as well; however, majority of them simply refer to the OSCE/ODIHR recommendations. CIS observation missions generally attribute highest democratic standards to the elections in Armenia and do not provide valuable input in terms reform processes. The timeframe of 2003-2013 is selected based on the period of use of the two comprehensive electoral codes: 1999 Electoral Code (by 2003 electoral commissions presumably had sufficient time to master the new election administration regulations) and the effective Electoral Code adopted in 2011.

Aside from contributing to assessing electoral reforms, the project aims to contribute to increase of effectiveness of international observation missions.

IEOM recommendations are assessed on the following criteria:

- Specific
- Relevant
- Implemented
- Effective
- Repeated

The effectiveness of recommendations and their implementation is assessed based on observation results of local organizations and legislative analysis. Positive response to the criteria is marked in the Implementation table as “1” and negative response is “0”. HCA Vanadzor also looked at legislative initiatives by the Armenian government and parliamentarians since 2003 to identify whether they reflect or refer to the IEOM recommendations, which parties brought them and what are the tendencies with their adoption/rejection. It was identified that there were few legislative initiatives referring to IEOM recommendations. A complete analysis will be presented in a separate report.

The Venice Commission has been rather consistent in assessing incorporation of their recommendations in the Electoral Legislation. Hence, the report addresses the recommendations by the Venice Commission only to the extent they are referenced by IEOMs rather than looking into each recommendation made by the Commission.

Elections in the Republic of Armenia and Legislative Framework

In the 24 years of its independence Republic of Armenia held 6 presidential elections, 5 parliamentary elections, 3 referenda, numerous local elections and by-elections. The Supreme Council elected in 1990 existed until the election of the first National Assembly in 1995.

1990 Supreme Council Elections: The Supreme Council was elected based on a majority electoral system through two-phase elections held on May 20th and June 3rd. It had 260 members, who initially represented the Communist Party and Hayots Hamazgayin Sharzhum (Armenian Pan-National Movement) and later broke down into several factions. During its first session, the Council adopted a declaration on Armenia's Independence. The Armenian Soviet Socialist Republic was renamed Republic of Armenia. A referendum on independence was held on September 21, 1991.

1991 Presidential Elections: First Presidential elections in independent Armenia were held on October 16, 1991. Levon Ter-Petrosyan was elected as the first President of the Republic of Armenia receiving 83% of votes. The first presidential elections were held according to the RA Law on the Elections of the President.

The law was a concise document of 24 articles covering: the bases of presidential elections; suffrage rights; administration of elections by commissions; publicity of election preparation and holding; candidate registration; financial and material resources provision; responsibility for electoral violations; election timeline; activities of proxies; voter lists; ballot paper regulations; voting and tabulation procedures; and publication of results. As stipulated by the law the elections would be administered by commissions operating on three levels: Central Electoral Commission, county or town commission, precinct commission. None of the commissions would be operating permanently. The law did not envisage participation of observation missions. Although the law stipulated a 10-year residency requirement for candidates, it did not require presentation of any documented proof of it for candidate registration. The law set a maximum number of 50 proxies per candidate, who would be registered by the Central Electoral Commission (CEC). The law did not stipulate provisions for pre-election campaigns or campaign funding, but required that the CEC provide candidate information to the voters at its expense. Voting procedure was an elaborate process, which required voters to have certificates verifying their voting right. The ballot paper included the phrase "I agree" before each candidate (as well as "I do not agree" in single-candidate elections), and the voters were required to strike off the candidates they did not approve and leave only the preferred candidate. The winner was the candidate who received most votes or the number of votes was higher than the number of votes against. The law did not specify a minimum percent of votes for the election of a candidate, yet it stipulated that a second round of elections would be held if none of the candidates received "enough" votes.

Despite the vagueness of the law regulating the first presidential elections, these elections are traditionally considered to be the only fair elections in the history of the Republic of Armenia.

Nevertheless, according to Armenian sources,³ 1 518 090 voted in the First Presidential Elections, while English sources⁴ state a number of 1 286 464, which according to the source, constituted 70% of the voters and only 35.3 % of the total population.

1995 Parliamentary Elections: First elections to the National Assembly of the Republic of Armenia were held on July 5th, 1995 along with the Referendum to adopt the Constitution of Armenia. The Elections were regulated by the RA Law on the Elections of the Members to the National Assembly adopted in April 1995. The National Assembly consisted of 190 members of which 150 were elected on a majority order and 40 on proportional electoral order. The new law restricted suffrage to those citizens who were over 18 years old and had lived in Armenia for at least one year before the elections.

Suffrage was not granted to legally-incapable for mental illness, convicts, those who were declared wanted for criminal offences, as well as those in detention, whose voting registration was not approved by the Supreme Court or the CEC. Meanwhile, detainees could register as candidates and their rights would be represented by their proxies.

The law stipulated the right to use personal or donated money for campaigning; however, it required the CEC to provide basic information about candidates and their campaign programs, as well as free airtime for all candidates and parties on an equitable basis using the joint election fund available to the CEC. The law did not stipulate how and where individual campaign donations could be collected or used, but it set a maximum allowable amount and required the candidates to declare their expenditures. The law allowed for observation of the electoral process by registered observers, but did not clarify the procedure and requirements for registration of observers. Unlike the effective Electoral Code, the RA Law on the Elections of the Members to the National Assembly prescribed equal representation of all competing parties in the election commissions. All decisions of precinct and territorial electoral commissions could be appealed to the CEC by candidates, proxies, observers, and citizens within three days. The decisions of the CEC could be appealed to courts by candidates, proxies, observers, and citizens within three days. Candidates were required to submit a fixed election pledge of 10 X minimum salary and a minimum of 10000 signatures for registration.

The MPs elected to the National Assembly formed: "Republic" faction (117MPs), "Shamiram" (8 MPs), Communist Party of Armenia (6 MPs), National Democratic Union (5MPs), and National Self-determination Union(3 MPs), "Reforms" deputy group (30 MPs). 21 MPs did not join any factions or groups.

1996 Presidential Election: Second Presidential Elections were held on September 22nd, 1996. The elections were regulated by the Law of the Republic of Armenia on the Elections of the President of the Republic of Armenia, adopted in April 1996. The new law detailed the election process in 49 articles adding clearer provisions on the electoral system, creation and use of pre-election campaign funds, verification procedure for supporting signatures required for registration, cancellation of candidate registration, pre-election campaign, publication and verification of voter lists, handover of election documents by electoral commissions, tabulation of voting coupons by community electoral

³RA Presidential Elections, retrospective, Yot or Daily, January 27, 2013 (Armenian)
<http://www.7or.am/news/view/46011/>

⁴Elections in Asia and the Pacific: A Data Handbook : Volume I: Middle East, Central Asia, and South Asia: Volume I: Middle East, Central Asia, and South Asia, Dieter Nohlen, Florian Grotz, and Christof Hartmann, 2001

commissions, summarization of results by regional commissions, publication of the CEC decision, set up of regular or early presidential elections. The new law stipulated that the presidential elections would be administered by electoral commissions operating on 4 levels; Central Electoral Commission, regional electoral commissions, community electoral commissions, and precinct electoral commission. The Central Electoral Commission consisted of 20 members appointed by the parties represented in the National Assembly. The law allowed for the RA citizens to vote abroad at diplomatic missions of Armenia, a provision that is recommended to be added to the effective Election Code by the IEOMs. At the same time, the new law temporarily revoked the right of detainees to vote or run for the office. Hence the potential candidate in detention would have to apply to the CEC, which in its turn would apply to the Supreme Court about altering the restraining order. The law set a maximum amount to be donated by a natural or a legal person; however it did not restrict campaign spending to a certain amount. The law did not provide for any local observers but allowed for international observers to be present at all commission meetings and election procedures and to receive copies of the protocols. Nomination of candidates by civic initiatives and political parties included collection of 1000 signatures. Registration of candidates required a minimum of 25 000 supporting signatures and an electoral pledge of 2 million Armenian Drams (approximately 4960 USD). According to the National Statistical Service of the Republic of Armenia, the average salary at the time was 9469 (23 USD).⁵

Interestingly, registration could be rejected if 1) the number of valid signatures was below 25 000, 2) there were obvious falsifications in the presented documents, 3) The nominated candidate fell under the restrictions set by the Constitution. Nevertheless, the rejection of registration was decided by 2/3 of the CEC.

The new law allowed for a larger number of proxies restricting the total number to two proxies per commission, only one of which could be present at a commission meeting at a time. Proxies also had the right to sign the back of the ballot papers for verification. The law prohibited distribution of money or goods to voters, but prescribed on cancellation of candidate registration if the allegations were confirmed by the Supreme Court.

Voting procedure included signing an easily detachable coupon of the ballot paper which would include the number of the voter in the list and would be counted by the community electoral commissions for verification. The ballot-marking was significantly simplified with voters not having to cross off candidates but rather mark the candidate they approved of. According to OSCE/ODIHR conclusion:

"The ODIHR concluded that the legal framework for these elections was a clear improvement on previous electoral legislation. In particular, the law makes provision to improve the transparency of the process. For example, deadlines are set for the publication of preliminary and final results, the right for candidates' proxies to receive copies of the precinct results - the protocols, the right for candidates' proxies to validate ballot papers at the precinct and the provision for PECs to paste the protocols in clear view at the polling station after the count. The presidential law also removes procedures that had been the cause of some controversy in the past In particular it forbids the use of 'mobile ballot boxes', mobile polling stations and absentee voting. Although these restrictions

⁵ Earnings, labour cost, National Statistical Service of the Republic of Armenia, http://www.armstat.am/file/article/trud_09_5.pdf

compromise the right to vote, past practice had convinced legislators to accept this as a necessary step to increase public confidence in the process...

However, as with any piece of legislation, it is how the law is implemented that is crucial.”⁶

The 1996 elections were contested by the incumbent Levon Ter-Petrosyan and Vazgen Manukyan, Head of the National Democratic Union, who was supported by the majority of the opposition. The elections were held with serious violations of the electoral legislation.

According to the Media Monitoring conducted by the European Institute for the Media, Levon Ter-Petrosyan had a substantial advantage over his opponents during the election period. OSCE/ODIHR recorded serious violations of the Electoral Law, including the high number of unauthorized representatives of the ministries of Interior and Defense present at the polling stations. The mission was particularly concerned about the violation of secrecy of voting, especially with military votes as well as the inability of electoral commissions to verify the military lists for accuracy. Overall, voter registration seemed problematic, with the large number of Election Day additions at some polling stations. In terms of tabulation, OSCE/ODIHR noted that the counting process was managed by precinct electoral commissions far less competently than voting. The mission concluded its observation with questioning the integrity of the entire electoral process.

The Presidential Elections were followed by mass protests led by Vazgen Manukyan. Demonstrators broke into the National Assembly building and beat up the Speaker and Vice-speaker of the Assembly. Security forces, including military tanks and troops were brought to Yerevan to restore the order and suppress the rallies. According to the Human Rights Watch World report 1997⁷,

“In the wake of these events, police detained about 200 more individuals believed to have participated in the demonstration, President Ter-Petrosian banned public demonstrations and called in army troops to patrol Yerevan, and the Procurator General announced his intention to press charges against Vazgen Manukyan and seven other opposition leaders of attempting violently to overthrow the government. Police closed the offices of the National Democratic Union (Vazgen Manukian’s party), the National Self-Determination Association(a tiny opposition party), the Union of Constitutional Rights (a nationalist party), and Artsakh-Hayastan (an organization for the promotion of Karabakh issues). This crushing of opposition forces appeared to realize Defense Minister Vazgen Sarkissian’s September 25 warning that After [the September 25] events, even if they win 100 percent of the votes, neither the Army nor the National Security and Interior Ministry would recognize such political leaders.”

According to History Professor at Berkley, Stephen H. Astourian,⁸ four members of the CEC announced on 25 September that Manukyan had actually received over 60% of the vote. In February 1998, Ter-Petrosyan was forced to resign and Prime Minister, Robert Kocharyan became the acting president until his election in March 1998.

⁶ Armenian Presidential Elections, 24 September 1996, Final report, OSCE/ODIHR, <http://www.osce.org/odihr/elections/armenia/14149?download=true>

⁷ World Report 1997, Human Rights Watch, http://www.hrw.org/reports/1997/WR97/HELSINKI-01.htm#P95_35834

⁸From Ter-Petrosian To Kocharyan: Leadership Change In Armenia, Stephan H. Astourian, 2001 http://iseees.berkeley.edu/bps/publications/2000_04-asto.pdf

1998 Presidential Election: The 1998 Presidential Elections were regulated by the 1996 Law of the Republic of Armenia on the Elections of the President of the Republic of Armenia. The law prescribed the right to run for office to persons, who were at least 35 years old, were citizens of the Republic of Armenia for the last ten years and had resided permanently in the Republic of Armenia for the last ten years. Acting President of the Republic of Armenia, Robert Kocharyan, was the President of the Nagorno-Karabakh Republic until March 1997 when he was appointed Prime Minister of the Republic of Armenia. This means that according to the legislation he was not eligible to run for the office. Nevertheless his registration was approved and the CEC did not take any steps to verify the validity of the documents he had submitted.

The first round of presidential elections was held on March 16, 1998. Acting President Robert Kocharyan received 38.5% of the vote, while his main opponent, former Secretary General of the Communist Party of the Soviet Socialist Republic of Armenia, Karen Demirchyan, received 30.5%. Robert Kocharyan won in the second round held on March 30, 1998, with 58.9% of the vote, which was even higher than the opinion polls presented by his supporters.⁹

In its final report, OSCE/ODIHR observation mission concluded:

*"The Extraordinary Presidential Election of March 16 and 30 does not meet the OSCE standards to which Armenia has committed itself in the Copenhagen Document of 1990. Armenia held elections that were characterised by serious flaws in both 1995 and 1996. This election showed improvement in some respects over the 1996 election, but the 1996 election is not an appropriate standard for assessing a meaningful election process in line with OSCE commitments."*¹⁰

Restating its position on the legal framework, the Mission expressed serious concern that on March 2, 1998 the National Assembly voted against the accreditation of domestic non-partisan observers. OSCE/ODIHR reported: serious cases of illegal campaigning; a violent incident during Vazgen Manukyan's campaign rally; disproportionate media coverage favoring Robert Kocharyan; intimidation of voters, proxies, and commission members, particularly by Kocharyan's proxies; presence of unauthorized persons, including police and security forces, local government representatives at polling stations, which had an intimidating effect; overcrowding and agitation; violation of secrecy of vote, especially of the military; ballot box stuffing and coupon box stuffing; bad organization of vote count; unusual and dramatic increase of voter turnout during the second round (such as 88/1 (839.4%), 8/17 (105.2%), 5/17 (98.8%), 4/4 (97.6%) and 7/28 (99.96%); forging of protocols; ineffective appeals process and poor investigation of electoral violations.

1999 Parliamentary Elections: The National Assembly of second convocation was elected on May 30th, 1999, in accordance with the newly adopted Electoral Code (131 Parliament Members: 75 majoritarian and 56 proportional electoral order). The seats were distributed the following way: - "Miasnutyun" (Unity) alliance 41.69% (29 Parliament Members,) Communist Party of Armenia 12,09% (8 Parliament Members,) "Law and Unity" alliance 7,96% (6 Parliament Members,) Armenian

⁹ N.b. An alternative poll suggested that Karen Demirchyan enjoyed support of 53% of the voters, while Kocharyan lagged with 36%, (Source: Armenians Vote for New President, Los-Angeles Times, Vanora Bennett, March 31, 1998, <http://articles.latimes.com/1998/mar/31/news/mn-34533>

¹⁰ Republic of Armenia Presidential Election March 16 and 30, 1998 Final Report, OSCE/ODIHR, <http://www.osce.org/odihr/elections/armenia/14192?download=true>

Revolutionary Federation 7,86% (5 Parliament Members,) “Rule of Law” faction 5,28% (4 Parliament Members.)¹¹

The Electoral Code adopted in February 1999, was a comprehensive document covering parliamentary, presidential and local elections. In the final report on Parliamentary Elections 1999, OSCE/ODIHR expressed concern over a number of provisions in the Code: the composition of election commissions at all levels, the status of commission members, the continuity of the work of the commissions, and the appointment of technical staff to the Central and Regional Election Commissions; the lack of transparency in a number of election procedures; the presence of unauthorized persons in election commission premises during electoral procedures; the registration of and voting by military personnel; the complexity of election procedures; the vague provisions regarding the filing of complaints and resolution of disputes; and the inadequate protection of due process of law.¹² With regards to the actual administration of elections, OSCE/ODIHR reported concerns regarding: the formation of election commissions and the status of their members; the accuracy of voter lists; full respect of the election time table; all procedures relating to the vote of military personnel; the participation of refugees in the electoral process; the presence of unauthorized personnel in precincts during polling and counting procedures; and the timely, orderly and transparent conduct of the vote count in precincts as well as the tabulation and publication of results by Regional Election Commissions and the Central Election Commission. The Mission restated that while the 1999 electoral process in Armenia generally showed an improvement over the flawed elections of 1995, 1996 and 1998, the previous elections are not an adequate basis for comparison.

The Code established a three-tier election administration including a Central Election Commission (CEC), Regional Election Commissions (REC) for each of the ten regions and Yerevan, and Precinct Election Commissions (PEC). The new code established a different mechanism of CEC and REC formation: three members appointed by the Government; members appointed by parties that had parliamentary factions in the outgoing Parliament and had collected at least 30,000 valid signatures; and members appointed by 5 parties without parliamentary factions that collected the highest number of signatures above the minimum 30,000 in support of the nomination of their party for the upcoming parliamentary election. The Venice Commission found the composition of the CEC to be problematic and argued that there should not be any control over the CEC by political parties or the executive branch.¹³

According to OSCE/ODIHR, there were major international projects to assist the Armenian Government in preparation of the 1999 Parliamentary Elections. A team of OSCE/ODIHR experts arrived in Armenia to assist the CEC and to prepare a Guidance Manual for the RECs and to train them. The IFES (International Foundation for Election Systems) Team concentrated on the preparation of a manual for PECs covering activities on Election Day and on the training of PECs throughout the country. Additionally, voter education programs were implemented by IFES and UNDP, directly or through local NGOs, with posters, TV and newspaper advertisements or spots, as

¹¹ History of Armenian Parliaments, Official website of the Armenian Parliament, <http://parliament.am/parliament.php?id=parliament&lang=eng>

¹² Republic of Armenia Parliamentary Election 30 May 1999 Final Report, OSCE/ODIHR, <http://www.osce.org/odihr/elections/armenia/14203?download=true>

¹³ Joint Assessment of the Amendments to the Electoral Code of the Republic of Armenia Adopted in the First Reading on 7 May, 2002, 30 May, 2002

well as seminars for military voters, judges and others with responsibility in the electoral process. The National Democratic Institute (NDI) focused on proxy training, organizing specific seminars and the publication of a booklet outlining the rights and duties of proxies and observers according to the code and CEC regulations. The NDI and UNDP were also involved in the training of domestic non-partisan observer groups.

The OSCE, however, noted the absence of willingness of the CEC to cooperate with the IEOMs and to respond to their concerns in a timely manner. The CEC endorsed formally the OSCE/ODIHR Guidance Manual only 10 days before the Election Day, yet all RECs were able to participate in the training. The IFES training Manual for the PEC members was not formally endorsed by the CEC. Nevertheless, IFES trainers organized extensive training sessions for the PECs all over the country, except for the PECs in Yerevan, where the Yerevan REC refused to organize the trainings. The UNDP software for computerized voter lists and tabulation were not formally endorsed by the CEC, hence their use was not uniformed and effective. Twelve domestic observer NGOs were accredited to observe the elections.

Voter lists were compiled and verified by community heads. OSCE/ODIHR assessed the elimination of flexible voter registration on Election Day based on identification papers, as a remarkable improvement over previous practice in the 1998 Presidential election, when a large number of voters were added to the lists during the second round.

Secrecy of military lists and their potential abuse for multiple voting was still unaddressed. As reported by OSCE/ODIHR,

"Mobile ballot boxes in the military bases, which raised considerable concerns during the 1998 presidential elections, were prohibited. Military commanders were instructed to transport conscripts to the respective polling stations, to let them out of the transport not closer than 50 meters to the polling stations, and to set them free for two hours in order to allow them to exercise the right to vote without supervision. However despite the adopted procedures, a large number of observers witnessed soldiers closely supervised by their commanding officers and left alone only for a few minutes to cast ballots. Additionally, observers reported that, in some cases, conscripts were instructed to vote for the Unity Alliance. Thus, the voting of military personnel did not comply with the regulations and the recommendations contained in the ODIHR Final Report for the 1998 Presidential Election. The procedures for the vote of military personnel continue to be of concern and must be addressed before future elections."

It should be noted that the problem persisted throughout all elections along with other major issues identified by the missions.

2003 Presidential Election: The 2003 Armenian Presidential election took place in Armenia on 19 February and 5 March 2003. The main contestants were the incumbent President Robert Kocharyan and Stepan Demirchyan.¹⁴

¹⁴N.b. Stepan Demirchyan was the son of Karen Demirchyan, former Presidential candidate and President of the National Assembly assassinated in the National Assembly on October 27, 1999 with Vazgen Sargsyan, Prime Minister, Yuri Bakhshyan and Ruben Miroyan, Vice Presidents of the National Assembly, Mikael Kotanyan,

OSCE/ODIHR stated that while the election involved a vigorous countrywide campaign, the overall process failed to provide equal conditions for the candidates. Voting, counting and tabulation showed serious irregularities, including widespread ballot box stuffing.

"The newly amended Electoral Code provided a basis for the conduct of elections in compliance with international standards. However, it was not implemented with sufficient political determination to meet OSCE commitments for democratic elections. The political atmosphere was charged and marred by intimidation, isolated disruption of campaign events and one serious violent incident. Public resources were widely used in support of the incumbent. The second round was clouded by the administrative detentions of over 200 opposition supporters, in contravention of OSCE commitments and a resolution of the Parliamentary Assembly of the Council of Europe. Over 80 people were sentenced to up to 15 days in jail, often in closed hearings and without the benefit of legal counsel.

Public TV and the major State-funded newspaper were heavily biased in favour of the incumbent, failing to comply with their legal obligation to provide balanced reporting on candidates or with OSCE commitments on equal access to the media. Independent television A1+ remained off the air throughout the election. A positive development in the second round was the first television debate between presidential candidates ever to take place in Armenia. In general, the election administration completed efficiently the technical preparations for the election. The formula for appointing election commission members led to politically imbalanced commissions in which most opposition candidates had little confidence. The Central Election Commission (CEC) did not publish a prompt and detailed breakdown of preliminary results, contributing to further lack of confidence in the process. Despite useful efforts to improve the voter lists, they remained problematic."¹⁵

The Election Code was amended prior to the elections and addressed some recommendations by the OSCE/ODIHR and the Venice Commission. According to the amendments, the 11 Regional Election Commissions were replaced by 56 Territorial Election Commissions (TECs), which provided for more efficient election administration. Nevertheless the implementation of legislation still remained an issue, particularly in terms of ensuring responsibility for election-related violations. Dismissal of PEC members shortly before the Election Day was a major disruption to effective administration of elections and seemed to be intentional.

Widespread use of administrative resources in favor of the incumbent was confirmed by observers around the country along with reports about acquisition of passports from voters. Public sector employees, factory workers, teachers, students and others were instructed to attend the incumbent's rallies throughout the country, while opposition candidates had difficulties campaigning in the regions. The overall assessment of the elections was not satisfactory by most of the domestic and international observation missions and the post-election protests confirmed the distrust of the population.

Henrik Abrahamyan, Armenia Armenakyan, Parliament Members and Leonard Petrosyan, Minister of Operative Issues

¹⁵ Republic Of Armenia Presidential Election 19 February and 5 March 2003, Final Report, OSCE/ODIHR, <http://www.osce.org/odihr/elections/armenia/14054?download=true>

Presidential candidate Stepan Demirchyan disputed the election results in the RA Constitutional Court. On April 16, 2003, admitting that although there legally justified arguments that there were incidents of ballot box stuffing, incorrect vote count, voter impersonation and other significant violations, which were not duly examined by the TECs and respective courts, the application the Constitutional Court nevertheless rejected the application, arguing that the volume of violations did not affect the outcome of elections. Giving importance to public trust, the Constitutional Court suggested organizing a referendum of confidence within one year¹⁶, which, however, was never held.

2003 Parliamentary Elections: The elections (131 Parliament Members: 75 proportional and 56 majoritarian electoral order) of the National Assembly of the Republic of Armenia of the third convocation were held on May 25, 2003. The factions created as a result were: Armenian Republican Party (40 MPs), Rule of Law (20 MPs), Justice (14 MPs), Armenian Revolutionary Federation (11 MPs), National Unity (8 MPs), United Labor Party (6 MPs) and People's Parliament Member parliamentary group (16 MPs). 14 MPs did not join any factions or parliamentary groups.

OSCE/ODIHR observation mission assessed the parliamentary elections as an improvement over the 2003 Presidential Elections, but did have a positive opinion of the counting and tabulation of votes. Perpetrators of electoral violations were not held accountable, which reinforced the atmosphere of impunity. Public television complied with its legal obligation to provide equal conditions to contestants, while private television stations were biased. As in all previous elections, women were seriously underrepresented as candidates and political party activists.

OSCE/ODIHR assessed election administration as ineffective due to a general lack of consistency, transparency and professionalism.

"Important decisions were taken late and without sufficient clarity. Legislation on the registration of candidates, political parties and blocs was applied inconsistently and selectively. Attempts to implement a transparent process of tabulating results, a key recommendation of previous OSCE/ODIHR reports, was obstructed by the failure of Territorial Election Commissions (TECs) to act according to law. While voter lists were improved in some communities, further work is required to increase their accuracy. Voting was assessed positively by observers in most polling stations visited. However, problems continued to be observed, including the presence of unauthorised persons in polling stations, undue restrictions on party and candidate representatives (proxies) and open voting by the military. Domestic observers were again present in large numbers and their legitimacy was more widely recognized than in the presidential election."¹⁷

Violations also included ballot box stuffing, falsification of results and intimidation of observers and proxies. The Constitutional Court annulled the results in two constituencies and ordered re-runs because electoral violations influenced the outcomes. Nevertheless the significant drop in voter turnout (by over 350 000) as compared to the second round of 2003 presidential elections illustrated that political parties and the wider public lacked confidence in the electoral process.

¹⁶ The Constitutional Court of The Republic of Armenia on the Case of the Dispute on the Results of the Elections for RA President held on March 5, 2003, April 16, 2003

<http://concourt.am/english/decisions/common/doc/sdv-412e.htm>

¹⁷ Republic of Armenia Parliamentary Elections 25 May 2003 Final Report, OSCE/ODIHR, <http://www.osce.org/odihr/elections/armenia/42371?download=true>

2007 Parliamentary Elections: The fourth convocation of the National Assembly was elected in May 2007, resulting in the creation of five parliamentary factions (90 Proportional and 41 Majoritarian): Republican Party of Armenia (64 MPs), Prosperous Armenia (25 MPs), Armenian Revolutionary Federation (16 MPs) Rule of Law (8 MPs) Heritage (7 MPs). 11 MPs were not included in those factions. For the first time, there was a central computerized voter register under the authority of the police. Along with the CEC and other local and state entities, the police took proactive measures to correct possible inaccuracies including posting the voter lists for public scrutiny in a timely manner, posting the voter register on the CEC website and opening telephone hotlines to provide citizens with online support.

"The Election Code, considerably amended and improved since the 2003 parliamentary elections, provided a sound basis for the conduct of democratic elections, although shortcomings remain. These pertain largely to the absence of clear provisions on early and indirect campaigning and to campaign finance regulations leaving scope for electoral contestants to exceed campaign finance limitations. In addition, the complaints and appeals process revealed inconsistencies in the legal framework. Sanctions related to possible vote buying were not implemented and publicly identified concerns generally not acted upon in the absence of formal complaints."¹⁸

The OSCE/ODIHR observation mission was jointly conducted with the OSCE Parliamentary Assembly, Parliamentary Assembly of the Council of Europe, and the European Parliament. Acknowledging that the newly amended Election Code provided bases for democratic elections, the IEOM noted that the Code did not clarify distinction between party activity and campaign activity, did not regulate campaign fundraising properly, and did not address the inconsistency in the complaints and appeals procedures. The amendments also eliminated the possibility of out-of-country voting and voting by dual citizens. Appointment of election commission members was amended: the CEC nominated one member to each TEC, who in turn nominated member to each of the PECs under that TEC. The amended Election Code provided that one member of the CEC was nominated by the President of the Republic, one member was nominated by each parliamentary faction and the People's Parliament Member parliamentary group and one member was nominated by the judiciary. The TECs were dominated by representatives of the Armenian Republican Party, Armenian Revolutionary Federation, and appointees of the President. As reported by the IEOM

"The PEC leadership "troikas" had a more diverse composition than TEC "troikas". According to the Election Code, all candidates for a position on a PEC should have been trained beforehand and received a certificate of qualification. Speaking to PEC members, observers representing the IEOM noted that many of them were not aware of which entity had nominated them for PEC membership. Some PEC members told observers that they represented Prosperous Armenia, a party that was not represented in the outgoing National Assembly and was, therefore, not entitled to make election commission nominations."

The Police who were in charge of maintaining voter lists, as well as the CEC made some attempts to call on the public to review the voter lists that had become available online and to inform about inaccuracies; however even if it was identified that a voter was not present, the name was not removed from the list.

¹⁸Republic of Armenia Parliamentary Elections 12 May 2007 Final Report, OSCE/ODIHR, <http://www.osce.org/odihr/elections/91643?download=true>

The law stipulated that contestants submit reports on their pre-election campaign funds within six days after the elections, after which they are reviewed by the Oversight and Audit Service and published by the CEC or submitted to court in case of violation; however, the CEC has no competence to investigate whether a party or a candidate has failed to disclose relevant financial transactions outside the pre-election campaign fund. Examination of party financial declarations would not provide such information either, as the declarations required were in broad categories of owned property and finances, and the State Registry in the Ministry of Justice, to which the declarations were submitted, was only responsible for determining that they are received in a timely manner, without any investigation into the contents.

OSCE/ODIHR also noted that the commemoration of the 15th Anniversary of the Armenian Army was evidently used for campaigning by the ruling Republican Party which was in contrary to the requirement of the separation between the ruling party and the state. The Heritage Party and the Rule of Law reported to have been rejected a commercial billboard space by several advertising companies, while the overwhelming majority of billboards, particularly in the City of Yerevan, were used for advertising by the Republican Party, Prosperous Armenia.

Domestic and international observers reported of numerous cases of vote buying; however it was difficult to confirm the allegations as the Criminal Code prescribed responsibility for accepting bribes and not for giving, which meant the voters receiving bribes could themselves be held liable and therefore would not provide such information.

“Numerous reported and some confirmed cases of material inducements being provided to voters during the campaign indicated that goods or services had been contributed in-kind to the campaigns of certain parties and candidates, by the candidates themselves or by other individuals or organizations. The Election Code contains no explicit restriction on in-kind contributions to a campaign, or concerning their disclosure. However, the provision against vote buying would seem to apply to situations in which candidates or parties “personally or through other means” give material inducements to voters.”

Domestic observation missions were critical of the IEMs for failing to assess the seriousness of electoral violations objectively. They argued that 2007 parliamentary elections were neither fair nor democratic and further intimidation had been widespread and had affected the outcome of elections.

2008 Presidential Election: The 2008 presidential election was held in Armenia on February 19. According to the Constitution, incumbent R. Kocharyan could not run for a third term so he endorsed Prime Minister Serzh Sargsyan’s candidacy, who had been appointed by him the year before.

Two candidates, Raffi Hovhannesian from Heritage Party and Aram Karapetyan from New Times Party were unable to register because the police refused to certify their residence in Armenia over the last ten years.

2008 presidential elections were observed jointly by OSCE/ODIHR, OSCE PA, PACE, European Parliament. The OSCE/ODIHR reported that

“While the 2008 presidential election mostly met OSCE commitments and international standards in the pre-election period and during voting hours, serious challenges to some commitments did emerge, especially after election day. This displayed an insufficient regard for standards essential to democratic elections and devalued the overall election

process. In particular, the vote count demonstrated deficiencies of accountability and transparency, and complaints and appeals procedures were not fully effective.”¹⁹

The pre-election campaign was held with numerous cases of abuse of administrative resources reported by domestic and international observers. Observers acknowledged that shortcomings in the 2008 electoral process were due to lack of political will to implement the legal provisions effectively, although the legal framework still required improvement regarding suffrage rights, campaign provisions and complaint procedures. In terms of candidate registration the main change was eliminating the need to get supporting signatures; the presidential candidates were only required to pay election pledge of 8 million AMD (the average salary in 2008 was 87,406 AMD).²⁰

The OSCE/ODIHR mission failed to mention that Raffi Hovhannesian and Aram Karapetyan were denied a proof of 10-year permanent residence, while outgoing president Robert Kocharyan was registered and elected twice with an obviously falsified certificate of residence.

State and LSG officials, staff of public institutions (universities, schools, hospitals and so on) extensively participated in the campaign of prime- minister Serzh Sargsyan.

OSCE/ODIHR observers reported numerous instances of state employees and local government officials showing ‘partiality’ towards Prime Minister Sargsyan. At one campaign event 35, they saw uniformed police handing out Republican Party flags and his police escort was observed displaying similar flags on other occasions. Public sector and local government employees, especially school teachers, attended Prime Minister Sargsyan’s rallies in large numbers, frequently during working hours. His campaign material was posted in and on publicly owned buildings, including local government buildings in Yerevan and eight regions.

Reporting of campaign expenditures continued to be problematic. Many of campaign spendings remained undocumented and those reported properly were not verified. Public and private media were heavily biased towards Prime Minister and covered his official visits favorably and allocated significantly more time to covering his activities.

The Election Day violations included: intimidation of voters, overcrowding of polling stations, frequent presence of unauthorized persons, including police and local officials, undue interference by proxies, transportation of voters, which was believed to be linked to the vote buying. Counting and tabulation of results were marred with violations and lack of transparency. On 20 February the recounts requested by candidates revealed numerous discrepancies and mistakes in the original count, which was an indicator of political bias of the election commissions.

The analysis of official PEC results indicates that PECs which reported a higher than average voter participation also had a higher share of the vote for Prime Minister Sargsyan. Even taking into account that the Prime Minister has strong familial links in the Goris area (TEC 37), results from four PECs are striking as he received in excess of 99 per cent of the vote, with a turnout of 97 to 99.5 per cent.

¹⁹ Republic of Armenia, Presidential Election, February 19, 2008, OSCE/ODIHR Election Observation Mission Report, <http://www.osce.org/odihr/elections/armenia/32114?download=true>

²⁰ Earnings, labour cost, National Statistical Service of the Republic of Armenia, http://www.armstat.am/file/article/trud_09_5.pdf

During the pre-election and post-election periods the CEC was not transparent in handling complaints and appeals, the authorities in general did not show willingness to effectively address the impunity for electoral violations. Serzh Sargsyan was announced to be a winner with 52,8 % of all votes, however the election results were not accepted by Levon Ter-Petrosyan's (21,5 %) supporters, who started mass protest in Yerevan. The protests continued until March 1, when it was violently dispersed by the Police and security forces, which resulted at least in 10 fatalities, 130 injuries and 106 arrests and detentions. The outgoing president declared a state of emergency for 20 days banning rallies and gathering in Yerevan. Traveling to Yerevan by public transportation was restricted during the protests and the state of emergency. Prime Minister Serzh Sargsyan was inaugurated on 9 April 2008, under strict surveillance of the police.

In the run-up to the parliamentary elections of 2012 certain developments took place, which, to an extent defused the internal political tensions and created bases for improvement of the political environment. In particular, political leaders and activists, arrested in connection to post-election clashes of 2008 were released, and by mid-2011 the freedom of assembly, which had been systematically curbed in Armenia since 2003-2004, was re-established²¹.

2012 Parliamentary Elections: On May 6, 2012 the elections (131 Parliament Members: 90 proportional and 41 majoritarian electoral system) of the National Assembly of the Republic of Armenia were held. The six parliamentary fractions created in the National Assembly were. "Republican Party of Armenia" faction (69 MPs,) "Prosperous Armenia" faction (37 MPs,) "Armenian National Congress" faction (7 MPs,) "Rule of Law" faction (6 MPs,) "Armenian Revolutionary Federation" faction (5 MPs,) "Heritage" faction (5 MPs.) 2 Deputies were not included in those fractions.

The elections were held under the new 2011 Electoral Code, which was a significant improvement over the previous code, but failed to ensure equity in campaigning and protecting voters from intimidation. HCA Vanadzor also had concerns with a number of provisions of the new law, in particularly the previous legislation stipulated that observers or journalists could not be held liable for their opinion about the electoral process, while the new code removed this provision. The Code required all observers to take a knowledge test on the Election Code and to receive a certificate in order to observe the elections.

The Parliamentary Elections were observed by numerous domestic organizations and IEOMs.

According to OSCE/ODIHR EOM, OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP),

The elections, which were held under an improved legal framework, were characterized by a competitive, vibrant and largely peaceful campaign, which was, however, marked by a low level of confidence in the integrity of the process. Some violations of campaign provisions by electoral contestants, including the use of administrative resources and attempts to limit voters' freedom of choice, created an unequal playing field and ran counter to OSCE commitments. The elections were administered in an overall professional and transparent manner prior to Election

Day. Election Day was generally calm and peaceful, although organizational problems and undue interference in the process, mostly by party representatives, were observed. Deficiencies in the complaints and appeals process were cause for concern.²²

As reported by OSCE/ODIHR the contestants questioned accuracy and quality of voter lists, abuse of administrative resources and vote-buying. To eliminate possible abuse of voter lists and particularly registered voters residing abroad, 28 members of parliament challenged the constitutionality of the Electoral Code provision, prohibiting the publication of signed voter lists. On 5 May, 2012, the Constitutional court decided that the respective provision was constitutional, but did not rule out access to voter lists for protection of voters' rights. The Constitutional Court referred to Venice commission principle of secrecy of vote.²³

However, HCA Vanadzor finds that the secrecy of voting refers to the result of voting and not the fact of voting. It is also obvious that the disclosure of signed voter lists is proportionate measure to ensure the protection from their abuse²⁴. Moreover the stamping of passports makes voting apparent and the argument of secrecy of voting becomes unfounded.

To encourage women's participation it was required that both genders were represented in among every 5 candidates in the proportional lists. However there was no requirement to maintain the gender if the elected candidate was replaced.

As stipulated by the new Electoral Code CEC members are appointed by the President, upon nominations made by the Human Rights Defender (3 members), the head of the Chamber of Advocates (2 members) and the head of the Court of Cassation (2 members).TECs are permanent bodies whose members are appointed by the CEC, from citizens, applying for membership.

PECs are temporary bodies, composed of 2 members appointed by the respective TEC, and 5 members appointed by each party represented in the National Assembly. According to the new code PEC members are required to pass CEC-administered test and receive a CEC qualification certificate.

During the elections, many OSCE/ODIHR EOM observers raised the issue of vote buying as a major and widespread problem. Another major issue was ineffective adjudication of complaints.

As observed by the OSCE/ODIHR

A positive feature of the new Electoral Code is the requirement that administrative due process be applied by election commissions in handling of complaints. However, the Electoral Code unduly limits the right to file complaints to those whose personal electoral rights are at stake, essentially denying voters, accredited observers, and civil society groups the right to seek judicial remedy for breach of general electoral rights. In addition, first instance court decisions on electoral rights

²² Republic of Armenia Parliamentary Elections 6 May 2012 Final Report, OSCE/ODIHR, <http://www.osce.org/odihr/91643?download=true>

²³ Constitutional Court rejected the application by PAP, ANC, and ARF,Azatutyun,5 May, 2012 <http://www.azatutyun.am/archive/news/20120505/2031/2031.html?id=24570951>

²⁴ Report on observation mission on the parliamentary elections of May 6, 2012, HCA Vanadzor <http://hcav.am/wp-content/uploads/2012/08/Report.pdf>

may not be appealed, further limiting the opportunity to obtain effective legal redress. Moreover, the legal framework for complaints and appeals is unduly complex.

For instance CEC denied consideration of 95 percent of complaints on the grounds that private individuals do not have a legal right to file such complaint. The CEC examined few complaints and found no violations; others were rejected for technical grounds without consideration. The election day violations included group voting, presence of unauthorized persons, breach of secrecy of voting, multiple voting, vote-buying, voter lists irregularities, obstruction of observers', proxies' and reporters' rights, carousel voting and ballot box stuffing. The special ink for marking passports of voters was supposed to remain for 12 hours, but faded much earlier. Most domestic observers noted that the overwhelming abuse of administrative resources, coerced participation of state employees, campaign rallies of the ruling Republican party, voter intimidations, numerous reports of vote buying by several parties, including through "in-kind" assistance and charitable activities, provided ground for considering 2012 Parliamentary elections unfair and non-democratic.

2013 Presidential Election: The last Presidential elections were held on 18 February 2013.

The 2013 Presidential elections again failed to meet democratic standards, as they were marred by lack of genuine competition, wide use of administrative resource throughout the campaign, numerous cases of violations during the voting and ballot count and other negative factors that led to a low level of Armenian public's trust toward the official election result.

The political context, in which the elections took place, can be described as relatively calm, compared to that of previous presidential election. The internal political tensions, that rose after disputed elections and post-election protests in 2008, were somewhat weakened by 2012 and it could have seemed that grounds were created for improvement of the political environment. However, these opportunities were largely missed. There was no proper investigation of the murder of 10 people on March 1-2, 2008 conducted. In general, no adequate political assessment had been given either to the tragedy of March 1, 2008, or to the curbing of liberties that followed the events of March 1.

Due to an uneven playing field between opposition and government, several significant opposition parties simply refused to take part in the presidential election campaign of 2013, thus depriving many of Armenia's citizens of an opportunity to make a meaningful choice: three of six parliamentary political forces, including the second, third and fourth largest factions, not only did not nominate their own candidates, but also did not endorse any candidates.

Administrative resources were fully employed in favor of the incumbent president Serzh Sargsyan, including state institutions, especially, state educational establishments, where campaigning is prohibited by the national law. Allegations of widespread vote-buying in favor of the incumbent and the concerns regarding the inflated voter lists led to further decrease of trust towards the elections.

The changes that took place in the electoral legislation during the recent years significantly improved the quality of the election administration; however, more sophisticated methods of bypassing the law were created.

In the course of the drafting of the new Electoral Code the OSCE/ODIHR suggestions were partly taken into consideration, however certain recommendations were not properly incorporated,

including the suggestion to enable the right to be elected of the citizens holding dual citizenship, reduction of the number of voters in election precincts, securing the transparency of donations, as well as the introduction of the obligation on the part of the CEC and precinct election commissions to inform law-enforcement bodies on cases of violations. Also the suggestions on reforming “The Law on Television and Radio” regarding the more inclusive and diverse composition of the Council of the Public television and radio company, inclusion of diverse interests in the process of licensing, transparency of financing, etc., were not duly taken into consideration.

OSCE/ODIHR recommendation made after the 2012 Parliamentary elections were not implemented at all, even though it was suggested to address them before the Presidential elections of 2013. They mainly referred to the efficiency of investigation of appeals and complaints, criminal liability for the facts of abuse of administrative resources, filing complaints regarding vote buying, as well as verifying voter lists.

Citizens residing outside of Armenia were still deprived of the opportunity to take part in the elections by law; however, special conditions were created for a limited group, persons working in Armenia’s diplomatic and consular missions and foreign branches of corporate bodies registered in Armenia, as well as members of their families. The majority of polling stations were not equipped for wheelchairs. Bedridden people or elderly citizens, who were unable to reach polling stations, were deprived of an opportunity to exercise their constitutional rights. The sign language interpretation of the programs and propaganda materials of the candidates for voters with hearing disabilities was not available. Many polling stations failed to use special magnifying glass for visually impaired voters.

The leading candidates were incumbent president Serzh Sargsyan, nominated by the Republican Party, and Raffi K. Hovhannesian, self-nominated candidate, chairman of “Heritage” party represented in the Parliament.

During the election campaign an assassination attempt was made on presidential candidate Paruyr Hayrikyan, leader of National Self-Determination Union. This could have put off the Election Day, however, Paruyr Hayrikyan took a decision not to apply to the RA Constitutional Court with a request to have the Election Day postponed.

Presidential candidate Andreas Ghukasyan was on a hunger strike throughout the whole duration of the election campaign demanding to revoke the candidacy of RA president and presidential candidate Serzh Sargsyan due to infringements committed on the part of the Republican Party supporting him.

During the election campaign the incumbent and presidential candidate Serzh Sargsyan’s starting advantage over the other candidates was obvious, which was manifested by election campaign headquarters, the enrolled human resources and leasing of areas to ensure election campaign activities, remuneration of the staff members, as well as investment of necessary financial resources for the use of transportation means.

Although pre-election campaign period was covered fairly in the media, post-election processes were not properly covered and the public was not adequately informed of the activities of the candidates and their political parties. As a general rule, the RA CEC, TECs and law-enforcement bodies took only

formal measures in regard to reports on violations of the Electoral Code and those measures were in fact targeted at denial of those reports, rather than proper investigation and prosecution.

Overcrowding in the vicinity of polling stations and mass transportation of voters were recorded by several domestic observer organizations. Reports of vote buying, presence of unauthorized persons in polling stations, violation of secrecy of voting, multiple voting, quick disappearance of passport marking ink, ballot stuffing, inaction of electoral commissions and law – enforcement were observed.

During the voting the Commissions in fact displayed a single-party conduct: both the law-enforcement bodies and electoral commissions didn't undertake the initiative to prevent violations without notice from observers or proxies. In a number of polling stations the members of the Commission actively polled the citizens in the last hours of the voting and ensured their participation by coordinating it via telephone calls.

The results in observed polling stations significantly differed from the results of unobserved polling stations. This difference was also visible in terms of voter turnout. For instance, Serzh Sargsyan-Raffi K. Hovhannesian ratio of votes was 48.4% and 47.0%, in the election precincts of rural and urban communities of Lori and Tavush regions observed by HCA Vanadzor, whereas, in the election precincts where no observation was conducted the ratio of votes was 57.7 % and 37.7 % .

A strange pattern was recorded by numerous independent experts and reporting organizations, according to which Serzh Sargsyan's advantage was obvious in election precincts with incredibly higher voter turnout, while, Raffi K. Hovhannesian had the advantage in election precincts with more proportionate voter turnout. According to numerous experts, this testifies about massive ballot stuffing and inflated voter turnout. The aftermaths of the elections confirm that Serzh Sargsyan didn't win at least in the first round and the voting results have been falsified. The results of 49 election precincts where 90% voter turnout was recorded, for example, showed Raffi Hovhannesian receive in average 6,8 %, as opposed to 92 % of votes received by Serzh Sargsyan, which significantly differed from the average national result.²⁵

The Presidential Elections were assessed as generally well-administered and characterized by a respect for fundamental freedoms, including those of assembly and expression,²⁶ in the initial statement by the joint international observation mission involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP). Domestic observers believed that the widespread vote-buying, voter intimidation, abuse of administrative resources, and tabulation forging did not constitute proper elections and the IEOM statement encouraged the falsification of elections and impunity for electoral violations, and the conclusions of domestic observers should be considered properly. To express their protests against the assessment and to present the findings of domestic

²⁵Report of the Armenian national platform of EaP CSF Presidential elections in Armenia in 2013
<http://eap-csf.eu/assets/files/Documents/ANP%20report%20on%20elections%202013.pdf>

²⁶International election observation mission, Republic of Armenia — Presidential election, 18 February 2013, Statement of preliminary findings and conclusions, 19 February 2013
www.osce.org/odihr/elections/99675?download=true

observers, a group of civic activists disrupted the joint press conference of the IEOMs and read out their own statement, denouncing the conclusions of the IEOMs²⁷.

General dissatisfaction with the falsified results was expressed in mass protests and strikes that broke out throughout the country. Unlike the 2008 protests, 2013 demonstrations were decentralized and less coordinated. The protests which lasted until the official inauguration day of the RA President were dispersed violently by the police, but fortunately did not result in fatalities as those in 2008. The tension was released by Raffi K Hovhannisian, who evaded confrontation with the police by marching to Yerablur Memorial with the Chief of Police, Vladimir Gasparyan, where they both said a prayer. The action was widely criticized as a sign of weakness and set an end to public protests.

OSCE/ODIHR final report substantially changed the assessment of the electoral processes and clearly took into consideration the reports by domestic observers.²⁸

²⁷ Lena Nazaryan. "What I did was not heroic", Hetq, www.hetq.am/eng/news/23679/lena-nazaryan-what-i-did-wasnt-heroic-next-time-someone-else-will-do-the-same.html

²⁸ Republic of Armenia, Presidential Election, February 18, 2013, OSCE/ODIHR Election Observation Mission Report, <http://www.osce.org/odihr/elections/101314?download=true>

Summary of IEOM Recommendations and their Implementation

International Election Observation Missions observe Armenian elections since 1996 and election legislation and administration have improved significantly with the assistance of these missions. The wording of statements made during the first several elections by the OSCE/ODIHR became notably milder as IEOMs joined forces since 2008 and the recommendations submitted by the IEOMS do not address all violations reported by the IEOMs. This inconsistency could be attributed to the fact that IEOMs often emphasize that adequate legislative provisions, though important, are not sufficient for concluding that elections are well administered. The determination of the authorities to conduct fair and democratic elections and to increase public trust toward electoral processes is what counts as most essential. Nevertheless, the recommendations by IEOMs assessed in the report present a rather objective reflection of the situation and their proper implementation is vital prerequisite for conducting democratic elections.

HCA Vanadzor analyzed implementation of 193 recommendations (in total 336 including repetition over years) recommendation submitted to the Armenian authorities since 2003 Presidential Elections. About 53 % (102) of recommendations repeated several times during the 10 years (see Annex: Matrix of IEOM Recommendations.) The recommendations were divided into 30 categories based on the topic they cover.

In general, there were 73 recommendations made after 2003 Presidential Election, 84 recommendations were made after 2003 Parliamentary Election and mostly repeated those from the Presidential Elections. 51 recommendations were made after 2007 Parliamentary Elections and 48 recommendations were made after 2008 Presidential Election. 40 recommendations were submitted after 2012 Parliamentary Elections and the majority of them repeated after 2013 Presidential Election, when a total of 40 recommendations were presented (see Table 1).

The recommendations were assessed against four main criteria:

- Concreteness refers to how specific is the proposed amendment – 190 recommendations;
- Relevance refers to the extent they reflect the identified violations and the processes as perceived by domestic observers – 180 recommendations;
- Implemented - refers to whether the proposed amendment was incorporated in legislation or realized in some other proposed way – 98 recommendations;
- Effectiveness - implemented recommendations were assessed according to how effective their implementation was in preventing further violation of law – 41 recommendations.

Accessibility: A total of 4 recommendations were made on accessibility of polling stations by PACE, OSCE/ODIHR, and the Venice Commission. The Armenian authorities were recommended to ensure that polling stations and voting booths are accessible to people with disabilities. And to ensure that those who are hospitalized or physically unable to get to the polling station, are still able to exercise their voting right through mobile boxes or other options with sufficient safeguards.

Observation during the 2013 Presidential Elections showed that 85% of polling stations were not accessible. According to Unison DPO, 31(6%) polling stations of Yerevan city were fully accessible for voters with wheelchairs. Another 44 (9%) polling stations were assessed as basically accessible; it means the access of voters with wheelchairs was possible through slight assistance. Magnifying glasses were available for visually impaired at all polling stations.

Mobile boxes were reintroduced for hospitalized persons, arrestees held in temporary detention facilities of the RA Police, while those bed-ridden or physically unable to get to the polling station did not have the opportunity to vote.

The CEC issued a decision for PECs to take out the list and the mobile box for handicapped voters to vote outside the polling station if the building was inaccessible. This provision, however, was not a proper implementation of the recommendation. Only one of the 4 recommendations was implemented.

Adjudication of Election Disputes: There were 26 recommendations on adjudication from the Venice commission and OSCE/ODIHR. The recommendations referred to clarification of complaints and appeals procedure, including who and how could submit applications and complaints, proper investigation of all complaints and provision of grounded decisions, criminal and/or administrative liability for electoral violations. Recommendations called for the CEC to take a more active stance in investigation of complaints; however, by law, the CEC is not obligated to consider the substance of the complaint. Nevertheless a clear examination procedure is established. The Electoral Code also does not specify which electoral violations are criminal and which are administrative. The violations are detailed in the respective codes. Domestic observers have been attempting to appeal electoral violations, including inaction of electoral commissions. Their appeals were rejected on the ground that they are only entitled to submit complaints about violation of their subjective rights.

As a general rule, the RA CEC, TECs and law-enforcement bodies took only formal measures in regard to reports on violations of the Electoral Code and those measures were in fact targeted at denial of those reports, rather than proper investigation and prosecution. 15 of the 26 recommendations on adjudication of election disputes were implemented and 13 of them were effective.

Administrative Detention: There was 1 recommendation submitted in 2003 on administrative detention, when it was used against oppositional candidates and their supporters. OSCE/ODIHR required administrative detention provision to be removed from the Administrative Procedures Code. The recommendation was implemented.

Campaign Finance: Seven recommendations were submitted by OSCE/ODIHR requiring better regulations for campaign financing, including expansion of expenditure list, clarification of reporting requirements and proper oversight. A provision in 1999 Electoral Code entitled parties to 50 % reimbursement of campaign expenses if the party received 25 % votes cast. Arguing that the threshold could be passed by powerful parties only, the OSCE/ODIHR recommended lowering the threshold. The provision was removed altogether in 2007. Domestic observers report that campaign expenditures by some candidates and parties seem to be significantly higher than the reported amounts. The list of campaign expenditures to account for does not include such expenses as remuneration of campaign staff, office rent, or transportation.

4 of 7 recommendations on campaign finance regulations have been implemented; however none of them have been effective in preventing violations.

Candidate Registration: Sixteen recommendations were submitted to improve candidate registration. Several recommendations addressed the amount of supporting signatures to be submitted for registration or their verification. The requirement for signatures was removed in 2003. OSCE/ODIHR addressed candidate de-registration regulations to avoid coerced withdrawal of candidacy. There are clear criteria of de-registration of individual candidates and parties set-up; however, withdrawal of candidacy is not restricted in terms of grounds and forced withdrawal of candidacy is rather common particularly during elections to LSGs. 11 of the 16 recommendations were implemented and the implementation of 8 was effective.

Central Electoral Commission: Seven recommendations were submitted by the Venice commission, OSCE/ODIHR on the CEC. The recommendations addressed CEC composition, CEC powers and publicity of CEC meetings and decisions. All 7 of the recommendations were implemented, but with only three of them was this implementation effective.

Citizen Observers: Four Recommendations were submitted regarding domestic observation by non-partisan observers. The first recommendation suggested organizations stamp observer certificates. The recommendation used to be implemented while the previous Code was effective. The second recommendation proposed better regulations for ensuring domestic observers are not in international missions and vice-versa. The provision is effectively implemented; however in 2013, a domestic observer organization Free Society Institute announced that it had invited a group of British experts to observe the elections. There were no records of them being officially registered by the CEC and it is unknown whether the delegation actually visited polling stations and conducted observations²⁹.

The last two recommendations disapproved of the mandatory knowledge test introduced with the new Electoral Code and the possibility to exclude an observer organization if an observer is found to be biased toward a candidate. Both recommendations have not been implemented.

It should be noted that in its earlier comments, the Venice Commission argued for less rights for observers and denounced any opportunity for their interference during the voting procedures. In most recent comments the Commission argues for more rights for observers including the right to apply to electoral commissions and courts with election disputes. Thus only 1 of the 4 recommendations was implemented.

Election Campaign: There were 5 recommendations made on election campaign regulations, including on prohibition of campaigning on the Election Day and close to the polling stations, responsibility for campaign violations and for distribution of libelous material, and clarification of campaign commencement period. The RA Code of Administrative Offences prescribes only financial penalty of 400 – 600 times minimum salary for campaign violations, which does not respond to the proportionality requirement. Only 1 of 5 recommendations has been implemented.

²⁹ International Election Observers' Promote Government Line, Civilnet, April 30, 2013, <http://civilnet.am/2013/04/30/international-election-observers-promote-government-line/#.Va3qqfIViko>

Electoral Commissions: Eighteen recommendations were made by the Venice Commission and OSCE/ODIHR on the election administration by the commissions. Recommendations concerned the composition of electoral commissions, dismissal of commission members, liability of commission members for electoral violations, continuous training, transparency in decision making, fair distribution of commission management positions, and separation of TEC premises from the central and local authority buildings. In terms of composition, domestic observers report that despite the seemingly diverse appointment, PECs generally serve the ruling Republican Party, and are reluctant to act upon violations. The provision of dismissal of commission members includes the possibility of replacing them in case of over 3 absences from commission meetings, which can potentially be abused through intimidation of the member. Despite the recommendation about relocation of TEC premises several TECs are located in buildings of regional administration and municipality. Hence, 10 of the 18 recommendations were implemented, however only 1 of them was effective.

Fairness and Integrity of Electoral Processes: Seven recommendations were presented by OSCE/ODIHR and PACE addressing general fairness and integrity of electoral processes. Particularly Government reassurance that election fraud is unacceptable, action in the spirit of law, demonstration of political will for democratic elections. None of the recommendations were implemented.

Implementation of Recommendations: OSCE/ODIHR and PACE made 2 recommendations encouraging the Armenian authorities to prepare legislative amendments to address their recommendations and to work with civil society and political parties, to ensure their participation and to cooperate with the Venice Commission and PACE for monitoring the implementation of recommendations. Neither of recommendations was implemented.

Incorporation of Constitutional Court Decisions and Legal Conformity: Two recommendations from the Venice Commission and OSCE/ODIHR addressed reflection of the decisions of the Constitutional Court in Electoral Code and elimination of legal discrepancies. Neither of recommendations was implemented.

Media: Twenty-four recommendations were made by the Venice Commission, OSCE/ODIHR, and PACE on media regulations, including allocations of media time, broadcast time, impartial coverage, independence of regulating bodies, fair licensing, as well as more coverage of women's participation. Aside for some online media, few print media, and one regional TV station, all media is controlled by the authorities. Independence of journalists cannot be ensured if they are dependent in between elections, and the use of violence against them is not prosecuted. Balanced media coverage during campaign is not consistent and largely depends on pressure from IEOMs. Further media and related provisions were introduced with regards to private media, for instance through the NCTR. However the Committee itself is dependent on the President, hence its regulatory power can be abused. Only 7 of the 24 recommendations on media were implemented and only 1 of them was effective.

Military: Two recommendations were made on military and referred to free will of military voters. Military votes continue to be abused and are particularly problematic, as military voter lists are not public. The military is instructed to support the government. Hence one of the two recommendations was implemented but ineffectively.

Participation: One recommendation was made on encouraging participation in the majoritarian system. However, as mentioned early withdrawal of candidacy as a result of intimidation is rather common. Hence the recommendation was implemented but not effectively.

Participation of Women: Three recommendations were made by OSCE/ODIHR on encouraging participation of women through quotas. Only the recommendation on minimum quota on candidate lists was implemented, however, it is not effective, as when elected women withdraw their candidacy, they are generally replaced by a man: maintaining the gender is not required by law.

Police: Two recommendations were made by OSCE/ODIHR and the Venice Commission on training of police officers and clarifying their role on the Election Day at the polling stations. The second recommendation was implemented in 2013 but not effectively.

Polling Stations: The 3 recommendations on polling stations covered the presence of unauthorized persons, use of transparent boxes and identification of proper premises for official control over the process. All 3 recommendations were implemented but only the setup of transparent ballot boxes was effective.

Prevention of Violations: One recommendation was made on the prevention of violations urging to take action against violations from the beginning. The recommendation was not implemented.

Proxies: OSCE/ODIHR and PACE made 2 recommendations about proxies urging to address their undue interference in the work of electoral commissions and development of a manual for their training. The manual has been developed but is not published in sufficient copies. The issue of undue interference by proxies, particularly of the incumbent or ruling party, has been reported by domestic observers but no action was taken. Thus only one of the recommendations was implemented and effectively.

Publication of Results: Five recommendations regarding publication of results were presented by PACE, Venice Commission and OSCE/ODIHR. The recommendation included posting election results at polling stations, publication of disaggregate result per precinct and completion of protocols. All 5 recommendations were implemented but not effectively.

Recording of Violations: In terms of recording violations the Venice Commission and OSCE/ODIHR recommended registration of violation of the voting procedure upon the request of one commission member or proxy. The law reflects the recommendation but it is not generally implemented.

Suffrage Rights: Four recommendations were made on suffrage rights. One of them referred to allowing military voting for majoritarian candidates, voting for citizens, living abroad, voting rights of prisoner and dual citizens. None of the recommendations were implemented.

Tabulation of Results: Three recommendations were made on tabulation of result, including transparency, efficiency, and consistency. All 3 of the recommendations were implemented with only one of them being effective.

Use of Administrative Resources: Fourteen recommendations were made on the use of administrative resources, including separation of party and the state, campaigning and official duties,

fair use of local and central government resources for campaigning. 3 of the recommendations were implemented but not effectively.

Vote Buying: Four recommendations were made on vote buying, including its criminalization and prevention measures. 2 of the recommendations were implemented but not effectively.

Voter Education: One recommendation was made on continuous voter education. The recommendation is being implemented but not effectively.

Voter List: Eleven recommendations were made on voter lists, including determination of the constituencies, maintenance of computerized voter list and proper mechanism for ensuring their accuracy. 6 of the recommendations were implemented, but only 2 of them were effective.

Voting Procedures: Twelve recommendations were made on voting procedures, including ballot security, inking of voters' fingers, marking the ballot, assisted voting, stamping of passport, and mechanisms against multiple voting. The issue of multiple voting and other procedural concerns are ongoing; the authorities have chosen to mark passports even though in all recent elections the ink disappeared soon after voting. 11 of the 12 recommendations were implemented, and 6 of them were effective.

Wording: In terms of wording one stylistic inconsistency was reviewed: The recommendation was not implemented; it is irrelevant as it refers to old Election Code.

Table 1: Summary of Recommendations

	Topic	Total	2003 Pr	2003 Par	2007	2008	2012	2013	Total repeated	Concrete	Relevant	Implemented	Effective	Repeated
1	Accessibility	4	2	2	0	1	1	2	8	4	4	1	1	4
2	Adjudication of election disputes	26	9	8	7	11	5	6	46	26	23	15	13	11
3	Administrative detention	1	1	1	0	0	0	0	2	1	1	1	1	1
4	Campaign finance	7	0	2	2	3	3	1	11	7	6	4	0	4
5	Candidate registration	16	9	14	1	0	1	2	27	16	14	11	8	9
6	Central Electoral Commission	7	4	3	1	1	2	2	13	7	7	7	3	6
7	Citizen observers	4	1	1	1	0	1	2	6	4	3	1	1	2
8	Election campaign	5	0	0	1	0	3	1	5	5	5	1	1	0
9	Electoral Commissions	18	12	12	3	2	1	1	31	18	18	10	1	11
10	Fairness and integrity of electoral processes	7	1	2	0	3	4	2	12	7	7	0	0	3
11	Implementation of recommendations	2	0	0	1	0	0	2	3	2	2	0	0	1
12	Incorporation of Constitutional Court decisions and legal conformity	2	1	1	1	0	0	0	3	2	2	0	0	1
13	Media	24	7	7	11	9	5	2	41	24	23	7	1	13
14	Military	2	1	1	0	1	0	0	3	2	2	1	0	1
15	Participation	1	0	0	1	0	0	0	1	1	0	1	0	0
16	Participation of women	3	0	1	1	0	2	0	4	3	3	1	0	1
17	Police	2	2	2	0	2	0	2	8	2	2	1	0	1
18	Polling stations	3	1	2	0	0	1	2	6	3	3	3	1	2
19	Prevention of violations	1	1	1	0	0	0	0	2	0	1	0	0	1
20	Proxies	2	0	0	0	1	0	1	2	2	2	1	1	0
21	Publication of results	5	3	3	4	1	0	0	11	5	5	5	0	3
22	Recording of violations	1	1	1	0	0	0	0	2	1	1	1	0	1
23	Suffrage rights	4	1	2	0	1	2	1	7	4	3	0	0	3
24	Tabulation of results	3	0	1	2	1	0	0	4	1	1	3	1	0
25	Use of administrative resources	14	3	3	2	6	5	7	26	14	14	3	0	8
26	Vote buying	4	0	0	1	2	1	0	4	4	4	2	0	0
27	Voter education	1	1	1	1	0	0	1	4	1	1	1	0	1
28	Voter list	11	6	7	4	1	3	2	23	11	11	6	2	8
29	Voting procedures	12	5	5	6	2	0	1	19	12	12	11	6	5
30	Wording	1	1	1	0	0	0	0	2	1	0	0	0	1
	Sum	193	73	84	51	48	40	40	336	190	180	98	41	102

Conclusion and Recommendations

International Election Observation Missions observe Armenian elections since 1996 and election legislation and administration have improved significantly with the assistance of these missions.

The changes that took place in the electoral legislation during the recent years significantly improved the quality of the election administration; however, more sophisticated methods of bypassing the law were created.

In the course of the drafting of the new Electoral Code the OSCE/ODIHR suggestions were partly taken into consideration, however certain recommendations were not properly incorporated, including the suggestion to enable the right to be elected of the citizens holding dual citizenship, reduction of the number of voters in election precincts, securing the transparency of donations, as well as the introduction of the obligation on the part of the CEC and precinct election committees to inform law-enforcement bodies on cases of violations.

The expressed disapproval of the initial statement by the joint international observation mission involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) after the most recent Presidential Election showed that the Armenian population expects more consistency from the international community toward the Armenian authorities to ensure that electoral changes and reforms are not formal and the IEOMs consistently follow-up on the recommendations provided by them. Safeguards have to be created against continuous and widespread vote-buying, voter intimidation, abuse of administrative resources, and impunity prior to the upcoming Parliamentary Elections in 2017.

HCA Vanadzor recommendations to the International election observation missions

- Conduct an in depth analysis of the schemes of falsifications in order to propose effective safeguards against them
- Advocate for disclosing signed voter lists following elections
- Collaborate closely and continuously with domestic election observers in drafting recommendations
- Advocate for a more proactive role of the CEC in verifying documents submitted to the Commission
- Develop an action plan together with the Armenian authorities for implementation of the recommendations that have not been implemented or have not been implemented effectively based on the assessment by HCA Vanadzor

Recommendations to the RA National Assembly Standing Committee on State and Legal Affairs

- Ensure legislative implementation of IEOM recommendations submitted in 2003-2013
- Stipulate the obligation of the CEC to verify the grounds and origin of documents submitted by candidates, including certificates about registration and residence, declared income, reports on campaign expenditures
- Restore the right of observer organizations to appeal electoral violations and election results

- Clearly stipulate the obligations and functions of law enforcement bodies and particularly the police, in terms of prevention of electoral violations during the entire electoral process and the Election Day
- Ensure that the RA citizens are able to exercise their voting right abroad on the Election Day through the RA Diplomatic and Consular Missions
- Legally stipulate that signed voter lists be published within three days after the Election Day on the official website of the CEC
- Restore the provision in the Electoral Code stipulating that observers would not be prosecuted for their opinions about the electoral process
- Stipulate the obligation of the CEC and TECs to prevent electoral violations outside of the 50 meter radius of the polling station
- Eliminate the requirement to take a qualification test for conducting election observation and to legally stipulate that observer organizations are responsible for recruiting competent and impartial observers
- Eliminate the provision of revoking the accreditation of an observer organization due to partiality of one observer.

Recommendations to the RA Central Electoral Commission

- Ensure proper implementation of IEOM recommendations on election administration
- Separate the list of voters who are abroad 5 days before the Election Day.

Annex: Matrix of IEOM Recommendations

Topic	Recommendations	IEOM	2003 Pr	2003 Par	2007	2008	2012	2013	Concrete	Relevant	Implemented	Effective	Repeated
Accessibility	The CEC should seek to improve the efforts of TECs to ensure polling stations are accessible to disabled voters.	ODIHR, Venice commission, OSCE/ODIHR, PACE	1	1	0	0	0	0	1	1	0	0	1
	The Electoral Code should be amended to enable voting by hospitalized voters with appropriate safeguards against election fraud. According to PACE ad hoc committee mobile ballot boxes could be provided for that reason.	PACE, ODIHR, Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	1	1
	A system should be put in place to enable hospitalized persons to exercise their electoral rights. Any procedure should guarantee transparency, the secrecy of the vote, and the security of the ballot.	ODIHR	0	0	0	1	0	1	1	1	0	0	1
	More attention should be given to identifying polling station premises that are suitable for disabled voters.	ODIHR	0	0	0	0	1	1	1	1	0	0	1

Adjudication of election disputes	Election commissions and courts should refrain from denying consideration of complaints and appeals. They should duly consider the substance of all claims and the relevant evidence. Election commissions should take a proactive role in gathering evidence to substantiate complaints and co-operate more closely with law enforcement agencies in this respect.	ODIHR	1	1	1	0	1	1	1	1	0	0	1
	The Election Code should oblige the CEC to establish clear factual findings on every complaint.	ODIHR	1	0	0	1	0	0	1	1	0	0	1
	The Election Code should oblige the CEC to briefly state what steps and actions have been undertaken to investigate the complaint.	ODIHR	1	0	0	1	0	0	1	1	1	1	1
	The Election Code should oblige the CEC to state their reasons for accepting or rejecting the complaint (in full or in part) and for making other findings and recommendations.	ODIHR	1	0	0	1	0	0	1	1	1	1	1
	The Election Code should specify which election offenses are 'criminal' and which are 'administrative'. There should be consistency between the Election Code, the Criminal Code and the Administrative Procedures Act in this regard.	Venice commission, OSCE/ODIHR,ODIHR	1	1	0	1	0	0	1	0	0	0	1
	Clear and consistent complaints and appeal procedures should be provided. (Art. 40).	Venice commission, OSCE/ODIHR	1	1	1	0	0	0	1	1	1	1	1

	The possibility of an appeal to the Constitutional Court before organizing new elections should be taken into account.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	1	1
	The Electoral Code should be amended to ensure that the timeframes allowed for any appeals of results of presidential elections are compatible with Constitutional provisions for ruling on election appeals by the Constitutional Court.	ODIHR	1	0	0	0	0	0	1	0	0	0	0
	In order to help ensure public trust in the electoral process the authorities should investigate all allegations of electoral fraud and misconduct and punish any perpetrators in line with the law.	Venice commission, OSCE/ODIHR, ODIHR, PACE	1	1	1	0	1	1	1	1	0	0	1
	As required by the Electoral Code, the CEC and TECs should take formal decisions on all relevant complaints and appeals and make publicly available, in a timely manner, full details of all complaints received and decisions taken.	ODIHR	0	1	0	0	0	0	1	1	1	1	0
	The Electoral Code and the Civil Procedure Code should be amended to allow appeals on election issues from the Court of First Instance to a higher court in an adequate timeframe.	ODIHR	0	1	0	0	0	0	1	1	1	1	0
	The CEC should limit the number of requests for recounts.	ODIHR	0	1	0	0	0	0	1	0	0	0	0

	As TECs represent a venue for filing election complaints, all measures need to be taken to ensure that election stakeholders can file complaints and conduct observation activities as relevant.	ODIHR	0	0	1	0	0	0	1	1	1	1	0
	Provisions of Article 18.8 of Election Code should be readdressed to enhance proportionality of sanctions. It is recommended that a warning or administrative sanction is applied instead of powers currently delegated to the election commissions to take the case to the court for deregistration of the candidate or the party.	ODIHR	0	0	1	0	0	0	1	1	1	0	0
	The CEC and the TECs should be obliged by law to refer all significant electoral violations, including those that could potentially affect the results, to prosecutors or other relevant authorities.	ODIHR	0	0	1	0	0	0	1	1	1	0	0
	The Election Code should be amended to provide for the possibility to appeal a decision of the first instance court in any election-related dispute.	ODIHR	0	0	1	0	0	0	1	1	1	1	0
	The legal framework should be amended to eliminate dual jurisdiction and establish a singular, hierarchical process. All relevant complaints and appeals provisions in various laws should be consolidated or referenced in the Electoral Code. The timeframe for consideration of election-related cases should provide for prompt adjudication.	ODIHR	0	0	0	1	1	1	1	1	1	1	1

	The Election Code should be amended so that the CEC does not announce final election results until after the expiry of all appeal deadlines and the hearing of all appeals by the competent court.	ODIHR	0	0	0	1	1	0	1	1	0	0	1
	The timeframe for legal appeals on the election results should be amended so that an appeal submitted after the first round is decided before a possible second round takes place.	ODIHR	0	0	0	1	0	0	1	1	1	1	0
	The time for submitting recount requests should be extended to 18.00 hours on the day after the election.	ODIHR	0	0	0	1	0	0	1	1	1	1	0
	In the event that a TEC rejects a recount request, a formal decision of the TEC should be taken.	ODIHR	0	0	0	1	0	0	1	1	1	1	0
	It should not be permitted to file a recount request before a PEC has completed the vote count.	ODIHR	0	0	0	1	0	0	1	1	1	1	0
	To ensure that all recounts requested are conducted, it may be necessary to increase the time available for the task or to delegate it to the courts of general jurisdiction.	ODIHR	0	0	0	1	0	0	1	1	0	0	0
	The Electoral Code could be amended to permit citizens (or groups of citizens), accredited domestic observers, and civil society groups to file complaints against decisions and actions of election commissions, unlawful conduct in campaigning, and election results. Provisions in the Administrative Procedures Code prohibiting filing of campaign-related complaints prior to the official campaign period should be repealed.	ODIHR	0	0	0	0	1	1	1	1	0	0	1

	The police, the prosecutor and the Special Investigative Service should conduct an effective and impartial investigation of electoral offenses in a non-intimidating manner and should ensure that all perpetrators are promptly brought to justice.	ODIHR	0	0	0	0	0	1	1	1	0	0	0
	The Electoral Code should be amended to allow any interested stakeholder to file an appeal requesting a recount.	ODIHR	0	0	0	0	0	1	1	1	0	0	0
Administrative detention	The authorities should abolish the provisions of the Administrative Code concerning administrative detention and refrain from applying them in the interim.	ODIHR	1	1	0	0	0	0	1	1	1	1	1
	To enhance the transparency of campaign financing, all electoral contestants should be required to open special campaign accounts and submit campaign finance reports, regardless of whether they are planning to or are spending funds on the campaign.	ODIHR	0	1	0	0	1	0	1	1	1	0	1
Campaign finance	The Oversight and Audit Service could have a more proactive approach in order to ensure transparent reporting by all contestants. The nomination of auditors by political parties should be mandatory; the costs could be covered from the state budget.	ODIHR	0	1	0	0	1	0	1	1	0	0	1
	The authorities should clarify certain legislative measures or introduce clear procedures that would make campaign finance regime consistent and operable.	ODIHR	0	0	1	0	0	1	1	1	0	0	1

Candidate registration	The threshold of 25 per cent of the valid votes cast to qualify for a 50 percent reimbursement from the State budget of the incurred campaign costs should be reviewed, with a view to decreasing it.	ODIHR	0	0	1	0	0	0	1	0	0	0	0
	The Code should address donation of 'goods in kind'. Candidates should be required to include 'in kind' donations in campaign spending accounts according to their fair market value.	ODIHR	0	0	0	1	0	0	1	1	1	0	0
	Candidates should be required to notify the CEC of the number of campaign posters displayed on billboards, their location and unit cost as well as the number of paid advertisements placed in the media.	ODIHR	0	0	0	1	0	0	1	1	1	0	0
	Consideration could be given to expanding the legal definition of campaign expenditures so that all costs related to a contestant's campaign would be included.	ODIHR	0	0	0	1	1	0	1	1	1	0	1
	Identical eligibility conditions should be established for candidates to both proportional and majoritarian elections of National Assembly. (Art. 97.2, Art. 97.3)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	1	1
Party alliances	Party alliances should be allowed to nominate candidates not only for the proportional, but also for the majority contest of the National Assembly elections. (Art. 104)	Venice commission, OSCE/ODIHR/ ODIHR	1	1	0	0	0	0	1	0	0	0	1
	The minimum number for the registration of party lists for the National Assembly proportional elections should be reduced to a maximum of 1% of the registered voters. (Art. 101.1)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	1	1

	The number of signatures required for majority candidates in single-member constituencies should be fixed to not more than 1% of the registered voters in each constituency.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	1	1
	The signatures necessary for the nomination of candidates or party lists should be checked, at least until the minimum number is reached. (Art. 70.3)	Venice commission, OSCE/ODIHR/ ODIHR	1	1	0	0	0	0	1	1	1	1	1
	The property declaration requirements for candidates should be specified. (Art. 67.7, Art. 100.7, Art. 106.6)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	1
	The withdrawal of candidates or party lists should be prohibited, except on the basis of clearly defined criteria for doing so. (Art. 78, Art. 111)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	0	0	1
	The requirement of ten-year citizenship and residency (five-year citizenship and residency requirement for MPs) for candidates is disproportionate and should be addressed. At a minimum, the law should clarify the residency requirement so that it means habitual residence, and establish transparent and objective procedures for determining whether it is met. Determination of the residency requirement should not be overly restrictive.	Venice commission, OSCE/ODIHR	1	1	0	0	1	1	1	0	0	0	1
	The CEC should produce detailed guidelines on the criteria for the registration of candidates which should be publicly available ahead of the registration process.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	1	1

	The Electoral Code should be amended to reduce the number of signatures required for registration of lists of candidates to a maximum of one percent of the registered voters in the republic-wide constituency.	ODIHR	0	1	0	0	0	0	1	1	1	1	0
	The Electoral Code should be amended to loosen the requirement to submit both petitions of signatures and financial deposits, to require only one of the two safeguards.	ODIHR	0	1	0	0	0	0	1	1	1	1	0
	The Electoral Code should be amended to include clear and reasonable compatibility conditions for simultaneous holding of public office and running for political office.	ODIHR	0	1	0	0	0	0	1	1	1	0	0
	The Electoral Code should be amended to subject candidates for majoritarian and party list seats to equal restrictions related to compatibility with holding public office.	ODIHR	0	1	0	0	0	0	1	1	0	0	0
	The Electoral Code should be amended to state explicitly the investigatory powers of the CEC and TECs in relation to candidate registration.	ODIHR	0	1	0	0	0	0	1	1	0	0	0
	The CEC should develop a consistent process for verification of signatures submitted as in the process of nomination of candidates of “civic initiatives”.	ODIHR	0	0	1	0	0	0	1	1	1	1	0
	The Electoral Code should be amended to allow for candidate de-registration only in extraordinary circumstances, which should be clearly and exhaustively defined in the Electoral Code.	ODIHR	0	0	0	0	0	1	1	1	1	0	0

Central Electoral Commission	The CEC should be obliged to provide an analysis of the violations of the Electoral Code following each national election, to report on measures taken against election violators and on the legislative and administrative improvements required. (Art. 41.3)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	1
	The time frame for the formation and dissolution of the CEC and the timeframe of the overview and audit processes should be revised.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	1	1
	Transparency of performance of the CEC could be enhanced if the meeting schedule is posted on its website and regularly updated ahead of possible emergency meetings.	ODIHR	1	0	1	0	0	0	1	1	1	1	1
	The CEC should ensure a systematic method of publishing and disseminating its decisions and instructions to TECs, PECs, political parties and the wider public. Binding instructions should be in written.	Venice commission, OSCE/ODIHR/ODIHR	1	1	0	0	0	0	1	1	1	0	1
	The status of CEC decisions i.e. whether they are 'administrative decisions' should be clarified.	ODIHR	0	0	0	1	0	0	1	1	1	1	0
	Mechanisms providing for the uniform implementation of election-related legislation should be strengthened. This includes enhancing the authority of the CEC to adopt in a timely manner necessary decisions and clarifications, the implementation of which would be compulsory for all other stakeholders.	ODIHR	0	0	0	0	1	1	1	1	1	0	1

	The CEC should ensure that it issues all required decisions and clarifications, and that they are in line with the letter and intent of the law.	ODIHR	0	0	0	0	1	1	1	1	1	0	1
Citizen observers	A provision should be introduced requesting that an NGO deploying domestic observers stamps certificates issued by the CEC with the stamp of the NGO.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	0	0	1
	The CEC should regulate that Armenian citizens are not registered to observe Armenian elections as international observers, and likewise, that foreign citizens are not registered as domestic observers, to avoid potential conflict of interest while observing elections.	ODIHR	0	0	1	0	0	0	1	0	1	1	0
	The mandatory testing and certification of citizen observers should be reconsidered. Any training of observers should be the responsibility of the observer organization itself. The CEC could consider offering optional training.	ODIHR	0	0	0	0	1	1	1	1	0	0	1
	The Electoral Code could be amended as to avoid the possibility of arbitrary withdrawal of the accreditation of an entire citizen observer organization in case of violations by one of its observers.	ODIHR	0	0	0	0	0	1	1	1	0	0	0
Election campaign	Campaign materials should be removed for election day not only from inside of polling stations but also in its close vicinity, for example, within 50 meters from the polling station building. Removal of campaign materials should be a PEC responsibility.	ODIHR	0	0	1	0	0	0	1	1	0	0	0

	A more consistent approach towards the placement of campaign material could be considered. Article 20.2 of the Electoral Code should be amended, extending restrictions on placement of campaign posters to all types of printed campaign material. At the same time, narrowing the scope of restrictions on the placement of campaign material on privately owned facilities could be considered.	ODIHR	0	0	0	0	1	0	1	1	0	0	0
	The Electoral Code should be amended to provide for application of fines for violation of all campaign regulations, proportionate to the seriousness of the violation committed, and to disallow de-registration for minor violations.	ODIHR	0	0	0	0	1	0	1	1	0	0	0
	The criminal offense for distribution of libellous campaign material should be repealed.	ODIHR	0	0	0	0	1	0	1	1	0	0	0
	The Electoral Code should be amended to stipulate that the pre-election campaign period officially starts at the latest on the day following the deadline of candidate registration so that campaign regulations are applicable.	ODIHR	0	0	0	0	0	1	1	1	1	1	0
	As required by law, election commissions at all levels should operate on the principle of collegiality and partnership and ensure that serious consideration is given to proposals of all members.	ODIHR	1	0	0	0	0	0	1	1	0	0	0

	The provisions regarding the composition of the electoral commissions should be reviewed to reduce the presidential administration influence on the commissions' work and to strengthen the impartial performance of the electoral administration. (Chapter Eight of the Electoral Code)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	1
	The dismissal of an election commission member shortly before the day of voting should be prohibited or the effectiveness of the dismissal should be delayed until the new member has been properly registered. (Chapter Eight)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	1
	A higher quorum should be introduced to increase the representativeness of the electoral commissions' decisions. (Art. 39)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	1
	The persons who have committed electoral crimes or permitted them to take place should be forbidden to be members of electoral commissions and the dismissal of those election officials found by a superior election commission or court to have been responsible for an election violation should be allowed. (Art. 34)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	1
	The CEC should continue to provide training for election commission members, including on election procedures, with a particular focus on counting and tabulation procedures.	Venice commission, OSCE/ODIHR/ODIHR	1	1	0	0	1	1	1	1	1	0	1

	The transparency of elections should be improved, in particular, with regard to the work of electoral commissions as well as the returning process and voter turnout.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	0	0	1
	Regular, scheduled and open electoral commission meetings should be held which allow for debate and discussion.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	1
	It should be ensured that the decision-making processes of electoral commissions correspond to the law.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	1
	The Electoral Code should be amended to allow TEC and PEC members to be dismissed upon the decision of a superior election commission if found to be responsible for committing an electoral violation or permitting it to take place.	ODIHR	1	1	0	0	0	0	1	1	0	0	1
	The election administration at all levels should institute and implement, through receipts, strict accountability over sensitive election materials, including blank ballot papers, envelopes for polling station stamps, and polling station stamps, and should carefully control signed ballot papers.	ODIHR	1	0	0	0	0	0	1	1	1	0	0
	The parliament should review provisions regarding the composition of election commissions, with a view to ensuring political balance.	ODIHR, PACE	1	1	0	0	0	0	1	1	1	0	1

	The CEC should immediately undertake measures to hold accountable the Chairpersons of TECs which violated the Electoral Code and the CEC instruction by failing to publish preliminary results in the required format.	ODIHR	0	1	0	0	0	0	1	1	0	0	0
	Bodies appointing election commission members should hold administratively and politically accountable their representatives on TECs and PECs, who violated the law. Such persons should not be re-appointed to election commissions.	ODIHR	0	1	0	0	0	0	1	1	0	0	0
	The observed practice of privileged access for appointees of the governing parties and the president to the positions in the election commission “troikas” (chairperson, deputy chairperson and secretary) should be reviewed as a matter of urgency, with a view to underscore inclusiveness.	ODIHR	0	0	1	1	0	0	1	1	0	0	1
	Separation of TEC premises from the central and local authorities’ buildings would be desirable.	ODIHR	0	0	1	0	0	0	1	1	0	0	0
	Consideration could be given to form the PECs earlier in advance of election day, in order to enhance training, plan activities, and take care of matters relating to the display of voter lists at PEC premises.	ODIHR	0	0	1	0	0	0	1	1	1	1	0
	The Election Code should provide guidance to TECs on the course of action in cases where election material arrives in unsealed packages.	ODIHR	0	0	0	1	0	0	1	1	0	0	0

Fairness and integrity of electoral processes	The authorities should make clear consistently and at the highest levels that election fraud of any kind is unacceptable and will not be tolerated. Senior officials should accept political responsibility for the violations perpetrated by their supporters.	ODIHR	1	0	0	0	0	0	1	1	0	0	0
	Election commissions, law enforcement bodies, and courts should interpret, implement and enforce the electoral legal framework taking into consideration the spirit and intent of the law, with the aim to ensure an equal playing field for contestants, the free expression of the will of the voters, and the integrity of the electoral process.	ODIHR	0	1	0	0	1	1	1	1	0	0	1
	[PACE] Monitoring Committee should start a dialogue with the Armenian Authorities on the improvement of the organization of elections. The lifting of the monitoring procedure of Armenia by the Parliamentary Assembly cannot be considered before Armenia has conducted both Parliamentary and Presidential elections in line with internationally accepted democratic standards.	PACE	0	1	0	0	0	0	1	1	0	0	0
	Authorities and contestants should refrain from putting pressure on voters, both during the campaign and on election day.	ODIHR, PACE	0	0	0	1	1	1	1	1	0	0	1

Implementation of recommendations	The authorities made improvements to the legal framework, but did not demonstrate commensurate political will to ensure its full implementation. The authorities should address the shortcomings and challenges especially with regard to the lack of public trust in the electoral process and its outcome.	PACE	0	0	0	1	1	0	1	1	0	0	1
	The electoral framework must be reformed as a matter of urgency, which should be carried out in a dialogue between authorities and opposition (parliamentary and extra parliamentary) and aim to inhibit any control or domination by the interests of one political force or faction over the electoral administration and the election process.	PACE	0	0	0	1	0	0	1	1	0	0	0
	Special measures should be undertaken to increase public trust in the integrity of the election process. They could include, but not be limited to, increased transparency in the work of the electoral and state authorities, additional voter education on the secrecy of the vote, and enhanced campaigns against vote buying and vote selling.	ODIHR	0	0	0	0	1	0	1	1	0	0	0
	The authorities are encouraged to proceed with preparing the necessary legislative amendments, in order to address previous and present recommendations, in a public consultative and inclusive process with the participation of all relevant stakeholders, including political parties and civil society.	ODIHR, PACE	0	0	1	0	0	1	1	1	0	0	1

	The ad hoc committee welcomes the progress made and calls upon the authorities, in close co-operation with the Venice Commission and the Assembly's ongoing monitoring procedure, to address the shortcomings noted and recommendations made in this report as well as those by the other members of the IEOM.	PACE	0	0	0	0	0	0	1	1	1	1	0	0	0
Incorporation of Constitutional Court decisions and legal conformity	The Electoral Code should be amended to reflect the decisions of the Constitutional Court taken on election issues since October 2002.	Venice commission, OSCE/ODIHR/ODIHR	1	1	0	0	0	0	1	1	0	0	0	1	
	The Election Code should be brought into conformity with other legislation in order to eliminate discrepancies, including those identified by the Constitutional Court.	ODIHR	0	0	1	0	0	0	1	1	0	0	0	0	
Media	State authorities should always refrain from interfering in activities of media and journalists as it undermines their independence.	ODIHR	1	0	0	1	0	0	1	1	0	0	0	1	
	To enhance inclusiveness, the Law on Television and Radio Broadcasting should provide for a more diverse membership on the NCTR, for example by including media professionals and representatives of civil society.	ODIHR	1	1	1	1	0	0	1	1	0	0	0	1	
	The rights and responsibilities of proxies, observers and representatives of mass media should be treated separately; both proxies and observers should be provided with unrestricted access to polling stations and should be allowed to be present during the returning operations including aggregation and tabulation of results. (Art. 30)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	0	1	

	The neutral coverage of the electoral process by publicly-owned media should be ensured.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	0	0	1
	Public media should develop a neutral, objective and informative editorial line in all its programmes; its reporting should be balanced and factual, including coverage of authorities' activities during an election period.	ODIHR	1	0	1	1	0	0	1	1	0	0	1
	Public television and the State-funded newspaper Hayastani Hanrapetutyun should be sanctioned for their unequal treatment of candidates in the presidential election, in violation of law, and authorities should ensure their neutrality for the parliamentary elections.	ODIHR	1	1	0	0	0	0	1	1	0	0	1
	Further media-related provisions should be introduced, e.g. with regard to the behaviour of private media during pre-election campaigns. (Art. 20)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	1
	Private media should adhere to basic requirements for impartial and fair campaign coverage.	ODIHR, PACE	0	1	1	0	0	0	1	1	0	0	1
	The process of granting licenses in the Law on Television and Radio Broadcasting should take into account different interests and become more transparent, with more quantifiable criteria for selection.	ODIHR	0	1	1	0	0	0	1	1	0	0	1
	Consideration should be given to re-scheduling the date of the CEC lottery for allocating free and paid airtime, in order to conduct it before the official start of the election campaign.	ODIHR	0	0	1	0	0	0	1	1	1	1	0

	Consideration should be given to provide for minimum guaranteed access to media for majoritarian candidates to convey their campaign messages.	ODIHR	0	0	1	0	0	0	1	1	1	0	0
	Consideration could be given to enhancing the capacities and resources needed by the NCTR for conducting its media monitoring fully and independently, also to enhancing the methodology so as to allow the NCTR to monitor and assess the tone of coverage. Additionally, it could be considered that the NCTR implements its oversight role by conducting random media monitoring outside the campaign period.	ODIHR	0	0	1	0	1	1	1	1	0	0	1
	The Election Code should be amended to provide for free space for political subjects participating in the proportional contest as well as for majoritarian contestants in the state funded print media.	ODIHR	0	0	1	0	0	0	1	1	1	0	0
	Public media should be required to provide voters, through a variety of formats, with comprehensive information on all aspects of the election process, including voter education.	ODIHR	0	0	1	1	0	0	1	1	1	0	1
	Public media should be required to provide voters, through a variety of formats, with information about the system of seeking remedy for complaints.	ODIHR	0	0	1	1	0	0	1	1	0	0	1
	Authorities should further enhance the status of the public service broadcaster by establishing a clear and transparent system of financing, based on multi-source incomes, lessening its dependence on the State budget.	ODIHR	0	0	1	0	0	0	1	1	0	0	0

	Consideration should be given to obliging advertising companies that own or manage advertising billboards to make these available to all candidates on equal terms and to inform the CEC of the usage rates.	ODIHR	0	0	0	1	0	0	1	0	0	0	0
	The NCTR mandate could be further defined with regard to media-related complaints and enforcement mechanisms. The adoption of a comprehensive instruction to this effect by the NCTR would be desirable. The procedures for dealing with complaints should be timely, clear and accessible. Sanctions should be clearly defined and commensurate with the gravity of the violation committed.	ODIHR	0	0	0	1	1	0	1	1	0	0	1
	The functioning of the public service broadcaster could be enhanced by lessening the role of the State in making appointments to its managing board and by allowing a broader range of political parties as well as non-partisan groups to nominate members for the Council for Public Television and Radio.	ODIHR	0	0	0	1	0	0	1	1	0	0	0
	Candidates' campaign slots provided free of charge on public media should be broadcast after the main evening news, thereby enhancing voters' ability to learn about candidates' views.	ODIHR	0	0	0	1	0	0	1	1	1	0	0
	Any campaign material prepared by political parties should be clearly marked as such when it is broadcast.	ODIHR	0	0	0	0	1	0	1	1	0	0	0
	The NCTR could undertake a gender analysis in its media monitoring.	ODIHR	0	0	0	0	1	0	1	1	0	0	0

	<p>The public media should ensure that women are not under-represented in their coverage and could undertake temporary special measures (such as giving additional airtime to female candidates, requesting parties to nominate female candidates for interviews, and airing programs on women in politics) to promote women's political participation.</p>	ODIHR	0 0 0 0 1 0 1 1 1 0 0 0
		ODIHR	0 0 0 0 0 1 1 1 1 0 0 0
Military	<p>The right of soldiers to choose whether to vote or not should be ensured in practice. In this regard, the CEC could consider conducting an information campaign targeting military voters.</p>	ODIHR	0 0 0 1 0 0 0 1 1 0 0 0
	<p>The members of military forces should be instructed on how to behave during election campaigns and on polling day.</p>	Venice commission, OSCE/ODIHR	1 1 0 0 0 0 0 1 1 1 0 1
Participation	<p>Efforts should be made to boost participation in the majoritarian system</p> <p>.</p>	ODIHR	0 0 1 0 0 0 0 1 0 1 0 0

Participation of women	Significant and sustainable steps should be taken to increase the participation of women in the electoral process and especially to improve the representation of women as candidates and in parliament.	ODIHR	0	1	1	0	0	0	1	1	0	0	1
	A review should be undertaken of the effectiveness of the candidate nomination quota as a temporary special measure for achieving de facto equality with regard to women's right and opportunity to stand as candidates.	ODIHR	0	0	0	0	1	0	1	1	1	0	0
	Political parties should be encouraged to have a gender policy and to publicly provide gender-disaggregated information on their members. Consideration could be given to political parties being required to have a proportion of women on their senior decision-making bodies and to having more transparent and democratic methods for candidate selection.	ODIHR	0	0	0	0	1	0	1	1	0	0	0
Police	The responsibility of police officers on duty at polling stations to enforce provisions of the Election Code should be clarified (e.g. regarding prohibitions on campaigning outside polling stations or groups assembling within a 50-metre radius of a polling station on election day).	Venice commission, OSCE/ODIHR/ ODIHR	1	1	0	1	0	1	1	1	1	0	1
	Training of police officers in fulfilling their duties during election campaign and on the election day should be initiated.	Venice commission, OSCE/ODIHR/ ODIHR	1	1	0	1	0	1	1	1	0	0	1
Polling stations	Unauthorised persons should not be permitted to be present in election commission premises during voting, counting and tabulation.	Venice commission, OSCE/ODIHR/ODIHR	1	1	0	0	0	1	1	1	1	0	1

	The Electoral Code should be amended to require ballot boxes to be transparent and to clarify that more than one ballot box can be used in a polling station.	ODIHR	0	1	0	0	0	0	1	1	1	1	0
	Overcrowding of polling stations and TECs should be addressed, for example by identifying sufficiently large premises and by more efficient control over who is inside these premises.	ODIHR	0	0	0	0	1	1	1	1	1	0	1
Prevention of violations	Effective steps against violations of the Electoral Code should be taken from the very beginning.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	0	1	0	0	1
Proxies	The CEC should develop a training manual for candidate proxies setting out their rights and duties.	ODIHR	0	0	0	1	0	0	1	1	1	1	0
	The issue of interference in the election process by candidate proxies should be addressed by the authorities.	PACE	0	0	0	0	0	1	1	1	0	0	0
Publication of results	A strict time period, for example seven days after election day, for the display of the election results at the PEC's "visible place" should be established.	Venice commission, OSCE/ODIHR, ODIHR	1	1	1	0	0	0	1	1	1	0	1
	The legally mandated publication of the disaggregate results per polling station by the CEC and TECs should also be extended to the results of the majoritarian contests.	PACE, Venice commission, OSCE/ODIHR, ODIHR	1	1	1	0	0	0	1	1	1	0	1
	A legal minimum duration should be set for the publication of the results on the PEC and TEC premises.	PACE, Venice commission, OSCE/ODIHR, ODIHR	1	1	1	0	0	0	1	1	1	0	1

	Initial data, such as number of ballot papers and voting envelopes received, should be written into the PEC result protocols before the start of voting.	ODIHR	0	0	1	0	0	0	1	1	1	0	0
	To enhance transparency, PEC protocols should include as separate line items: the number of registered voters on the main list, the numbers of voters registered on any additional lists, and the number of voters registered on the day of the election.	ODIHR	0	0	0	1	0	0	1	1	1	0	0
Recording of violations	A report of a violation of the voting procedure should be entered into a PEC register on the request of only one commission member or one proxy instead of two. (Art. 57.5)	Venice commission, OSCE/ODIHR, ODIHR	1	1	0	0	0	0	1	1	1	0	1
Suffrage rights	Members of the military should be allowed to have not only a party list vote, but also a constituency vote in the National Assembly elections. (Art. 2.6, Art. 10.1, Art. 51)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	0	0	1
	Armenian citizens living abroad should be given the possibility to vote in polling stations abroad.	PACE	0	1	0	0	1	0	1	1	0	0	1
	The Code should be amended so that dual citizens are granted equal active and passive voting rights. The prohibition on dual citizens seeking election as President should be reconsidered.	ODIHR, PACE	0	0	0	1	0	0	1	0	0	0	0
	The Electoral Code provision that disenfranchises all prisoners, regardless of the severity of the crime for which they have been sentenced, should be amended.	ODIHR	0	0	0	0	1	1	1	1	0	0	1

Tabulation of results	The CEC should review the procedures for counting to ensure full transparency and efficiency during the count.	ODIHR	0	1	0	0	0	0	1	1	1	0	0
	Tabulation software should include reasonable safeguards against incorrect data input. Training of PECs should include clear explanation of these safeguards, as part of PECs' preparations for election day.	ODIHR	0	0	1	1	0	0	1	1	1	0	1
	The joint press conference of the IEOM announcing the preliminary findings to the public should not take place before the counting and tabulation processes can be properly assessed.	PACE	0	0	1	0	0	0	1	1	1	1	0
Use of administrative resources	The provisions prohibiting the use of state resources for campaign purposes should be broadened to include news coverage of the campaign by state and public media institutions (Art 22).	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	0	0	1
	Authorities and electoral bodies should ensure that administrative resources are not abused and guarantee equal conditions for all election contestants. Campaign activities must be clearly separated from official and State activities according to statutory guidelines (2008).	ODIHR, PACE	1	1	1	1	0	1	1	1	0	0	1
	The authorities should ensure that use of public resources during an election campaign is clearly defined in law.	ODIHR	1	1	1	0	0	0	1	1	0	0	1

	Party and campaign offices should not be located in buildings occupied or owned by state or local government bodies.	ODIHR	0	0	0	1	0	1	1	1	0	0	1
	Legislation should clarify under what conditions State and local self-government officials may legitimately be involved in a candidate's campaign. It may be advisable to require Governors, Ministers, State Servants, and local self-government officials to take a formal leave of absence if participating in the election campaign on behalf of a candidate or political party.	ODIHR	0	0	0	1	0	0	1	1	0	0	0
	Legislation should prohibit the displaying of campaign material on any public property except in specially designated areas.	ODIHR	0	0	0	1	0	0	1	1	1	0	0
	Designated space to display campaign posters should be provided 'free of charge' and community leaders should notify the respective TEC of the locations of this space.	ODIHR	0	0	0	1	0	0	1	1	1	0	0
	Halls and other premises under the jurisdiction of local self-government bodies which could serve as appropriate campaign venues could be made available under the same terms as State owned property under Article 18(1) of the Election Code.	ODIHR	0	0	0	1	0	0	1	1	1	0	0
	Public officials should refrain from abuse of administrative resources, including abuse of office towards their employees and the public.	ODIHR	0	0	0	0	1	1	1	1	0	0	1

	Effective efforts should be undertaken to ensure the impartiality of the public administration, including of state and local government officials.	ODIHR	0	0	0	0	1	1	1	1	0	0	1
	State and local government officials should refrain from putting pressure on voters, both during the campaign and on election day.	ODIHR	0	0	0	0	1	1	1	1	0	0	1
	The Criminal Code should be amended to include offenses for abuse of official position and of administrative resources for campaigning.	ODIHR	0	0	0	0	1	1	1	1	0	0	1
	The ban on campaigning in schools and on involvement of educational staff and students in campaigning should be enforced.	ODIHR	0	0	0	0	1	0	1	1	0	0	0
	The authorities should ensure that safeguards are developed and implemented in order to ensure a clear separation between the State and party, as required by paragraph 5.4 of the 1990 OSCE Copenhagen Document.	ODIHR	0	0	0	0	0	1	1	1	0	0	0
	Consideration should be given to criminalize vote-buying by inclusion of this offence also in the Criminal Code, with a view to enhance enforcement.	ODIHR	0	0	1	0	0	0	1	1	1	0	0
Vote buying	The prohibition on candidates (or persons acting on their behalf) promising money, goods or services to citizens during the pre-election campaign should be extended to include election day and the day before election day.	ODIHR	0	0	0	1	0	0	1	1	1	0	0

	The State authorities should not tolerate vote buying and vote selling and implement further measures to eradicate the practice.	ODIHR	0	0	0	1	0	0	1	1	0	0	0
	With regard to vote buying, consideration could be given to amending the Criminal Code to specifically provide immunity to persons reporting vote buying offenses, and citizens should be encouraged to report and provide evidence of any vote buying cases. Some of these measures could be undertaken in co-operation or consultation with civil society organizations, political parties, and other stakeholders.	ODIHR	0	0	0	0	1	0	1	1	0	0	0
Voter education	Voter information and voter education should be improved.	Venice commission, OSCE/ODIHR	1	1	1	0	0	1	1	1	1	0	1
Voter list	Constituencies should be established 180 days before an election instead of 90 days.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	1	1
	The constituencies should be (re-)established independently from the date of elections on the basis of the periodical review of the voter lists.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	1	1
	It should be specified how the electoral commissions, in particular the CEC, may exercise control over the voter lists. (Art. 9.4)	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	0	0	1

	<p>Efforts to improve the accuracy of voter lists should continue. An effective notification system between different public authorities could be introduced at national level, to facilitate data exchange and enable timely correction of records in the voter register and voter lists. In addition, issues such as high numbers of voters registered at the same address or at premises which are unsuitable for dwelling should be addressed. (2012)</p>	<p>Venice commission, OSCE/ODIHR, ODIHR, PACE</p>	1	1	1	0	1	1	1	1	0	0	1
	<p>For each case when the number of registered voters in a given constituency deviates with more than 10 percent from the average number of voters per constituency, the CEC should provide formal clarification of the relevant “exceptional circumstances” in writing, and should make all efforts to avoid such deviations.</p>	<p>Venice commission, OSCE/ODIHR,ODIHR</p>	1	1	1	0	0	0	1	1	1	0	1
	<p>The Armenian authorities should undertake a thorough review of the system for compiling and maintaining voter registers. The role and powers of all bodies involved in the process should be clarified in detail. There should be a sustained and systematic effort to improve the quality and accuracy of the voter registers across the Republic, and create guarantees against potential multiple entries.</p>	<p>Venice commission, OSCE/ODIHR,ODIHR</p>	1	1	0	0	0	0	1	1	1	0	1

	Authorities should reconsider the mechanism for adding voters to voter lists on election day. The Election Code should clarify under which circumstances and which categories of voters can be added on election day and should contain clearly specified safeguards against possible multiple entries being introduced in the voter lists in the last two days before election day, after the delivery of final voter lists to PECs.	ODIHR	0	1	0	0	1	0	1	1	1	1	0	1
	Should the relevant authorities decide to make publicly available gender-disaggregated data about the voter lists, this could offer clearer information as to how many men and women are registered respectively as voters, and contribute to further transparency of the voter registration process.	ODIHR	0	0	1	0	0	0	1	1	0	0	0	0
	With a view to limit possible overcrowding, consideration could be given to further reduce the maximum number of registered voters per polling station.	ODIHR	0	0	1	0	0	0	1	1	0	0	0	0
	To enhance transparency, the police should be required to announce periodically the number of persons registering to vote at their place of actual residence.	ODIHR	0	0	0	1	0	0	1	1	0	0	0	0
	National stakeholders, including representatives of the authorities, political parties, candidates and civil society, should engage in a public discussion and inclusive decision-making process to address specific and contentious aspects of voter registration (among others, registration of voters residing abroad, signed voter lists being made public or otherwise accessible).	ODIHR	0	0	0	0	1	1	1	1	1	0	1	

Voting procedures	Ballot security measures such as printing perforated ballots with serial numbers on detachable stubs should be introduced.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	1	1	1
	The Electoral Code should be amended to provide full details regarding how votes “against all” are accounted for or to remove this option from the ballot.	Venice commission, OSCE/ODIHR,ODIHR	1	1	0	0	0	0	1	1	1	0	1	
	The voters of the precinct should be notified where they have to vote.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	1	1	1	0	1	
	A provision should be introduced whereby voters' fingers would be marked with indelible ink at polling stations to reduce the risk of multiple voting.	Venice commission, OSCE/ODIHR, ODIHR, PACE	1	1	0	1	0	0	1	1	1	0	1	
	Retention of the “V” mark as the standard mark is desirable, but a more practical or liberal interpretation of what constitutes the acceptable presentation of the “V” mark should be encouraged, based on the principle that clarity of the voter’s intention has priority.	Venice commission, OSCE/ODIHR,ODIHR	1	1	1	0	0	0	1	1	1	1	1	1
	Strict enforcement of the provisions that only a ballot paper bearing on the reverse side three required signatures of members of the responsible PEC is valid, should be ensured.	ODIHR	0	0	1	0	0	0	1	1	1	1	0	
	Voting booths should be placed in the voting premises according to a standard layout. Maintaining a layout with the open side facing into the voting room is only acceptable as long as the secrecy of the vote is fully preserved.	ODIHR	0	0	1	0	0	0	1	1	1	1	0	

	Cases of assisted voting could be registered in the PEC journal by recording the name of the person, and who assisted the voter. A person should only be able to assist one voter.	ODIHR	0	0	1	0	0	0	1	1	1	1	0
	There should be a specific set time when the ballots are transferred from mobile ballot boxes.	ODIHR	0	0	1	0	0	0	1	1	1	1	0
	The law should include clear provisions on telephone reporting by a PEC from its premises during voting, counting and tabulation to the responsible TEC or the CEC. The use of mobile telephones inside the premises where counting and protocol compilation is taking place should be prohibited.	ODIHR	0	0	1	0	0	0	1	1	1	0	0
	It is of potential concern that the stamping of voters' identity documents leaves a permanent record of citizens' participation as a voter, and may not be as effective in preventing multiple voting, therefore a consideration could be given to institute an alternative mechanism to prevent multiple voting.	ODIHR	0	0	0	1	0	0	1	1	1	0	0
	The authorities should provide effective safeguards, including special mechanisms, against multiple voting and for ensuring secrecy of the vote, and implement them adequately and consistently.	ODIHR	0	0	0	0	0	0	1	1	1	0	0
	The stylistic inconsistencies between Art. 120 and Art. 134 should be abolished.	Venice commission, OSCE/ODIHR	1	1	0	0	0	0	0	0	0	0	1

About HCA Vanadzor

Helsinki Citizen's Assembly-Vanadzor NGO (HCA Vanadzor) is a nonpolitical, non-religious, non-profit, NGO, which unites individuals who support the supreme principles of Democracy, Tolerance, Pluralism, and Human Rights, as values.

HCA Vanadzor was founded in 1998 as a branch of Helsinki Citizens' Assembly Armenian Committee. It was registered as an independent organization in 2001 and was re-registered in 2005 at the Ministry of Justice. The Headquarters of the organization is in Vanadzor – Lori Regional Center. HCA Vanadzor has a representative office in Yerevan. The geographical scope of the organization's activity covers both the Lori Region and the entire territory of the Republic of Armenia.

The Vision of HCA Vanadzor is a society formed with the supreme values of Human Dignity, Democracy and Peace.

The Mission of HCA Vanadzor is the promotion and support of civil initiatives, the strengthening of human rights protection, and peacebuilding activities on national and regional levels.

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