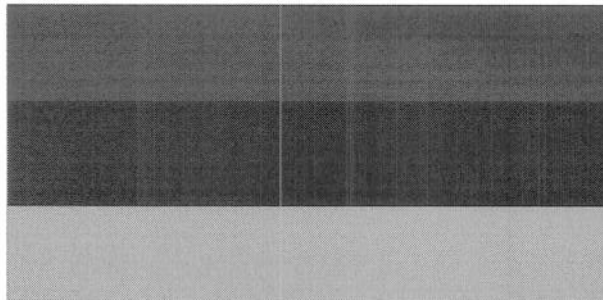




EUROPEAN PARLIAMENT

ELECTION OBSERVATION DELEGATION TO THE PRESIDENTIAL ELECTIONS IN ARMENIA

(18 February 2013)



**Report by
Milan Cabrnock, Chair of the Delegation**

Annexes:

- A. Final programme (including list of participants)**
- B. International Election Observation Mission Preliminary findings and conclusions**
- C. Declaration of the Chair of the EP Delegation at the Press Conference of the IEOM**

Introduction

Following an invitation sent by Mr. Hovik Abrahamyan, President of the National Assembly of the Republic of Armenia, the Conference of Presidents of the European Parliament authorised, on 17 January 2013, the sending of an Election Observation Delegation to observe the presidential elections in Armenia scheduled for 18 February 2013.

The European Parliament Election Observation Delegation was composed of Mr. Milan Cabrnoc (ECR, Czech Republic), Mr. Joachim ZELLER (EPP, Germany), Ms Elena BĂSESCU (EPP, Rumania), Ms Eva JOLY (V/ALE, France) and Mr. Ryszard CZARNECKI (ECR, Poland). Mr. Andres PERELLO RODRIGUEZ and Mr. Pawel KOWAL had to cancel their participation at the last moment. Mr. Milan Cabrnoc was appointed Chair of the Delegation at its constitutive meeting.

The Delegation conducted its activities in Armenia from 16 to 19 February 2013 and was integrated within the framework of the International Election Observation Mission (IEOM), with OSCE/ODIHR in charge of the long-term mission. The EP Delegation cooperated closely with the Parliamentary Assembly of the Council of Europe (PACE) headed by Ms Karin Woldseth (Norway) and the OSCE/ODIHR mission headed by Ms Heidi Tagliavini (Switzerland). The cooperation with the Delegation of the Parliamentary Assembly of the Council of Europe and with Ambassador Tagliavini and the ODIHR long-term mission was excellent, as it was with the EU Delegation in the country.

The Parliamentary Assembly of the OSCE (OSCE/PA) however, before the beginning of the Observation, decided not to participate in the IEOM, thus confirming, and putting into practice, the decision of the OSCE/PA Bureau at its meeting in Dublin in December 2012, to consider the 1997 Co-operation Agreement which regulates the relationship between OSCE/PA and OSCE/ODIHR no longer valid.

The European Parliament Delegation performs election observation in accordance with the Declaration of Principles of International Election Observation. Members of the EP Delegation signed the Code of Conduct for Members of the European Parliament Election Observation Delegations, in conformity with the decision of the Conference of Presidents of 13 September 2012.

Armenia- EU Relations

The legal framework for the EU-Armenia relations is the Partnership and Cooperation Agreement (PCA) which entered into force in 1999. Together with Azerbaijan and Georgia, Armenia was included in the European Neighbourhood Policy (ENP) in 2004. Armenia is also an active member of the Eastern Partnership.

In July 2010, negotiations on an Association Agreement were launched and ten rounds of negotiation have taken place so far (the last in October 2012). This new agreement will significantly deepen Armenia's political association and economic integration with the EU. It aims to establish a Deep and Comprehensive Free Trade Area underpinned by regulatory approximation leading to convergence with EU laws and standards.

In fact, the economic ties between Armenia and the EU are already tight and the key trade figures have been increasing remarkably over the past few years. In January 2013, the imports from the EU have grown by 22.8% and the exports by 81.5% in comparison to January 2012. The trade volume with the EU now represents almost one third of Armenia's total foreign trade. On the other hand, Russia and the CIS also have significant share in the country's trade figures.

Political Situation in Armenia

Armenia has gradually recovered from the political crisis that followed the controversial presidential elections of 2008 and their violent aftermath. The country could be still characterised as a 'managed democracy'. In such a system there is genuine competition between different political forces, but the ruling elite preserves its power through use of "political technologies", repressive measures and, if need be, occasionally also violent actions.

In contrast to the contested presidential elections of 2008, which sparked wide protest in Armenia, later violently put down by the authorities, the parliamentary elections in May 2012 were a step forward and a considerable improvement, as confirmed by the OSCE/ODIHR observation mission, in which an EP delegation was integrated. The OSCE/ODIHR final report concluded that the elections *"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 parliamentary elections in May 2012 saw the victory of the ruling Republican Party of Armenia (RPA), led by incumbent President Serzh Sargsyan, with 69 of the 131 seats in parliament. Other parties represented in the parliament are Prosperous Armenia (PA, with 37 seats), Rule of Law (RoL, with 6 seats), the Armenian Revolutionary Federation – *Dashnaktsutyun* (ARF, with 6 seats), Heritage (with 5 seats), and the Armenian National Congress bloc (ANC, with 7 seats). The current government is a coalition of RPA and RoL.

The 2013 Presidential Candidates

Campaign activities for the presidential elections were low-key and took place against the backdrop of decisions of PA, ANC and ARF to not nominate or endorse any candidate. Out of the eight candidates, only the incumbent was nominated by a parliamentary party. The other party-nominated candidate was Mr. Bagratyan (Freedom Party, which is a member of the ANC). Mr. Hovannisyan (Heritage) and Mr. Hayrikyan (NSDP) are the leaders of their respective parties but were self-nominated. ANC did not nominate a candidate after the announcement of Former President Levon Ter-Petrosyan not to run in the election due to his age, lack of financial resources and of trust in the electoral process. PA and ARF did not specify why they did not nominate candidates.

Campaign activities were of limited scope and were based on personalities not on programmes and policies or ideologies.

Despite the lack of strong challengers to the incumbent President Serzh Sargsyan, the 18 February elections were seen as an important test for the country's democratic credentials, even if the "absence of alternatives" caused apathy among the public and the abstention was expected to be the main contender.

Republican Party-nominated incumbent Serzh Sargsyan was the heavy favourite to win the election and secure a second five-year term in office. Only eight candidates registered out of the initial fifteen potential candidates.

The other candidates were:

Raffi Hovannisian, chairman of the opposition Zharangutiun (Heritage) party he founded in 2002. Hovannisian served under Ter-Petrosian from 1991 to 1993 as Armenia's first post-independence foreign minister.

Hrant Bagratyan, served as prime minister under Ter-Petrosian from February 1993 to November 1996.

Paruyr Hayrikyan, a former Soviet dissident, was wounded by unknown gunmen in Yerevan on 31 January 2013.

Andrias Ghukasyan, a political analyst. He started a hunger strike in front of the Armenian National Academy of Sciences in Yerevan demanding that the Central Election Commission (CEC) annul the candidacy of President Serzh Sargsyan and calling for an international observer boycott of the elections.

Aram Harutiunyan, leader of the National Concord Party, also staged a hunger strike, calling on other candidates to quit the race in order to leave the incumbent without a challenger and render the election "illegitimate." On February 12, Harutiunian announced his withdrawal as a presidential candidate.

Arman Melikyan, candidate in the 2008 presidential election and Head of the NGO "Refugees and International Law".

Vardan Sedrakyan, presidential candidate and epic poet expert, was arrested on 5 March on suspicion of ordering the assassination attempt on Paruyr Hayrikyan.

The Electoral Context

The electoral legal framework underwent significant reform in May 2011, when a new Electoral Code was adopted. The 2013 election was the first presidential election to be held under this Code. The OSCE/ODIHR and the Council of Europe's European Commission for Democracy through Law (Venice Commission) have assessed the Code as comprehensive and providing a sound basis for the conduct of democratic elections with however, areas where it could benefit from improvement, including the accessibility of voter lists, the introduction of a gender quota for election commissions, and greater campaign finance transparency, among other things. At the same time, certain shortcomings remain, such as the possibility to easily de-register candidates, insufficient separation of state and party structures, unnecessary obstacles for citizen observers' accreditation, and an ineffective complaints and appeals procedure.

Voter registration is passive and based on the state population register. Around 2.5 million voters were registered, some 200,000 increase since 2008 presidential election, in spite of Armenia demographic crisis and emigration. Some presidential candidates (and political parties ANC and NSDP) voiced their concerns regarding the voter lists, alleging that the

number of registered voters was highly inflated and could be used for impersonation of voters residing abroad on Election Day, but no evidence of this was provided to the IEOM prior to election day.

According to ODIHR's long-term mission, the election campaign was characterized by general respect for fundamental freedoms and contestants were able to campaign without hindrance. The campaign of the incumbent President was most active and visible. According to ODIHR, misuse of administrative resources, including cases of pressure on voters, lack of impartiality on the part of the public administration, participation of public and civil servants in the campaign of the incumbent as well as several instances of campaign offices located in buildings occupied by state or local government bodies blurred the distinction between the state and the ruling party which is at odds with paragraphs 5.4 and 7.7 of the 1990 OSCE Copenhagen Document.

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

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

Programme of the EP Election Observation Delegation

Before Election Day, OSCE/PA, PACE and the EP delegations were extensively briefed by experts from the ODIHR mission. Presentations were made on the political environment, the campaign activities, the media landscape and the legal framework of the parliamentary elections. The joint briefing programme for the Parliamentary Assemblies Delegations also included roundtables with media representatives and NGOs, meetings with the electoral administration, candidates and leaders of factions in Parliament. In addition to the joint briefings, a working lunch with the EU Member States Ambassadors was organised by Mr Traian Hristea, Head of the EU Delegation to Armenia.

The Heads of EP and PACE Delegations together with Ambassador Tagliavini met the Delegation of CIS observers.

Election day

On Election Day, the EP Delegation split into three teams deployed in Yerevan, Sevan, and Armavir regions.

The three teams visited a significant number of polling stations from opening to the closure and the counting process.

According to the IEOM observers, including the observations from the EP Election Observation Delegation, the voting process was orderly, calm and well organized in the majority of polling stations visited. Undue interference in the process, mainly by proxies representing the incumbent, and some cases of serious violations, including intimidation of voters, was observed in a number of polling stations.

The ink for stamping voters' passports was deficient, as it proved to be easily removable from voters' passports. The majority of vote counts observed by the IEOM was assessed positively, although irregularities and procedural violations were at times noted. Tabulation was assessed positively by IEOM in all but one of the 41 Territorial Election Commissions; however IEOM observers were prevented from adequately observing entry of results into the computer system in 12 cases.

Candidate's proxies were only present in a limited number of polling stations; except for the incumbent. Citizen observers were present in more than half of the polling stations observed by the IEOM.

IEOM Press conference and preliminary statement

The EP Delegation participated in the very constructive discussions on the preliminary findings together with OSCE/ODIHR and PACE. The EP Chair consulted extensively the other Members of the EP Delegation, who agreed to the approach of subscribing to the preliminary findings and conclusions.

The Press Conference of the IEOM took place on 19 February and attracted high media attention. It was interrupted by a group of activists that claimed "Stop Legitimizing Fraudulent Elections in Armenia". After an interruption of 30 minutes, the press conference was resumed.

Results

The Central Election Commission (CEC) on 19 February announced preliminary election results, indicating that incumbent President Serzh Sargsyan was re-elected in the first round, with (an unexpected high) turnout of 60,18%. The second-placed candidate, Raffi Hovannisyan, disputed the results and claimed that he won the election.

On 25 February, the CEC unanimously adopted the final results protocol:

Serzh Sargsyan 861,373 votes (58.64 percent)
Raffi Hovannisyan 539,693 votes (36.75 percent)
Hrant Bagratyan received 31,643 votes (2.15 percent)
Paruyr Hayrikyan 18,096 votes (1.23 percent)
Andrias Ghukasyan 8,329 votes (0.57 percent)
Vardan Sedrakyan 6,210 votes (0.42 percent)
Arman Melikyan 3,520 votes (0.24 percent)

The number of invalid ballot papers was 50,776.

Post-electoral developments

As usual, ODIHR long-term observation Mission remained in the country until the completion of the appeals procedure. It issued a Post-election Interim Report on 2 March, raising some important concerns:

"The OSCE/ODIHR EOM analysis of final results as published by the CEC show a close correlation between the voter turnout and the number of votes for the incumbent, with PECs with above-average turnout also having a higher share of votes for Mr. Sargsyan. Out of the 1,988 polling stations, 1,746 have 300 or more registered voters. In 144 of those, voter turnout exceeded 80 per cent, which seems implausibly high; the incumbent received above 80 per cent of the votes cast in 115 of these stations. In 198 out of the 303 stations where turnout was between 70 and 80 per cent, the incumbent received more than 70 per cent of the votes. Among 249 stations where turnout was below 50 per cent, Mr. Sargsyan received more than 50 per cent in 40, and Mr. Hovannisyanyan received more than 50 per cent in 155. The tendency of higher results for the incumbent observed at the majority of stations with high turnout raises concerns regarding the confidence over the integrity of the electoral process".

The post-election interim report of the ODIHR notes that the media coverage of the Press Conference focused mostly on the positive aspects of the preliminary statement, ignoring the criticisms.

Finally, the interim report highlights that a limited number of complaints were filed with the election administration on election day, and over 80 after the election (since the the Electoral Code limits the right to file complaints to those whose personal electoral rights are at stake, essentially restricting the right of voters and observers to seek judicial remedy for breach of electoral rights). Almost all complains were rejected. The police and the Prosecutor General investigated over 300 possible offences and initiated criminal proceedings in some 10 of them.

Appeals to the Constitutional Court

Mr. Raffi Hovannisyanyan who contested the results of the election, appealed to the Constitutional Court on 4 March. Mr. Andrias Gukasian, also appealed to the Constitutional Court the same day. On 14 March 2013, the Court rejected both appeals and thus approved the validity of the elections.

Conclusions

Once more, this election demonstrates that election observation concerns the whole electoral process and not only Election Day. For this reason, the EP, a signatory of the Declaration of

Principles for International Election Observation, always observes elections in cooperation with a long-term mission.

The OSCE/ODIHR long term mission will remain in the country until the end of the election process and will issue a comprehensive final report, including recommendations for improvements, some eight weeks after the completion of the election process.

Following the 2012 parliamentary elections, a working group composed of government and other state officials was established by presidential decree to explore the recommendations offered in the OSCE/ODIHR EOM Final Report and by other observer organizations, and to put forward an action plan for their implementation. In his speech at the Press Conference, the Head of the EP Election Observation Delegation emphasized the importance that the European Parliament attaches to the follow up of the recommendations of the International Election Observation missions. He welcomed the good will that the authorities have showed in this regard after the last parliamentary elections, hoping to see same efforts in implementing the recommendations that the ODIHR will issue after the presidential elections, through an even more inclusive process that would involve all the relevant stakeholders in the society.

The European Parliament Election Observation Delegation recommends that the democracy support and Election Coordination Group, the Foreign Affairs Committee and the Delegation to the EU-Armenia Parliamentary Cooperation Committee follow-up closely the conclusions and recommendations of this final report.

EUROPEAN PARLIAMENT
ELECTION OBSERVATION DELEGATION
PRESIDENTIAL ELECTIONS IN ARMENIA

18 FEBRUARY 2013

DRAFT PROGRAMME

Members

Mr Milan CABRNOCH, Czech Republic, ECR (Chairman)
Mr Joachim ZELLER, Germany, EPP
Ms Elena BĂSESCU, Romania, EPP
Ms Eva JOLY France, Greens/EFA
Mr Ryszard CZARNECKI, Poland, ECR

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Belgian mobile phone number: + 32 473 85 23 18
Ms Alyson WOOD, Assistant
Belgian mobile phone number: + 32 498 98 3343

Political Groups

Mr Wojciech DANECKI (ECR)

Saturday 16 February 2013

Meetings of the EP Election Observation Delegation

10h00-11h30 **Briefing by the OSCE/ODIHR Election Observation Mission**
Venue: Marriott Hotel, room tbc

**(Followed by joint briefings with the Delegations of the OSCE Parliamentary Assembly and
the Parliamentary Assembly of the Council of Europe)**

**PROGRAMME OF JOINT BRIEFINGS FOR MEMBERS OF THE DELEGATIONS OF
THE OSCE PARLIAMENTARY ASSEMBLY, PARLIAMENTARY ASSEMBLY OF
THE COUNCIL OF EUROPE AND THE EUROPEAN PARLIAMENT**

Marriott Hotel (Hararat Ball room), Yerevan, 16-17 February 2013

Saturday, 16 February 2013

12:00 – 12:30	<p><u>Opening by the Heads of Parliamentary Delegations</u></p> <ul style="list-style-type: none"> ▪ Mr. Tonino Picula, Head of Delegation of the OSCE PA ▪ Ms. Karin Woldseth, Head of Delegation of PACE ▪ Mr. Milan Cabrnoch, Head of Delegation of the European Parliament
12:30 – 13:00	<p><u>Political Background</u></p> <ul style="list-style-type: none"> ▪ Ambassador Andrey Sorokin, Head of the OSCE Office in Yerevan ▪ Dr. Oleksandr Pavlyuk, Head of the Council of Europe Office in Armenia ▪ Mr. Traian Hristea, EU representation in Yerevan
13:00 – 15:00	<p>EP DELEGATION : Working lunch with Mr. Traian Hristea, EU Head of Delegation in Yerevan (Hotel Marriott)</p>
15:00 – 16:30	<p><u>Roundtable NGOs</u></p> <ul style="list-style-type: none"> ▪ Armenian Helsinki Committee - Mr. Avetik Ishkhanyan, Chair ▪ Helsinki Citizens' Assembly - Mr. Arthur Sakunts, Chair ▪ Transparency International - Mrs Sona Aivazyan, Vice Director ▪ It's your choice - Mr. Harutyun Hambarzumyan, Chair ▪ Open Society Institute - Mrs. Larisa Minasyan, Executive Director ▪ Regional Studies Center - Mr. Richard Giragosian, Director ▪ Counterpart International - Mr Carel Hofstra, Project Director
16:30 – 18:00	<p><u>Roundtable on the media situation</u></p> <ul style="list-style-type: none"> ▪ National Commission on Television and Radio of the Republic of Armenia - Mr. Armen Mkrтчyаn, Member ▪ Yerevan Press Club - Mr. Mikayel Zolyan, Project Coordinator ▪ Caucasus Institute - Ms. Nina Iskandaryan, Editor ▪ RFE / RL (Radio Liberty) - Mr. Hrayr Tamrazyan, Director ▪ Public TV - Mr. Gevorg Altunyan, Head of News Service ▪ Public Radio - Ms. Lusine Vasilyan, Editor-in-Chief of Radiolur ▪ A1 Plus - Ms. Karine Asatryan, Editor-in-Chief ▪ Aravot Daily - Ms. Christine Mirzoyan, Journalist

Sunday, 17 February 2013

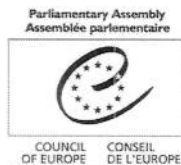
9:00-9:45	Meeting with Mr. Davit Harutyunyan, Chairman of Standing Committee on State and Legal Affairs and Deputy Head of Central Campaign Office of the Republican Party
9:45 – 11:15	<u>Meeting with main presidential candidates</u> <ul style="list-style-type: none"> ▪ Mr. Raffi Hovhannesian, Heritage ▪ Mr. Paruyr Hayrikian, Union for National Self-Determination Party
11:15-12:45	<u>Meeting with leaders of factions in parliament</u> <ul style="list-style-type: none"> ▪ Armenian National Congress - Mr. Levon Zurabyan, Co-ordinator ▪ Armenian Revolutionary Federation - Arsen Hambardzumyan, Supreme Body Member
12:45-13:45	<u>Electoral Administration</u> <ul style="list-style-type: none"> ▪ Tigran Mukuchyan, Chairman of the Central Election Commission
13:45 – 14:30	<u>Concerning Voters lists and other police matters</u> <ul style="list-style-type: none"> ▪ Major General Hunan Pogosyan, First Deputy Head of the Armenian Police and Major General Osikyan Arthur, Deputy Head of the Armenian Police ▪ Colonel Hovhanes Kocharyan, Passport and Visa Department of the Police of Armenia
14:30	<u>EP Delegation :</u> Distribution of regional packs, Meeting with Yerevan LTO teams and Armavir LTO team, Meeting with interpreters and drivers
16.00	<i>Meeting heads of delegation (ODIHR, PACE, EP)</i> <i>VENUE: Marriott Hotel, Cucina Meeting room</i>

Monday 18 February 2013 - ELECTION DAY

07h15	<i>Departure from the hotel to observe the opening of the polling stations</i>
All day	Observation of opening, polling and counting - polling stations are open from 8:00 – 20:00
16.00	<i>Meeting heads of delegation with CIS Observers</i> <i>VENUE: ODIHR Office</i>
17.00	<i>Meeting heads of delegation (ODIHR, PACE, EP) to discuss the preliminary statement</i> <i>VENUE: ODIHR Office</i>

Tuesday 19 February 2013

09h30-10h15	Internal EP Delegation debriefing <i>Venue: Marriott Hotel, Armenia Brasserie meeting room</i>
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INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Armenia — Presidential Election, 18 February 2013

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

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

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

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

Preliminary Conclusions

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

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

Election commissions administered the election in a professional manner. The Central Election Commission (CEC) worked in an open and transparent manner. It accredited 6,034 citizen observers from 26 NGOs in an inclusive process. At the same time, the CEC provided unsound clarifications of some campaign-financing provisions. Various measures undertaken by the authorities contributed to the improved quality of the voter lists. While several candidates alleged that the voter lists were inflated and raised concerns about possible impersonation of out-of-country voters on election day, no evidence of this had been provided prior to election day to support their claims.

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

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

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

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

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

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

Preliminary Findings

Background

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

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

Election System and Legal Framework

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

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

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

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

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

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

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

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

Election Administration

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

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

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

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

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

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

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

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

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

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

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

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

Candidate Registration

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

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

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

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

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

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

Voter Registration

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

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

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

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

The Campaign Environment and Campaign Finance

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

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

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

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

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

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

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

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

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

According to the Electoral Code, campaign offices may not be located in buildings occupied by election commissions or by state or local government bodies, with the exception of an area within such a building that does not belong to state or local government bodies. OSCE/ODIHR EOM LTOs reported several cases where campaign offices of the incumbent or of RPA were located in buildings occupied by state or local government bodies²² or co-located with election commissions.²³

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Media

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

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

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

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

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

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

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

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

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

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

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

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

Complaints and Appeals

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

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

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

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

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

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

³⁸ Two complaints challenged CEC decisions on candidate registration, over the issue of the electoral deposit. In two other cases, the complainants claimed that the PVD had improperly denied them issuance of the ten-year

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

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

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

Citizen and International Observers

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

Election Day

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

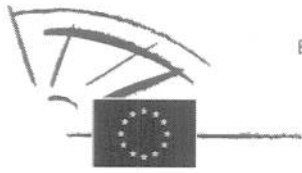
International Election Observation Mission (IEOM) observers assessed opening procedures positively in almost all 75 polling stations observed. While the voting process was orderly and well organized in the majority of the 970 observations, IEOM observers assessed it negatively in 5 per cent of cases,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

Numerous cases of RPA activists directing voters to vote outside polling stations were observed by IEOM observers, as well as proxies for the incumbent unduly interfering in or directing the work of PECs (7 per cent of polling stations observed), attempts to influence voters' choices (2 per cent),

permanent residence certificate. Mr. Ayvazyan challenged the CEC decision on the issue of prohibiting negative campaign by CEC members.

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

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



Yerevan, 19 February 2013

EP statement press conference of IEOM to Armenia

It is my pleasure to address you as the Chair of the European Parliament delegation.

The European Parliament, the only directly-elected body of the European Union, represents 500 million European citizens and is committed to strengthening democracy all over the world. As chair of this EP delegation, I have the honour of speaking in the name of my colleagues to support and endorse the preliminary findings and conclusions of our joint IEOM that Ambassador Tagliavini, Head of the ODIHR long term Election Observation Mission, will present in detail.

We have observed a calm election day, characterised by no major difficulties in electoral procedures, following a somewhat quiet, low-key election campaign lacking significant political debate and real competition, due to the fact that the three main parliamentary opposition parties decided not to nominate their candidates.

The European Parliament attaches great importance to the follow up of the recommendations of our International Election Observation missions. We welcome the good will that the authorities have showed in this regard after the last parliamentary elections. We hope to see same efforts in implementing the recommendations that the ODIHR will issue after yesterday's elections, through an even more inclusive process that would involve all the relevant stakeholders in the society.

Armenia has undergone two elections in less than a year, and we have seen improvements in the process. Now, it is key that Armenian authorities deliver on important results, as regards to promoting democratic, economic and social reforms, essential for the conclusion of the EU-Armenia Association Agreement, and also for restoring faith in the future electoral processes.

Rest assured of the continued support of the European Parliament in this endeavour.

*Milan CABRNOCH, Member of the European Parliament,
on behalf of the European Parliament Election Observation Delegation to the Presidential elections
in Armenia*