



RA Parliamentary Elections

April 2, 2017

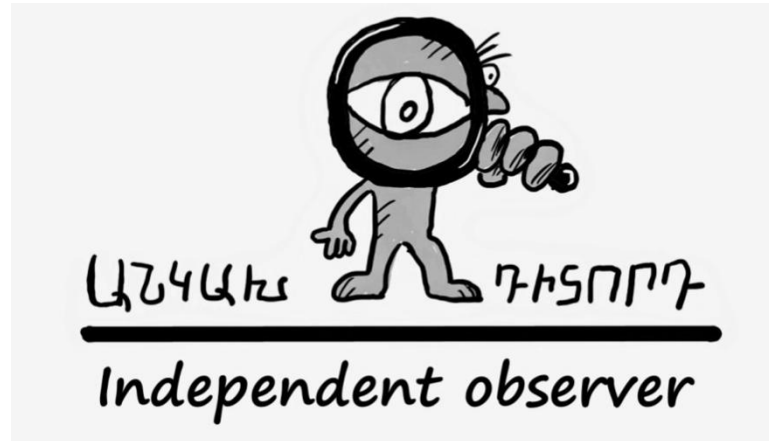
“Independent Observer”

Public Alliance

Final Report

2017

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Introduction

The Republic of Armenia switched to a parliamentary government system as a result of the 2015 controversial referendum. According to Article 89 part 3 of the RA Constitution, The RA National Assembly is elected on a proportional system. The Electoral Code adopted on May 25, 2016 by the National Assembly stipulates new regulations for forming and voting for the National Assembly. At the same time, Article 78 of the RA Electoral Code lays out 13 electoral districts, of which 4 are in the capital city Yerevan and 9 are in the regions. Vayots Dzor and Syunik regions are united in one electoral district.

National Assembly elections in the Republic of Armenia were held on April 2, 2017.

On January 20, 2017, Helsinki Citizens' Assembly - Vanadzor, Union of Informed Citizens, Martuni Women's Community Council, and Goris Press Club established the "Independent Observer" Public Alliance to join forces in observing the upcoming parliamentary elections. The observation was conducted within "Enhancing capacities of domestic observer organizations" component of "Long-term assistance to electoral stakeholders in Armenia" Project by the European Union and Council of Europe.

The report summarizes the results of long-term and short-term observation conducted by "Independent Observer" Alliance. The presentation of the working version of the report was held on June 13th and the report was revised based on the comments and recommendations heard during the presentation.

A separate reference to legal actions undertaken in relation to the electoral violations presented in the report was prepared separately. A summary of the reference is presented in the report.



Methodology

The long-term observation conducted in the entire territory of the Republic of Armenia involved active non-partisan citizens from each region, who conducted the observation of the campaign of a particular party they were assigned to. In particular, they conducted:

- Meetings/interviews with candidates, heads of campaign offices, and members of precinct electoral commissions
- Observation of meetings/assemblies with constituencies
- Interviews with participants of meetings/assemblies
- Media monitoring
- Rapid response/recording violations

Long-term observation was conducted by 61 observers.

Short-term observation was conducted by around 450 observers based on several monitoring cards. 200 polling stations from the entire territory of the Republic of Armenia were observed. The polling stations were selected statistically. Statistical sampling was based on the population number, number of polling stations, and the turnout rate during the constitutional referendum.

On the Voting Day, information on the following was collected with separate monitoring cards:

1. Commission sitting
2. Voter turnout
3. Situation around polling stations as of 12:00 pm, 4:00 pm, 8:00 pm
4. Situation in polling stations as of 12:00 pm, 4:00 pm, 8:00 pm
5. Tabulation of results.



At the same time mobile observers observed the campaign offices of candidates and the general situation around polling stations in order to identify cases of controlled voting.

32 observers observed the sitting of the Territorial Election Commissions. Information from 31 observation cards has been summarized.

A team of 27 lawyers provided legal consulting to the observers, and undertook relevant actions in respect to reports on electoral violations.



Legislative Framework and Political Context

As a result of the referendum organized and held with violations on December 6 2015, fundamental amendments to the RA Constitution were adopted, as a result of which the Republic of Armenia moved from a semi-presidential to a parliamentary system of governance. It was also stipulated that local governments could be elected directly or indirectly. Constitutional amendments were followed by electoral amendments. The new Electoral Code was adopted on May 25, 2016.

HCA Vanadzor has presented separate research on the constitutional amendments, the new electoral code and their adoption in “Report on Adoption Process of Imposed Constitutional Amendments”¹ and “Reflection of Recommendation by International Election Observation Missions in the RA Electoral Code”² report. It should be noted that many of the concerns and issues brought up in these reports came true and the omissions of the electoral code and particularly the absence of effective leverages against violations manifested themselves both during the campaign period and voting day.

Generally, during the drafting of the Electoral code, no adequate attention was paid to the main concerns raised regarding the electoral processes. Those were:

- discriminatory provision of voting opportunity to citizens outside of the Republic of Armenia and impossibility for Armenian citizens included in the voters’ lists but being outside of the republic to exercise their right to vote
- issues related to updating the voter registers, existing inaccuracies and possible misuse of the votes of absent voters

¹ HCA Vanadzor report on Adoption Process of Imposed Constitutional Amendments, January 2016, <http://hcav.am/publications/21-01-2016-555879/>

² Reflection of Recommendations of International Election Observation Missions in the RA Electoral Code, HCA Vanadzor, November 2016, <http://hcav.am/publications/16-02-2017-07/>



- ineffectiveness of mechanisms for the provision of equal voting rights and elimination of multiple voting
- abuse of administrative resources and unequal opportunities for candidates
- impossibility for groups of voters to form an opinion due to unavailability of campaign materials (e.g. military servicemen, prisoners)
- absence of effective mechanisms for the prevention of electoral violations
- absence of mechanisms and possibility for effective adjudication of electoral violations and voting results
- issues related to observing the secrecy of voting
- restriction of the rights of observers and media representatives

The Venice Commission and the OSCE/ODIHR issued recommendations on the first draft of the new Code:³

- reconsider the unnecessary restrictions on the formation of coalitions
- address the suspicions about potential impersonation of voters abroad to allow for effective opportunity to consult the signed voter lists without violating the right to privacy
- ensure gradual and effective introduction of new technologies, including procurement, testing and providing sufficient training for electoral staff, and ensuring public awareness-raising
- remove the mandatory testing of observers and the three-year requirement to the statutory goals
- ensure the independence of the Central Electoral Commission by stipulating that all parliamentary parties are consulted by the President when the latter nominates the members of the CEC

³ Joint Opinion on the draft electoral code as of 18 April 2016, endorsed by the Council of Democratic Elections at its 55th meeting (Venice, 9 June 2016) and by the Venice Commission at its 107th Plenary session (Venice, 10-11 June 2016), [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)019-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)019-e)



- revise the quota for women's representation, ensuring their effective distribution in the list
- simplify the voting, counting, and tabulation processes
- ensure meaningful engagement of all relevant stakeholders in the amendments of the code.

According to the Venice Commission and the OSCE/ODIHR the majority of these recommendations were adopted; however, the following recommendations were not addressed:⁴

- remove the requirement for observer organizations to have a provision on democracy and human rights as a charter goal
- reconsider the restriction of the number of participants in a coalition
- reconsider the different thresholds for parties and for party alliances
- consider having minority representatives on ordinary candidate lists in order to avoid the possibility of the minority vote influencing the political composition of parliament
- allow the nomination of candidate lists also by groups of citizens
- include grounds that may lead to removal of the deputy chair and secretary of the CEC and chair, deputy chair and secretary of a DEC in Article 45 of the Code
- reconsider the deadlines for submitting the documents for the registration of candidate lists in case of early elections
- provide for the general prohibition of the misuse of administrative resources
- set reasonable deadlines for the accreditation of observers and media representatives, including for the second round of elections
- include additional measures to enhance the transparency of the tabulation process

⁴ Second Joint Opinion on the Electoral Code (as amended on 30 June 2016), endorsed by the Council of Democratic Elections at its 56th meeting (Venice, 13 October 2016) and by the Venice Commission at its 108th Plenary Session (Venice, 14-15 October 2016) [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)031-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)031-e)



- lower the electoral thresholds for elections for the Council of Elders of Yerevan, Gyumri and Vanadzor and for returning electoral deposits after the elections
- reconsider the additional seats awarded to the winner of the elections of Council to Elders of Yerevan, Gyumri and Vanadzor.

The Venice Commission and the OSCE/ODIHR note in the document that the Electoral Code was achieved with a significant majority and was followed by a broad political agreement between the governing and opposition parties on additional measures to enhance the preconditions for democratic elections. Civil society organizations were also constructively involved in the negotiations, although they eventually did not sign the final agreement. It should be noted that in their last statement,⁵ civil society representatives clearly indicated the reasons and justifications for not signing the agreement, which prove that there was no broad consensus around the electoral processes. At the same, when speaking in different platforms, the government insisted that there was full consensus between the authorities, opposition, and civil society.

We should note, however, that during the development of the electoral code there was not enough attention paid to the change of the electoral system, which essentially became the main mechanism for the re-election of the incumbent party.

Article 89 part 3 prescribes that the National Assembly is elected on a proportional basis. The Electoral code has an interesting interpretation of the proportional system. Particularly, with regards to elections in Yerevan, Gyumri and Vanadzor it states that the elections shall be held under the proportional electoral system and the entire territory of Yerevan, Gyumri and Vanadzor respectively shall be one multi-mandate constituency (Article 124).

⁵ Statement on the Electoral Code of Armenia and the recent developments related to it, <https://transparency.am/en/news/view/1600>



With regards to the National Assembly, Article 77 of the RA Electoral Code stipulates:

“1. Elections of the National Assembly shall be held under the proportional electoral system, from one multi-mandate constituency covering the whole territory of the Republic from among candidates for Deputies nominated in the national and territorial election lists of political parties.”

Article 78 of the RA Electoral code defines 13 electoral districts- 4 in Yerevan, 9 in marzes (regions). Vayots Dzor and Syunik are combined into one electoral district. The amendments that promote one-party rule were consolidated with the establishment of district lists corresponding to the 13 electoral districts, according to which parties and party Alliances nominate one national and 13 district lists. The voter receives one ballot paper per running party or party Alliance, which includes the name of the party and the names of the first three candidates from the national list on the first page and the district list on the second page. The maximum number of candidates in a district list of a party/Alliance is defined by the RA CEC decision, based on the district population.⁶ After selecting the ballot of a party or party alliance, the voter puts a tick before the name of a district candidate on the other side of the ballot paper. Hence, by prescribing district lists and by prioritizing them over national lists when distributing the mandates, it is established that the mandates in the one constituency are in fact the simple sum of the mandates from 13 electoral districts. In the electoral districts, voters mainly vote for individual candidates irrespective of their partisan affiliation, and this vote essentially forms the portion of mandates of the party in the National Assembly.

⁶ CEC Decision on establishing the maximum number of candidates in the district lists of parties and party alliances for the April 2, 2017 National Assembly Elections in the Republic of Armenia http://res.elections.am/images/dec/16.156_A%20.pdf



Thus, essentially the electoral code uses a word-play to set up an unconstitutional electoral system, which in its contents is more majoritarian than the mixed system stipulated by the previous electoral code. At the same time, the rules of the game do not allow individual candidates to be sure that they will be in the National Assembly if they receive the majority of votes. A vivid example of this was the case of several district parliamentarians from “Tsarukyan” Alliance, who or on whose behalf self-withdrawal letters were submitted. As a result of this, candidates who had brought votes to the Alliance in fact lost the mandate they had “earned”, while the Alliance used those votes to promote other people who had received less votes. This principle also contradicts the conceptual objective set in the basis of Constitutional amendments, i.e. establishment of parties, strengthening of democracy and the political system.

It should be noted that parliamentarian Edmon Marukyan⁷ was the only politician who raised concerns regarding the district lists, while before and during the development of the new electoral code, the oppositional parties and civil society representatives involved in the electoral processes stressed publication of signed voters lists to rule out absent voter impersonation. The initial negative attitude of international organizations towards this demand changed later for the purpose of increasing public trust towards electoral processes. The Electoral Code stipulated publication of signed voter lists for National Assembly Elections on the following day. At the same time, the RA Criminal Code was amended to prescribe 2-5 years of imprisonment for intentional false reporting on voter impersonation and a 200-500 fold minimum salary fine and up to two years of imprisonment for false reporting by neglect.

⁷ The authorities were ready for any concession except removing the district lists, Edmon Marukyan, News.am, June 17, 201 (in Armenian) <https://news.am/arm/news/332739.html>



With order NH – 1260-N of 29.12.2016, the RA President Serzh Sargsyan set April 2, 2017 as the voting day for Parliamentary Elections. The order was based on Article 103, parts 1 and 2 of the RA Electoral Code.

The voting day for the RA National Assembly was set in violation of the effective norms of the RA Constitution. In reality the date should have been 40 days before May 31, 2017. Setting the date on April 2, 2017 violated the rights of those citizens, who would turn 18 years old between April 2 and 21.

HCA Vanadzor submitted an application to the RA Human Rights Defender requesting an appeal to the RA Constitutional Court to question the constitutionality of articles 103 and 144 of the RA Electoral Code, in particular their correspondence to articles 1, 2, 7, and 48 of the Constitution and Article 68, part 1 of the 2005 text of the Constitution. With regards to the application, the RA Ombudsman responded that there are not enough legal grounds for bringing the issue before the Constitutional Court, that there is no legal norm that would allow the RA Ombudsman to apply to the Constitutional Court. Although the issue was raised by a number of politicians and some members of the RA NA attempted to collect enough signatures to apply to the Constitutional Court, the date was not changed.

The RA Electoral Code significantly limited the possibilities for citizen monitoring of the electoral processes. Article 30 of the Code prescribed that election observation could be conducted by those non-governmental organizations of the Republic of Armenia whose charter objectives include — for minimum 1 year preceding the day of calling elections — issues related to democracy and protection of human rights. Application for accreditation of observers should be submitted to the CEC by the organizations 15 days before the voting day (2011 Electoral Code set 10 days). The Electoral code restricted the coverage of elections by stipulating that an entity carrying out media



activities may accredit up to 15 representatives 15 days before the voting day, if it has been disseminating on its behalf mass media for at least one year.

A positive change for observation missions was that the mandatory test on the electoral legislation was removed and the right to have their comments about violations of the voting regulations be recorded in the registration book of the precinct electoral commission was granted. However, at the same time, the law provided for the possibility of limiting the number of observers and media representatives in the polling stations and removing the observers and media representatives from the polling station. In Article 32.1, the Electoral Code stipulated that “Observers may submit their personal observations to electoral commissions through the report of the observation mission. Observers shall base all their findings on their personal observations”. Thus it essentially limits the freedom of expression of the observation mission as well.



Organization of Elections

Electoral Commissions

According to Constitutional Amendments the composition of the RA Central Electoral Commission is confirmed by the RA National Assembly. The composition of the new Central Electoral Commission was confirmed on October 6, 2016. The RA Authorities restated the old composition of the RA Central Electoral Commission and thus proving that the claims about improving the electoral processes were only declarative and exclude the opportunity for significant changes in the election administration.

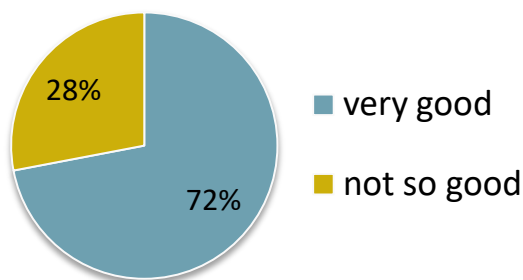
The Code stipulated the same three-level system of electoral commissions to conduct election administration, where the territorial electoral commissions are replaced with a maximum of 41 territorial election commissions. The exact number defined by the CEC was 38. Territorial election commissions carry out only an administrative function.

The amendment regarding the composition of the precinct electoral commissions removed the prohibition of involving city council members in the commissions. However, there were several city council members in precinct electoral commissions during the constitutional referendum and previous elections when the prohibition was still in place.

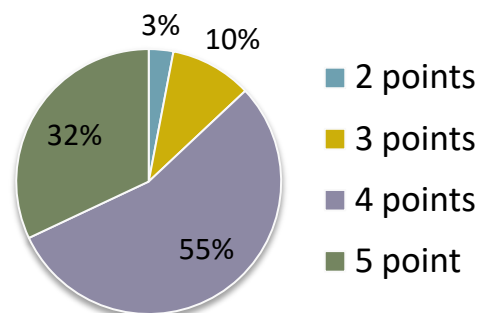
Considering the fundamental changes in the voting process it was crucial to allow for sufficient time for the formation and training of precinct electoral commissions was crucial. In this respect, it should be noted that in 72% of the observed 200 polling stations, observers found that the commission members were fully competent. And they thought that voters were generally treated well. It should be noted, however, that in 14% of the observed polling stations the commission did not at all explain or at times explained the voting procedure to the voters if needed.



Commission members' competence in their functions and voting procedures
(observed polling stations, %)



Commission's attitude toward voters
1-5 scale (1-worst, 5-best)
(observed polling stations, %)



Nevertheless, the strong bias toward the Republican Party of Armenia was noticed again. For example, in several polling stations the observers noticed that when handing ballot papers to the voters the commission member put the one for the Republican party (number 6) on top.

As the voting procedure changed it would be expected that the number of invalid ballots would be rather high; however, the total number of invalid ballots was 10 times smaller than previous years (0,4%). In this respect the remark of a commission chair to proxies is quite interesting and shows the other side of the organization of elections.

E.g. At 25/03 polling station the commission chair yelled at proxies instructing them to make sure that their voters know how to vote.

A biased assessment of validity of ballots was also noticed.

E.g. At 05/04 polling station invalid ballots were counted in favor of a district candidate from RPA.



And at 3 polling stations in Malatia-Sebastia, the mobile observer noticed that the voting passes printed by the technical equipment were not stamped. In one of these polling stations the commission member said that they were not told about stamping during the training. In one of the observed polling stations, the self-adhesive stamps were not posted and in 5 of the observed polling stations they were posted on the envelope.

At the same time, the observers who observed territorial election commissions noticed that there were inaccuracies and flaws in most electoral documents brought from precinct electoral commissions. This proves that the precinct electoral commissions were incompetent particularly in the vote counting and tabulation process.

Furnishing and video-recording of polling stations

The new electoral code prescribed the possibility of video-recording the polling stations. The regulations, however, significantly differed from the version presented by the civil society and opposition. Video-recording of the polling stations was stipulated not as a positive responsibility of the state but as a permissive act. Thus, Article 8 point 11.1 of the electoral Code stipulated “During the National Assembly elections, the Central Election Commission will allow a company selected competitively on the basis of a tender called according to the procedure defined by the Government to conduct the video-recording of the voting and tabulation process at polling stations and directly broadcast via a specially created website.”

The company that won the tender received two million Euros to setup one camera each in 1500 polling stations and to organize their live broadcast online. “Independent Observer” found that during the morning hours there was live broadcast only from 110 polling stations. Moreover, observers noted that the precinct electoral commissions were aware of the malfunction and in



some cases they knew the exact time when the broadcast would resume or start. This shows that the malfunctioning of the broadcast was intentional.

In 10 of the observed polling stations no video-recording was planned and in another 10 of the video-recorded polling stations, observers noticed that the voting booths were in the view of the cameras in a manner that could violate secrecy of voting. In 22 of the observed polling stations the voting booths were set up in a position that could violate secrecy of voting (for instance, there was large space behind the booth, an open door, and so on).

Accessibility of polling stations

Out of 200 polling stations observed by “Independent Observer” Alliance 158 had stairs at the entrance, out of which 49 had a ramp; however, there were additional stairs before the voting room after 5 of these ramps. The inclination of only 27 from the mentioned 49 ramps was below 30°. The entrances of 80 out of 200 observed polling stations were not wide enough to enter with a wheelchair. There were other obstacles at the entrances of 91 out of 200 observed polling stations. By the assessment of the observers it was impossible to freely move in 73 of the polling stations.

Generally, only 40 out of 200 observed polling stations were considered fully accessible by observers. The entrances of 19 out of those were plane, the doors were wide, there were no other obstacles at the entrances of polling stations and it was possible to move in the polling stations with a wheelchair too. And 21 polling stations, although they had stairs, also had proper ramps, wide doors, no other obstacles at the entrances of polling stations and it was possible to move in the polling stations with a wheelchair too.

Observers assessed 42 polling stations to be fully inaccessible.

In 97 polling stations observers noted that there were no special means to ease the voting of persons with vision or hearing problems.



Registration of candidates

According to Article 80 of the new RA Electoral Code, everyone who has reached the age of 25, has been a citizen of the Republic of Armenia only, for the preceding 4 years, has been permanently residing in the Republic of Armenia for the preceding 4 years, has the right of suffrage and has command of the Armenian language may be elected as Deputy of the National Assembly.

Between February 6 and 16, 2017, political parties and party alliances submitted their documents for the April 2, 2017 National Assembly Elections, and the Central Electoral Commission registered them between February 16 and 26.

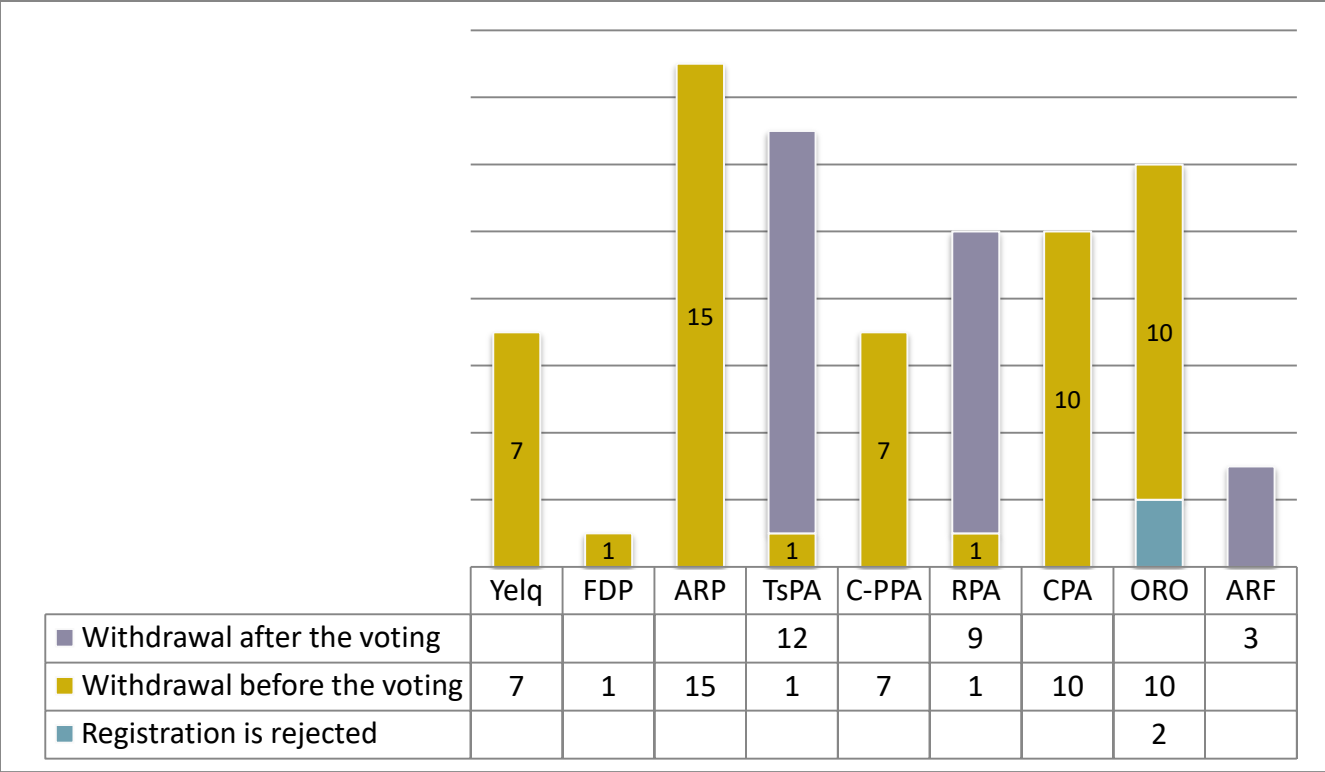
There were 1538 candidates nominated in the first part of the national lists. 2 parties and 2 party Alliances used the opportunity to nominate national minorities in the second part of the national lists and nominated a total of 27 candidates. The Central Electoral Commission set the maximum number of candidates to be nominated in district lists as prescribed by the RA Electoral code. According to the new Electoral Code, candidates can be nominated both through the national and district lists, but a candidate can be nominated in only one of the district lists. There were a total of 1186 candidates nominated through district lists.

The RA Central Electoral Commission rejected the registration of 2 candidates as they failed to timely submit the certificate of permanent residence in the RA in the last 4 years.

According to the statistics presented in the decisions of the RA Central Electoral Commission 52 candidates withdrew their candidacy before the election day, of which 36 were from district lists, and 34 rejected the mandate after the elections. As reported by the media, “Tsarukyan” Alliance had an



even higher number of candidates who had given up their mandates (23), which was followed by a statement from 12 of them declaring that they had not withdrawn their candidacy.⁸ That is, either there were fake letters submitted on their behalf or the withdrawal applications were received from them beforehand and were used arbitrarily.⁹



Voter lists

In the report on Constitutional Amendments, HCA Vanadzor, a member of “independent Observer” Alliance, addressed the possible inflation of voter lists, referring to the disproportionate change on population and voter lists. In December 2015, 2 547 916 citizens had the right to participate in the referendum. The number of voters increased by the 2017 National Assembly elections and amounted to 2 585 134 voters. As a result of Constitutional

⁸ 12 of the 23 deputies from “Tsarukyan” Party Alliance asked to annul their withdrawal applications, Azatutyun/Radio Liberty, May 3, 2017, (in Armenian) <https://www.azatutyun.am/a/28465916.html>

⁹ Human Rights activists consider the statement by the candidates from “Tsarukyan” party Alliance about not having submitted withdrawals to be a serious scandal. Tert.am, Msy 3, 2017, (in Armenian) <http://www.tert.am/am/news/2017/05/03/saqunc/2359976>



Amendments, restriction on voting rights was maintained only for those convicted and imprisoned for willful commitment of grave and particularly grave crimes, while other convicts were allowed to vote. Thus, the number of subjects with voting rights increased; however, the increase in the voters' list is incomparable to the number of inmates that regained voting rights. The new Electoral Code also gave the opportunity to vote to military servicemen studying abroad.

By law, the RA Citizens included in the voter lists who were outside of Armenia (except representatives of RA diplomatic missions and their family members, persons employed at representations of legal persons registered in the Republic of Armenia, which are located abroad and their family members), were in fact deprived of the possibility to vote, but until 2016, they were also unable to know whether their vote was misused on the election day as the voter lists were confidential. At the same time, the high turnout in several polling stations during the 2013 presidential elections and the 2015 constitutional referendum was an evidence of ballot stuffing and multiple voting instead of absent voters.

During the discussions on the Electoral Code, oppositional parties and civil society representatives demanded that the signed voter lists be published in order to allow voters who did not take part in the elections, confirm that their vote was not misused.

With regard to the publication of data of participating voters, Article 26 of the Electoral Code adopted on May 26, 2017 prescribed that a copy of the statement printed by the technical equipment shall be given to one proxy per candidate party or party alliance and they will have a total of 20 minutes to get acquainted with the voter lists. The changes that came into force on July 20, 2016 added 10 minutes to the time allocated for proxies and allowed



submitting an application to receive the statement from 14:00- 18:00 on the day after the Election Day and from 9:00 to 11:00 on the second day.

The last changes that entered into force on November 14, 2016 prescribed scanning of signed voter lists and publication on the CEC website (EC Article 73). At the same time, the RA Criminal Code was amended to prescribe 2-5 years of imprisonment for intentional false reporting on voter impersonation and a 200-500 fold minimum salary fine and up to two years of imprisonment for false reporting by neglect.

On April 4, 2017, “Citizen Observer” Initiative released a statement that as of 19:00, April 4, 2017, the links posted on the CEC website mainly did not work.¹⁰ ON April 6, 2017, the RA Central Electoral Commission disseminated a clarification that the problems with downloading the voter lists were due to the website being overloaded and the lists were published in alternative versions as well.¹¹

On May 2, 2017, the Agency for Protection of Personal Data of the Ministry of Justice of the Republic of Armenia launched an administrative investigation into the publication of passport data with signed voter lists. The Agency made a decision to demand the RA Central Electoral Commission to block the passport data of voters within 3 working days.

Registration of election observation missions

Article 30 of the RA Electoral Code stipulates that election observation mission can be conducted by international organizations and those foreign non-governmental organizations whose charter objectives include issues of democracy and protection of human rights and those non-governmental

¹⁰ The Requirement of the RA Electoral Code on Publicizing the Voter Lists Was Breached. The Signed Voter Lists Are Not Publicly Available, Citizen observer, April 4, 2017 <https://citizenobserver.am/en/news/view/zzdv2017-04-04-19-18>

¹¹ Clarification, RA Central Electoral Commission, April 6, 2017, in Armenian <https://docs.google.com/viewer?url=http%3A%2F%2Fres.elections.am%2Fimages%2Fdoc%2Fmamul33.pdf>



organizations of the Republic of Armenia whose charter objectives include — for minimum 1 year preceding the day of calling elections — issues related to democracy and protection of human rights and which do not support candidates or political parties running in elections. There were 49 domestic organizations and 6 international organizations accredited to observe the elections. We will speak in more detail about the activity of domestic observation mission and respecting the requirement of not supporting a candidate or a party in the chapter on the process of voting.

Besides the accredited intergovernmental organizations, a request for invitation to observe the RA NA elections was submitted to the RA Ministry of Foreign Affairs and RA Central Electoral Commission by the European Platform for Democratic Elections (EPDE) and the European Network for Elections Monitoring Organizations (ENEMO), along with 5 other international organizations. The RA Central Electoral Commission refused to provide an invitation to all organizations arguing that the number of accredited observers was already too high. European Platform for Democratic Elections and its Armenian members, HCA Vanadzor and Transparency International Anti-Corruption Center released a joint statement condemning the decision of the RA Central Electoral Commission.¹² A similar statement was disseminated by the European Network for Elections Monitoring Organizations¹³

The statement of the European Platform for Democratic Elections was followed by the clarification of the RA Central Electoral Commission that “The opinion voiced by some international organizations that the RA does not consider the presence of international observers during April 2 elections as an important contribution to enhancing the electoral process and thus violates its

¹² EPDE condemns the Armenian governments’ refusal to invite international citizen election observers, March 22, 2017 <http://hcav.am/en/events/22-03-2017-03/>

¹³ ENEMO Concerned over Armenian CEC’s Decision to Reject Invitation for Election Observation, 14 April 2017, <http://www.enemo.eu/en/news/236-enemo-concerned-over-armenian-cecs-decision-to>



international and particularly OSCE commitments is baseless.¹⁴ The RA Central Electoral Commission insisted that it followed the Armenian Legislation and in consideration of that it invited relevant intergovernmental organizations, while representatives of international organizations could be invited by their local partners as domestic observer from their NGOs. Furthermore, the Central Electoral Commission stated that there are no unified criteria for selecting international non-governmental organizations and in order to avoid discriminatory selection, all international non-governmental organizations were rejected. The RA Central Electoral Commission concluded the clarification arguing that “the selected model of international observers from intergovernmental organizations and NGO participation through Armenian organizations was the best option for ensuring transparent and professional observation.” It should be noted that the rejection letters received by either organization did not contain a hint about accreditation via a domestic organization and the above mentioned clarification was sent out on March 24, 2017. Accreditation of observers and making amendments to the list of accredited observers ended on March 18, 2017. That is to say, the international observation organizations would not be aware of the opportunity on time.

Observers from the above-mentioned organizations and others were indeed accredited by domestic organizations upon their initiative and conducted observation within “Independent Observer” Public Alliance as well. However, this solution was given by domestic organizations upon their own initiative considering that there was no citizenship requirement for domestic observers and predicting the position of the RA Authorities. Thus the RA Central Electoral Commission not only ignored the right prescribed in Article 30, part 1, point 1 of the RRA Electoral Code but also attributed the solution to the CEC.

¹⁴ CEC clarifies , March 24, 2017, <http://www.elections.am/news/id-427/>



Pre-election Campaign

The pre-election campaign started on March 5, 2017. The “Independent Observer” Alliance observed the campaign in the entire territory of Armenia.

The long-term observation included

- interviews with the representatives and candidates of all the political parties and blocs and participants of campaign events and rallies;
- observing the election campaign rallies and meetings of candidates of political parties and blocs;
- identifying frauds during the election campaign, including the use of information shared by the mass media;
- submitting complaints to the RA CEC (Central Election Commission) and other state bodies to prevent the identified frauds.

The information was compiled into interim and final reports.

Nominated parties and party Alliances

There were 5 parties and 4 party Alliances running for the RA National Assembly elections:

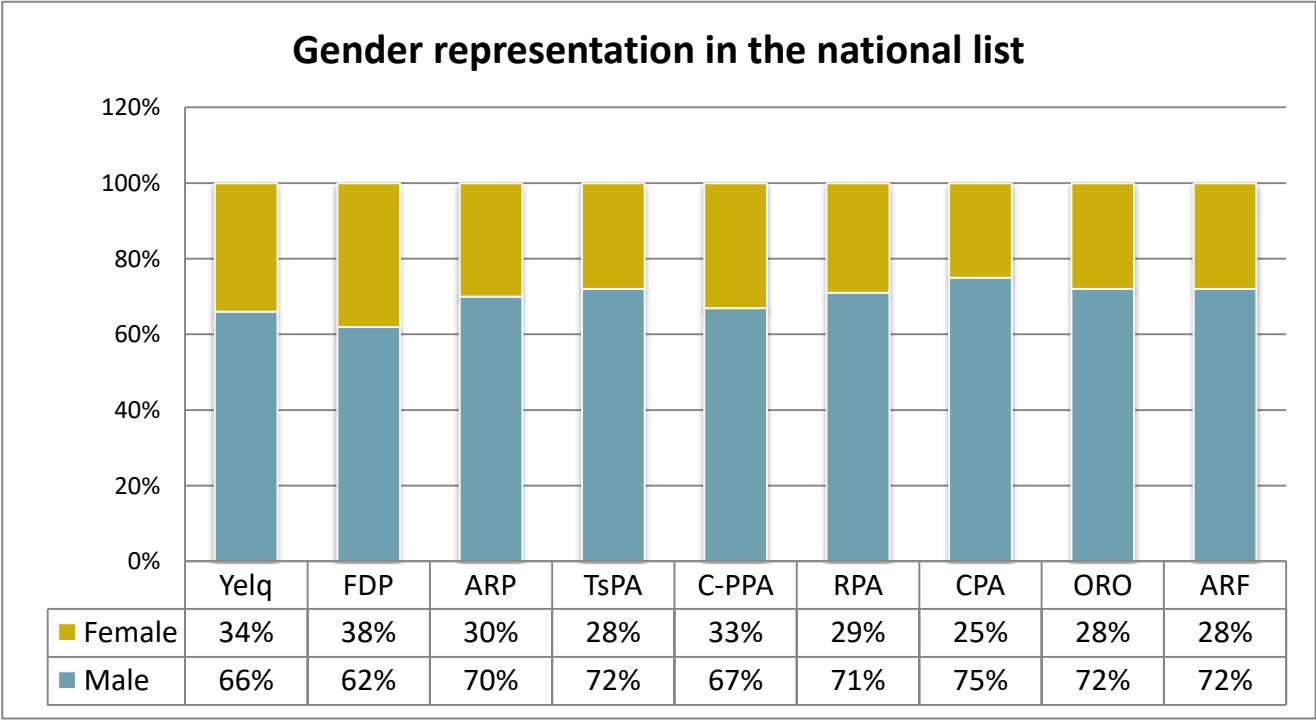
- “Way out” (Yelq) Alliance – National 121, district 115 candidates
- Free Democrats Party (FDP) - National 101, district 88 candidates
- Armenian Revival Party (ARP) – National 303, district 164 candidates
- “Tsarukyan” Party Alliance (TsPA) – National 191, district 134 candidates
- Congress-PPA Alliance (C-PPA) – National 144, district 126 candidates

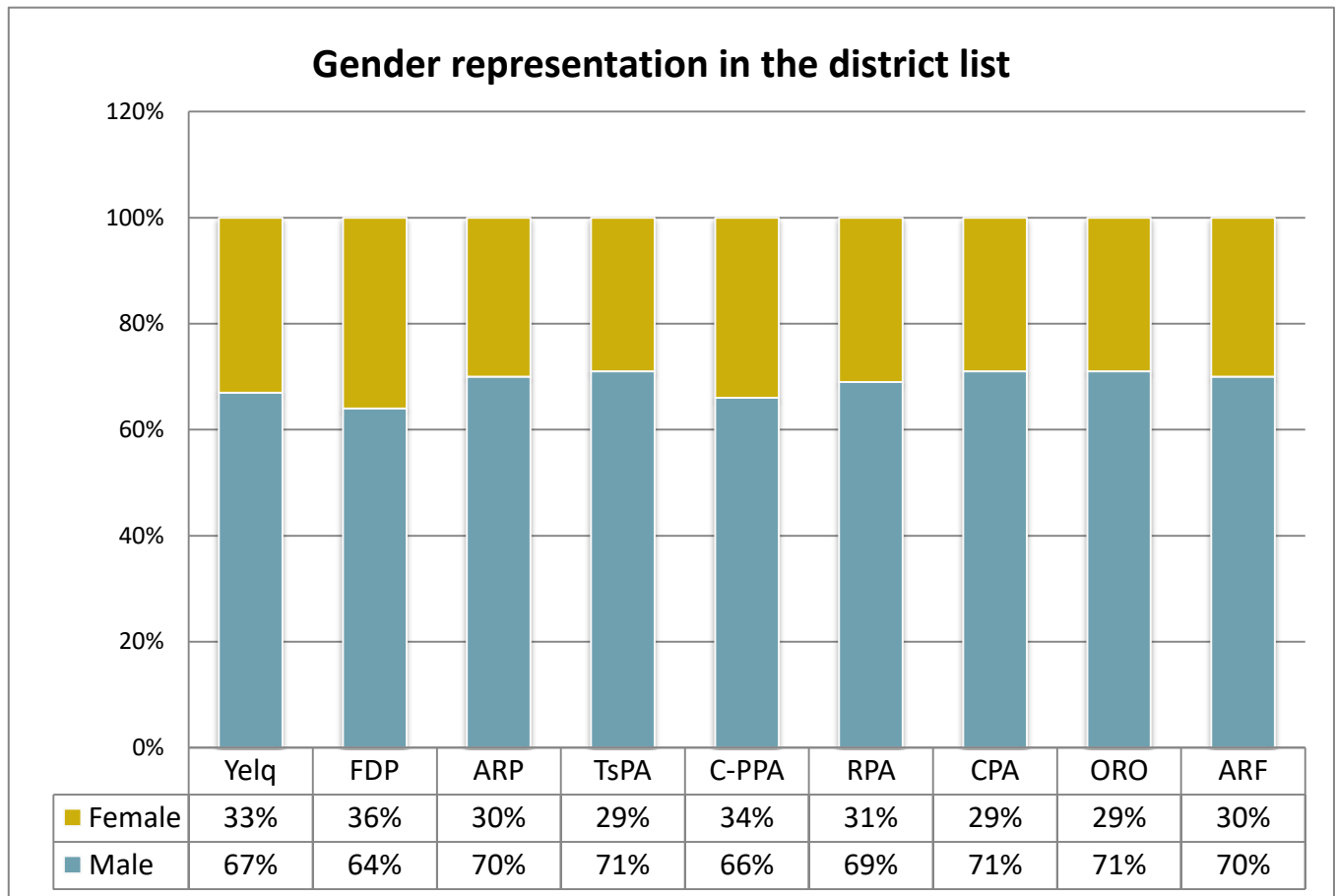


- Republican Party of Armenia (RPA) – National 213, district 133 candidates
- Communist Party of Armenia (CPA) – National 173, district 145 candidates
- “Ohanyan-Raffi-Oskanyan” Alliance (ORO) – National 148, district 128 candidates
- Armenian Revolutionary Federation (ARF) – National 171, district 153 candidates

There were 1538 candidates nominated in the first part of the national lists. 2 parties and 2 party alliances used the opportunity to nominate national minorities in the second part of the national lists and nominated a total of 27 candidates. There were a total of 1186 candidates nominated through district lists.

Women comprised 30% of candidates in both national and district lists. Highest representation of women was in the national list of Free Democrats Party (38%). Least representation was by the Communist Party of Armenia (25%).



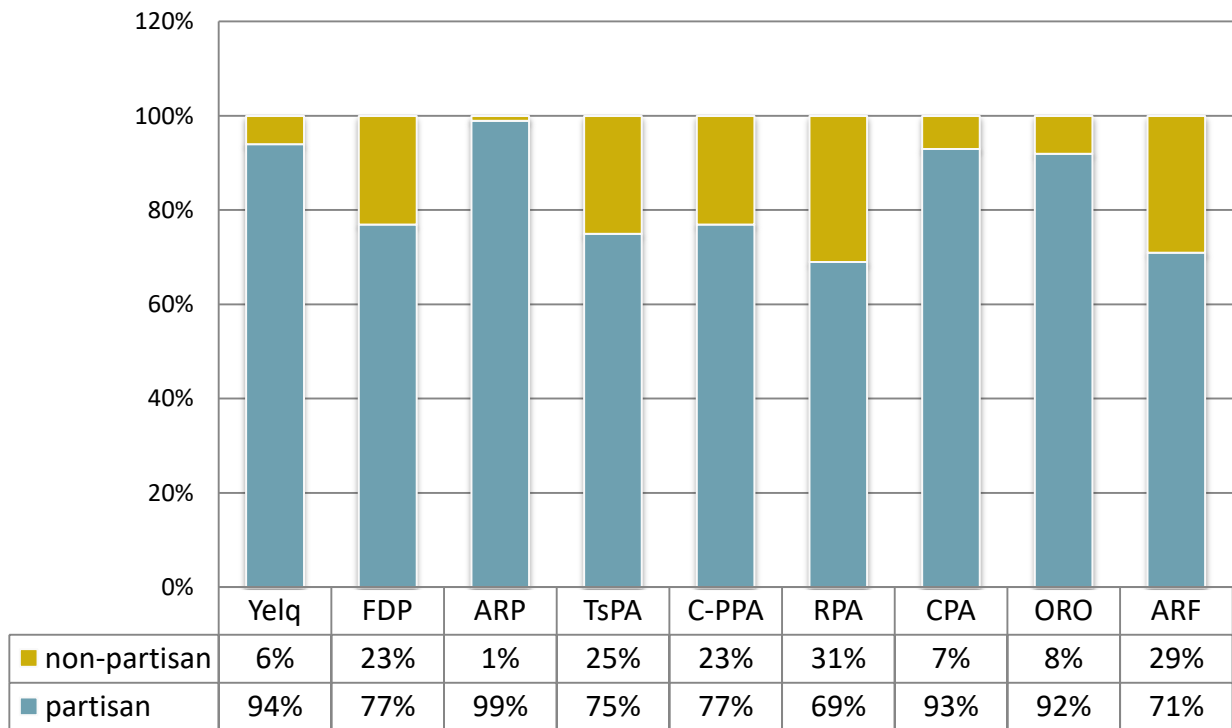


The highest representation of women in district lists was again with the Free Democrats Party (36%), and the lowest was in the lists of Communist Party of Armenia (29%), “Ohanyan-Raffi-Oskanyan” and “Tsarukyan” Party Alliances.

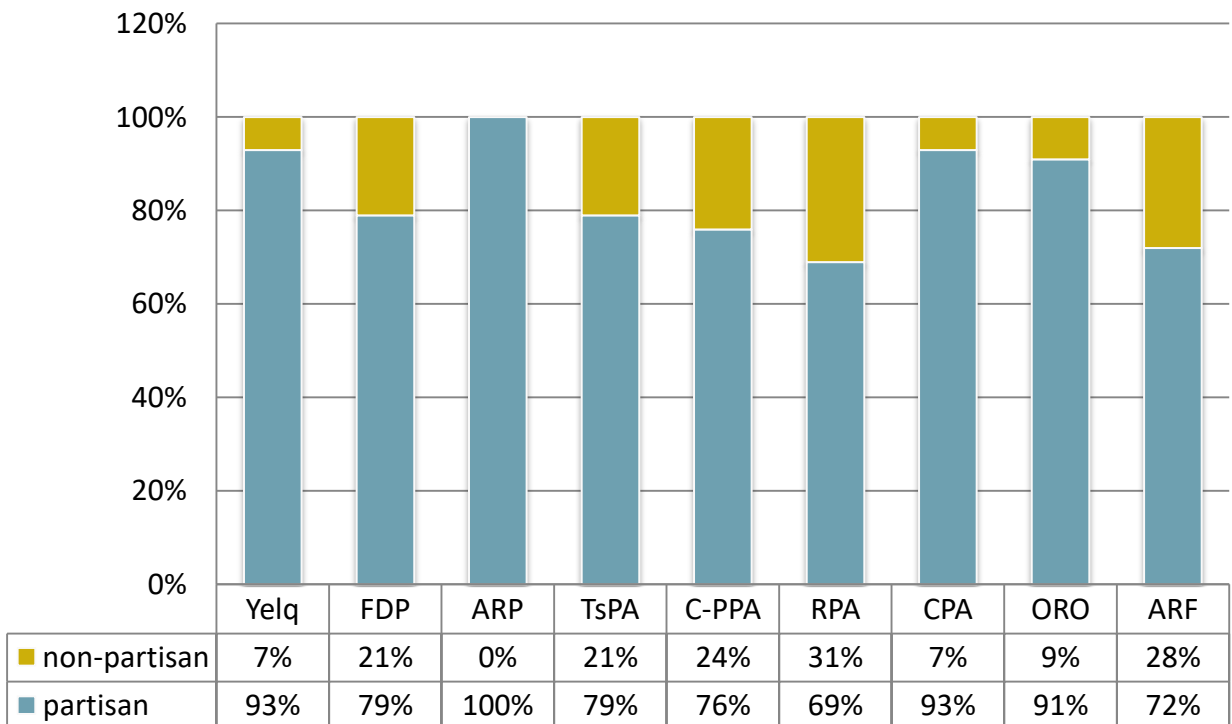
Prescribing only participation of political associations, the Electoral Code allowed parties and party alliances to involve up to 30% non-partisan candidates. This opportunity was most used by the Republican Party of Armenia (31%) and the Armenian Revolutionary Federation, and least by the Armenian Revival Party – 1 candidate.



Partisanship in the district lists



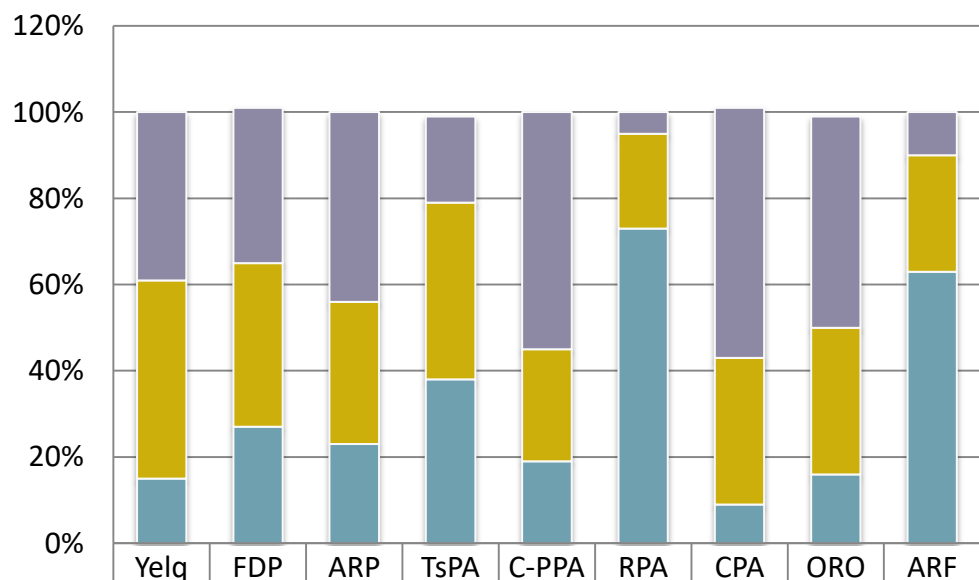
Partisanship in the national lists





In terms of possessing financial and administrative resources, the occupation of candidates is of high significance. The analysis of this data shows that 73% of candidates in the national list and 67% of candidates in the district lists of the Republican Party of Armenia are involved in the national government as well as local government agencies, and the involvement of unemployed candidates is minimum - 5%. In addition, 63% (national) and 65% (district) candidates of the Armenian Revolutionary Federation work in government institutions and only 10% of candidates from the Armenian Revolutionary Federation are unemployed. “Yelq” Alliance had most candidates representing the private sector – 45% in the national list and 50% in district lists. “Tsarukyan” Party Alliance had more candidates from the private sector in its national list, while the Free Democrats had more such candidates in their district lists - 40%. Most unemployed candidates were in the national and districts lists of the Communist Party of Armenia (N- 58%, D-54%) and Congress-PPA (N- 55%, D-59%).

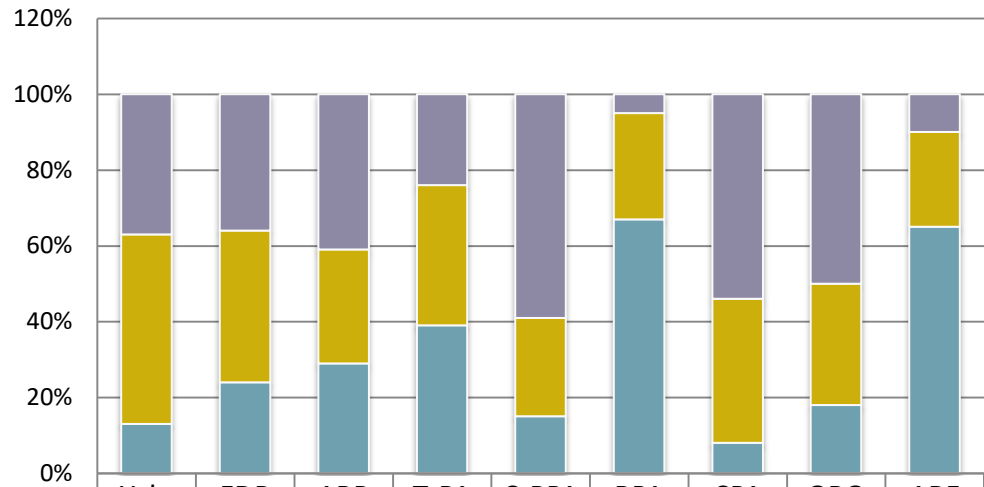
Employment of candidates in the national lists



■ Unemployed	39%	36%	44%	20%	55%	5%	58%	49%	10%
■ Private (including self-employed)	46%	38%	33%	41%	26%	22%	34%	34%	27%
■ Government (including local)	15%	27%	23%	38%	19%	73%	9%	16%	63%



Employment of candidates in the district lists

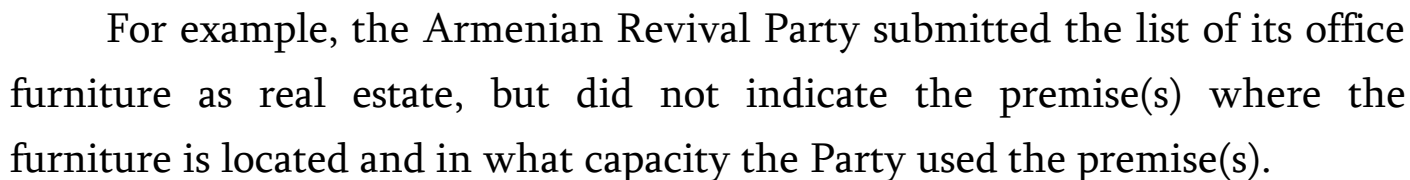


Unemployed	37%	36%	41%	24%	59%	5%	54%	50%	10%
Private (including self-employed)	50%	40%	30%	37%	26%	28%	38%	32%	25%
Government (including local)	13%	24%	29%	39%	15%	67%	8%	18%	65%

Financial Reports and Declarations

Analysis of declarations by parties and party alliances shows that declaring is mostly seen as a formality and the submitted information does not give a comprehensive understanding of what the party possesses. Moreover, in some cases it clearly speaks of negligence by those who provide the information and by the Oversight Service. This fact contradicts the approach set in the Concept for Constitutional Amendments, which is the creation of necessary legal guarantees for ensuring the constitutional requirement of democratization of political parties and publicity of their financial activity.¹⁵

¹⁵ Concept Paper on the Constitutional Reforms of the Republic of Armenia,, Specialised Commission on Constitutional Reforms Adjunct to the President of the Republic of Armenia, October 2014. [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2014\)050-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2014)050-e)



ՀԱՐժԱԿԱՆ ԳՈՒՅՔԸ

Գույքի տեսակը	Հարմարված գույքի մակերը և սեփական	Գույքի նկարագրի նկարագրություն	Փողոցային տարածքի վրա
Փափուկ կահույք-10 հատ	Արդյունական 43	Սեփականություն	
Գրասպասարաններ-10 հատ	Արդյունական 43	Սեփականություն	
Տախիներ-20 հատ	Արդյունական 43	Սեփականություն	

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(Առևտրային եկամուտների հարկի օրենքի 10-րդ հոդվածի 1-ին կետի համաձայն)

Փաստաթուղթ գույքի անվանում	Փաստաթուղթ գույքի արժեքը	Փաստաթուղթ գույքի արժեքը

ԴՐԱՄԱԿԱՆ ՄԱՋՈՏՆԵՐԸ


Միջոցի տեսակը	Չափը
ՀՀ դրամ	1000000/մեկ միլիոն/դրամ


ԲԱՄՈՒՆՄԱՆ ԵՎ ՓԱՅՄԱՄԺԻՆ

Կազմակերպության անվանումը	Եկամուտների տեսակը (բաժնետիրական կամ վարձարժեք)	Կազմակերպությունում ներդրման չափը %-ներով

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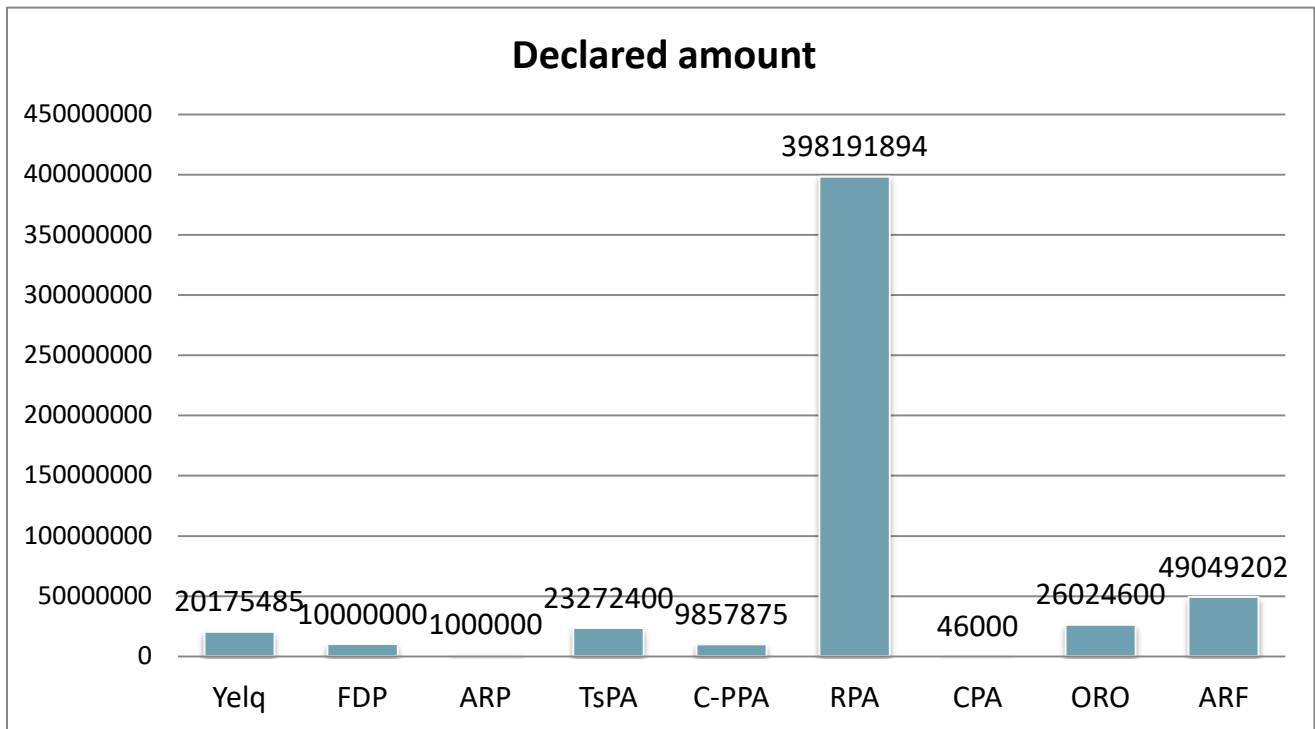
Եկամուտի տեսակը	Եկամուտի նկարագրություն, գույքի վրա փոխադրված գույքի անվանում, անուն և հարգանք, ընկերության դասը	Եկամուտի չափը (գումար)	Ամսական տեսակ
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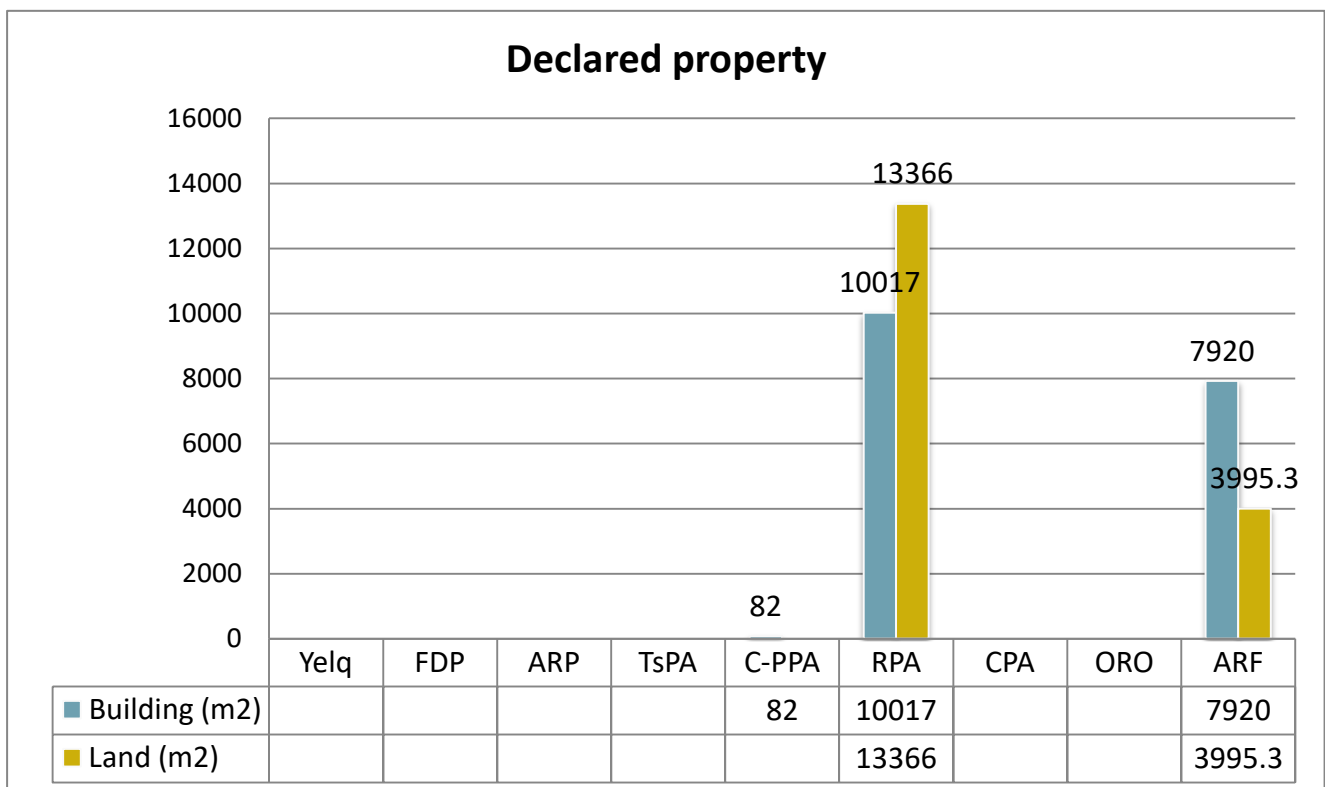

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In this respect, it should be noted that the Venice Commission had issued a clear recommendation about increasing the independence and effectiveness of the Oversight Service; however, the only amendment in the Electoral Code was a note about the independence of the Service, which did not bring about factual changes.

Nevertheless, the existing data allows to conclude that in terms of possessing resources, the Republican Party of Armenia maintains its sole dominance. The financial resources of the Republican Party of Armenia alone are three times more than the total financial resources of all other parties and alliances.

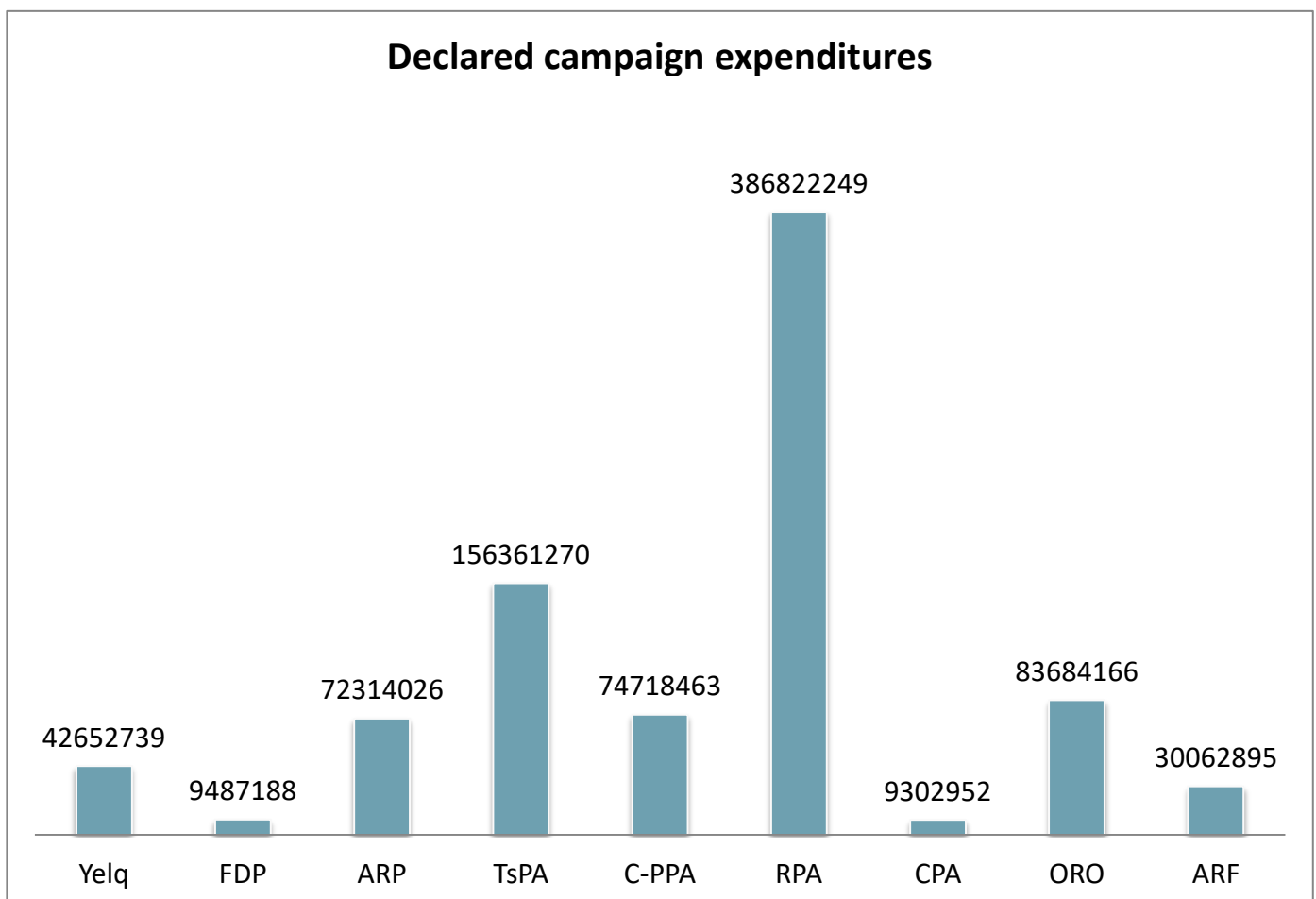


Sole or joint ownership of any property was declared by Congress-PPA Alliance (one apartment that belongs to the People's Party of Armenia), Republican Party of Armenia and the Armenian Revolutionary Federation (Numerous buildings and lands).





The maximum contribution by physical entities toward campaign funds for parties and party alliances during the RA National Assembly elections was raised five times, reaching 500-fold of the minimum salary. According to the new Electoral Code, campaign expenditures for parties cannot exceed 500,000-fold of the minimum salary, which is 5 times more than the amount allowed by the 2011 Electoral Code, although no amendments or addenda were made to the list of expenses to be covered from the campaign fund. The amount still does not include overhead, transportation, and other organizational expenditures, including campaign office rental and salaries of the temporary staff working there, which are essentially not registered or taxed. Thus, in reality a tangible part of campaign expenditures is not reported on. In terms of declared expenditures, the Republican Party of Armenia, which declared 45% of total campaign expenditures reported by all parties and party Alliances, was the absolute frontrunner.





Organization of Pre-election Campaign

During the monitoring of the pre-election campaign, “Independent Observer” Public Alliance recorded that

- The election campaign was accompanied by acts of violence and pressure, including use of firearms mostly against non-ruling and/or opposition parties and blocs.
- Ruling RPA committed organized and widespread misuse of administrative resources.
- No proper responses were provided on the petitions on violations identified during the election campaign submitted to the CEC by member organizations of the Alliance that carried out the observation mission.
- The CEC did not carry out a thorough, comprehensive examination of the issues raised in the petitions. The CEC did not show enough effort and will to neither prevent the offences identified and confirmed during the election campaign nor eliminate the consequences of those offences.
- Andrias Ghukasyan, candidate from “ORO” Alliance was in custody during the pre-election campaign period and the criminal case against him has an obvious political motivation.

As a result, during the pre-election campaign, the candidates, nominated political parties and alliances did not enjoy equal opportunities as prescribed by the RA Electoral Code. The election campaign was accompanied by continuous violations through misuse of administrative resources which were not prevented by the RA CEC and law enforcement agencies and which cast suspicion on the fair and free nature of the elections.



Abuse of administrative resources and violation of labor rights

During the campaign of the RA NA elections of April 2, the representatives of the ruling party largely misused the administrative resources. Such practices were manifested in involving public sector employees in the election campaigning both during and after their working time, as well as the students of the higher and other educational institutions. The misuse of administrative resources was also manifested in locating the campaign offices in public premises. There were also some cases identified where the administrative resource was used to intimidate and interfere with the activities of representatives of opposing political parties and alliances, including participants of rallies.

The misuse of the administrative resources was manifested by the arbitrary/ineffective police actions and inaction.

According to the obtained information, a significant majority of cases of administrative resources misuse were committed by RPA. Observers identified 39 cases of abuse of administrative resources. The recorded cases are presented in the final report of the long-term observation by the “Independent Observer” Alliance.¹⁶

The pre-election campaign showed persistent practices of forcibly involving people employed in the public sector into the campaign, both during and beyond their working hours. It was reported that people involved in the private sector were coerced as well (in Kajaran and Agarak).

The persistent biased approach of some political forces involved in the political process and law enforcement agencies contributed to an atmosphere

¹⁶ ‘Independent Observer’ Public Alliance Election Campaign Long-Term Observation Report March 2017, <http://hcav.am/en/publications/1235541263-en/>



of fear, which, in turn, led to restrictions on voters' expression of their free will.

The most scandalous identification of abuse of administrative resources was the investigation conducted by the Union of Informed Citizens, a member of the "Independent Observer" Public Alliance, which documented the cases of abuse of administrative resources by the Republican Party of Armenia (RPA)¹⁷ The staff of the Union of Informed Citizens called the directors of 136 schools and kindergartens, presented themselves as representatives of the RPA Central headquarters and demanded information about the lists of potential voters allegedly collected by them. 114 directors of the educational institutions confirmed that they indeed had compiled the lists and sent them to a respective representative at the Republican Party of Armenia. One of the directors even confessed that they had "threatened by all means" to ensure that those included in their lists would definitely vote Republican. Both the RA CEC and the RA Prosecutor General were predisposed about the issue.¹⁸ Moreover 28 of these directors were involved in the precinct electoral commissions and no steps were taken to remove them.

Related to this, there was another incident of misusing administrative resources against Daniel Ioannisyan (one of the authors of the aforementioned investigation), Program Manager of the Union of Informed Citizens that carried out the study. The press shared confidential information about him and his family that was only available to the Police, an act constituting a gross violation of his right to confidentiality of personal data. Moreover, after the National Assembly elections 30 of the above-mentioned directors filed lawsuits against the Union of Informed Citizens and Daniel Ioannisyan for

¹⁷ Misuse of Administrative Resources in Schools and Kindergartens by the RPA (114 audio recordings), sut.am, March 2017, <https://sut.am/en/archives/803>

¹⁸ Gyumri School Head Avoids Prosecution For Voter 'Intimidation', Azatutyun/Radio Liberty, April 2017 <https://www.azatutyun.am/a/28435277.html>



Defamation and Libel. Each of the plaintiffs demands a compensation of 2 million drams. From the identical content of the applications, it is obvious that the applications were prepared in coordination, which again testifies to the discovered abuse being organized.¹⁹

After the elections Hayastan24 posted an audio-recording on youtube.com, where a representative of “SAS” Group held a meeting with the staff checking the lists of potential voters submitted by them.²⁰ The person instructed them about bringing votes for the owner of the company, Artak Sargsyan, nominated by the Republican Party of Armenia. He promised compensation to “those who bring votes” and to the voters and threatened to fire those whose implementation of the task would not be satisfactory. The audio-recording testified not only of the systemic nature of violation of electoral rights, but also of blatant violation of labor rights that was not properly investigated. According to information published on April 20, 2017, the RA Special Investigation Service launched a criminal case under Part 2 Article 154.2 of the RRA Criminal Code, but no further information on the case is available.²¹

Observers also reported that an employee at Kajaran Copper-Molybdenum Plant was fired for not collecting passport data of 100 voters for RPA:

“Charity” – disguised vote-buying

The observation mission learned from the campaign offices and candidates of the nominated parties and Alliances, the mass media

¹⁹ School Chiefs Sue Civic Group Over Pre-Election Scandal, Azatutyun/Radio Liberty, April 2017, <https://www.azatutyun.am/a/28423788.html>

²⁰ Pre-election meeting in “SAS” Group, Hayastan24, April, 2017, , https://www.youtube.com/watch?v=lw82yli_nNM

²¹ Under what article is a criminal case regarding the “SAS” recording launched, Zhoghovurd, April 2017, <http://armlur.am/680620/>



publications, campaign rally participants and rally observation findings that some political parties and/or Alliances both promised and gave to the voters

- cash awards, in-kind aid, food and other presents, support in the educational process by paying tuition fees;
- services, construction work (community road repair, construction of playgrounds);
- a number of other acts of ‘charity’.

During the pre-election campaign observers reported about 42 such cases.

By the way, on the last day of the pre-election campaign, in response to a question about vote-buying, RPA Representative and NA former Vice-President, Hermine Naghdalyan, first said, “Be those Republicans or other parties, I say and ask you to spread it and get to our public that anyone who wants to give electoral bribes today is just doing charity. That person is just someone who does donations and simply gives gifts without any hope of vote-buying. There is no mechanism, mean, or any way in the Electoral Code that would allow those who give bribes to check or control that those who take the bribe vote for them. Disseminating election bribe is simply donation,” she said, adding that “Whoever wants to give an electoral bribe let them give it and whoever wants to take electoral bribe, let them take it and go vote as they will.”²²

During the pre-election campaign period, on the day of silence and on the Election Day, there were numerous publications and reports about election bribes.

For example, on the eve of elections several citizens called the office of the “Independent Observer” Alliance member, HCA Vanadzor, and informed it that there were election bribes being distributed at the campaign office of

²² Hermine Naghdalyan. “Electoral Bribe is donation” Aravot, March 2017, <http://www.aravot.am/2017/03/31/872904/>



Arkadi Hambardzumyan, a candidate from the Republican Party of Armenia, located at Tigran Mets 73 in Vanadzor. Representatives of the organization arrived at the location and saw that in one of the halls of the building numerous citizens were coming in with their documents and receiving money. The police that arrived upon a call from the organization did not take any measures and there was no investigation into the report.

Obstruction of campaigning, violence, and intimidation

During observation of the election campaign, there were reports about intimidation of voters, preventing them from taking part in the election campaigns (rallies, meetings) of a political party or alliance and forcing voters to attend campaign rallies of a political party against their will. Such actions were mostly taken by RPA. Interference with the election campaign was also manifested through disrupted operation of the inter-regional (inter-marz) public transport due to which voters were unable to attend campaign meetings or rallies of a political force.

Observers reported on 80 cases of violence and intimidation.

There were also cases of interfering with the pre-election campaign of a political power. Mostly, the campaign actions (meetings, rallies) of the parties and Alliances below were obstructed: 'ORO', 'Yelq' and 'Congress-PPA' Alliances and Free Democrats Party.

Almost all such cases were accompanied by the use of administrative resources. The observers and whistleblowers mentioned that mostly such interference was caused by representatives and/or supporters of RPA and in some cases by those of 'Tsarukyan' Alliance. Observers received reports from the campaign offices of different political parties and alliances that the nominated parties and party alliances encountered obstacles when opening campaign offices, as well



From March 5-30, 2017, the observers received alerts on cases of violence and intimidation against political opponents and citizens that resulted in bodily injuries of different gravity.

Similar incidents also occurred before the official start of the pre-election campaign. The police treated such incidents selectively (arbitrarily). Many people alerted that due to the pressure, citizens couldn't attend the campaign meetings of a number of parties. Such cases mostly affected supporters and/or representatives of 'ORO' and 'Tsarukyan' Alliances and the ARF Party. According to the reports and observations, such acts of violence and pressure were mostly committed by the representatives and/or supporters of RPA.

Some of the recorded cases are:

- Armavir Region, Jrarat Village, on March 12-14, the meeting of the "ORO" Alliance was obstructed and there was an armed incident, that resulted in several people receiving gunshot and blunt injuries of various gravity. The Independent Observer released a special report about the incident.²³
- Aragatsotn Region, Kuchak Village: lin.am news website informed that RPA campaign office staff members in Kuchak, Arayi and Vardenut villages invited Aram Asatryan, chief of 'Tsarukyan' Alliance office in Kuchak village, for clarifying some issues. The process of seeking clarifications escalated into a stabbing; as a result, Aram Asatryan was taken to hospital in a critical state. A friend of his, Manuk Hovsepyan was stabbed, as well.²⁴

Print advertisements/campaign materials

²³ Special Report on Jrarat incidents, "Independent Observer" Public Alliance, March 2017, <http://uicarmenia.org/en/3090>

²⁴ Republicans have stabbed a head of "Tsarukyan" Alliance campaign office, his state is critical, Politik.am March 20, 2017 <http://politik.am/hhly-ականները-դանակահարել-են-ծառուկյ/>



The most common violation reported during the pre-election campaign was posting campaign materials in non-allocated areas. There were 159 such cases reported.

At the same time, there were many cases of damaging the campaign materials of the nominated political parties and alliances. So far, such cases have not received any legal assessment and/or the perpetrators or those who instructed them to do such actions have not been identified. This issue was also raised in the Interim Report of the 'Independent Observer' Public Alliance and voiced in the mass media publications. The campaign posters of almost all the parties and Alliances were damaged, with the largest number of the posters of 'Yelq', 'ORO', 'Congress-PPA' and 'Tsarukyan' Alliances, as well as ARF and RPA (the names of the Alliances and parties are presented by the number of cases of damaging campaign posters from the largest to the smallest). There were 109 reports from observers on this.



Voting

As mentioned, on April 22, 2017, “Independent Observer” Public Alliance conducted observations in 200 polling stations in the entire territory of the Republic of Armenia, the statistical sampling of which allows the assessment of the full organization and conduct of voting.

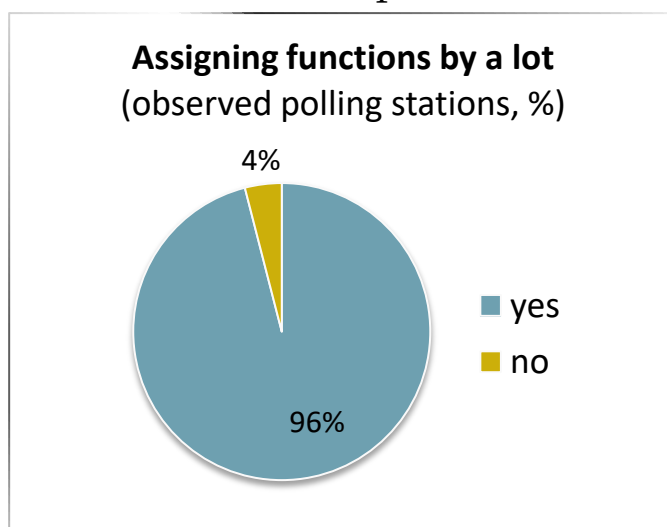
Overall there were over 3000 violations reported from 200 polling stations on the Election Day. Observers monitoring territorial election commissions reported that there were inaccuracies and flaws in most electoral documents brought from precinct electoral commissions, which proves that the precinct electoral commissions were incompetent particularly in the vote counting and tabulation process.

The data from the monitoring cards completed based on the observation in 200 polling stations and 31 district electoral commissions are presented in separate sections below. The report also contains direct quotes to clarify the expression of the violations.

Preparation of voting

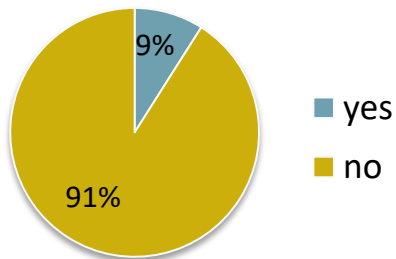
When observing the preparation of voting, observers also studied the furnishing and accessibility of polling stations, which were presented in the section on “Organization of Elections”.

In terms of organization of voting, we should note that at 8 of the observed 200 polling stations the functions of the commission members were not assigned by lot.





Commission chairperson's competence in his/her functions
(observed polling stations, %)

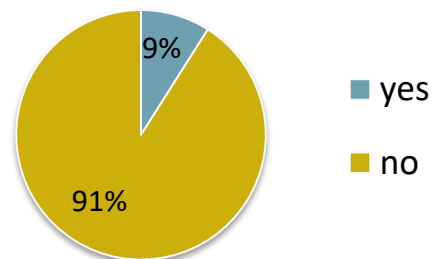


In 17 polling stations, observers found that the commission chairs were not competent of their functions during the commission sitting. In most of these cases, the observers noted that other members of the commission instructed the chair. At two polling stations the statement about absence of voters was printed after the first voter had voted, which also speaks of the

incompetence of the commission.

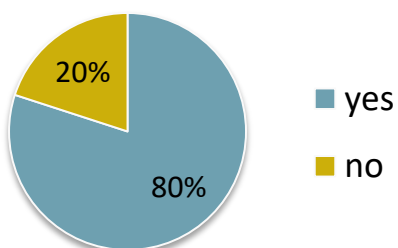
In the same way, the chairperson and other competent persons did not take actions regarding violations in 17 of the observed polling stations, 4 of which were the same polling stations where the commission chairperson was not competent in their actions.

Taking actions towards violations
(observed polling stations, %)



E.g. At 10/14 polling station, the representatives of “Tsarukyan” Alliance rebuked the chairman; one of the commission members instructed what had to be done.

Ballots in the box of unused ballot papers
(observed polling stations, %)

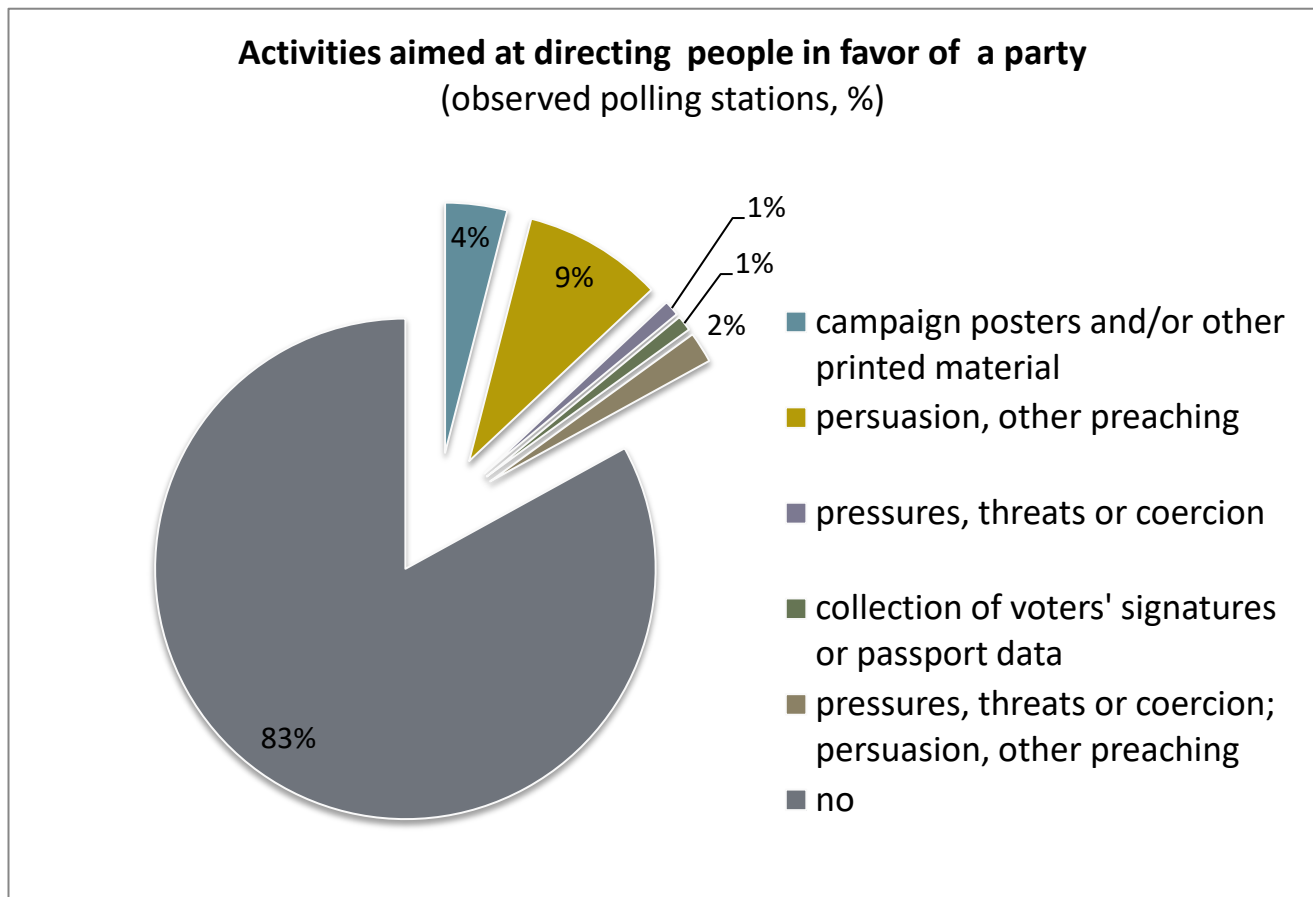


It was prescribed to put 3-5 ballots from each party and party Alliance into the box for unused ballot papers in the voting booth before the start of the voting in order to ensure the secrecy of vote.



Situation around polling stations during the voting

On April 2nd, 2017, from 08:00am until 08:00pm observers also followed the situation around polling stations. According to those observations, the following situation has been recorded.



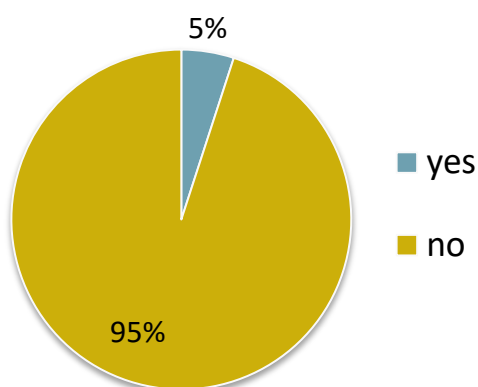
Activities aimed at directing voters in favor a party/alliance were recorded in 17% of the observed polling stations. Those activities

- Around 22 polling stations those activities were in favor of RPA,
- Around 4 polling stations they were in favor of “Tsarukyan” Alliance
- Around 2 polling stations they were in favor “Yelq” Alliance
- Around 1 polling station they were in favor of “ORO” Alliance.

E.g. At 13/25 polling station, the head of the village and his son directed the voters. They also said the following: “If you do not do as I said, I will cut your social welfare.”



Cases or suspicions of vote buying
(observed polling stations, %)



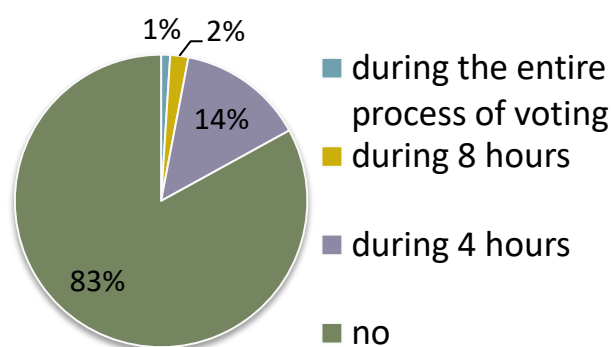
E.g. At 13/25 polling station, the son of the village Mayor was outside together with a group of 10 other people. The observer noticed how voters opened and closed their wallets after approaching the group. The observer also heard a conversation on returning the debt.

E.g. At 07/35 polling station, an old lady said that until she is paid the promised money, she will not go to vote.

E.g. Next to the 23/51 polling station in Vanadzor, the observer noticed how voters came out of the nearby RPA campaign office and entered the polling station.

At some polling stations observers noticed cases of transferring voters to polling stations by the same vehicles several times.

Transferring people to polling stations by minibuses, personal cars or other vehicles
(observed polling stations, %)



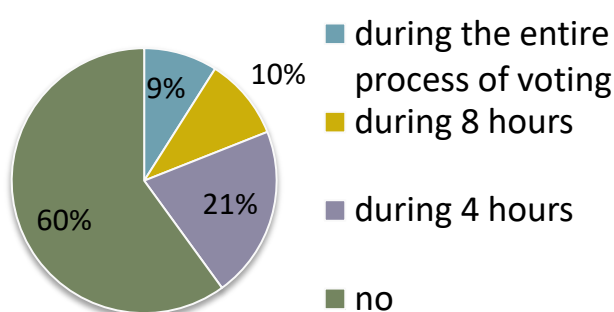
- Around 2 polling stations transfer of military servants was noticed
- Around 9 polling stations the transfer of voters was carried out by proxies (6 from RPA, 2 from “Tsarukyan” Alliance, 1 is unknown)



E.g. From “Hope town” neighborhood for socially vulnerable families people were transferred by buses to 05/03 polling station, under a justification that they were large families with over 10 children.

Groupings in the territory of up to 50 metre radius around the polling station

(observed polling stations, %)

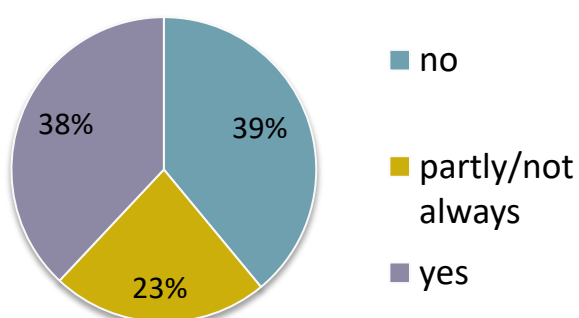


Around polling stations overcrowding was caused by both waiting lines of voters and people remaining in the area after voting or non- voters.

At 20 of the observed polling stations overcrowdings of over 30 people were noticed, moreover:

- At 1 polling station, during the entire period of voting,
- At 4 polling stations, during 8 hours,
- At 15 polling stations, during 4 hours.

Taking actions by competent authorities to eliminate violations
(observed polling stations, %)



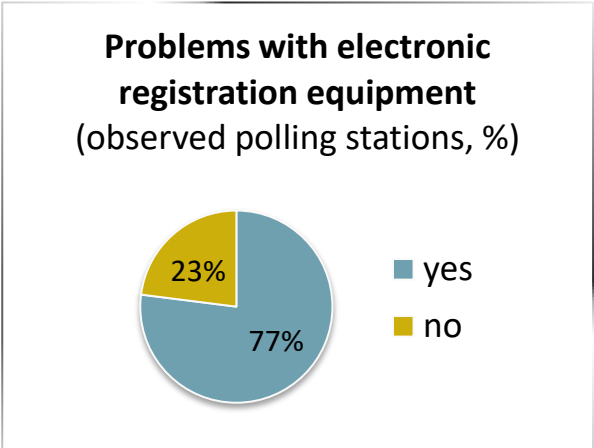
Only at 38% of observed polling stations competent authorities took actions to eliminate all recorded violations, but mainly not on their own initiatives.



Situation in the polling stations during the voting

Problems with the technical equipment were identified in the overwhelming majority of observed polling stations. The identified main problems were the following:

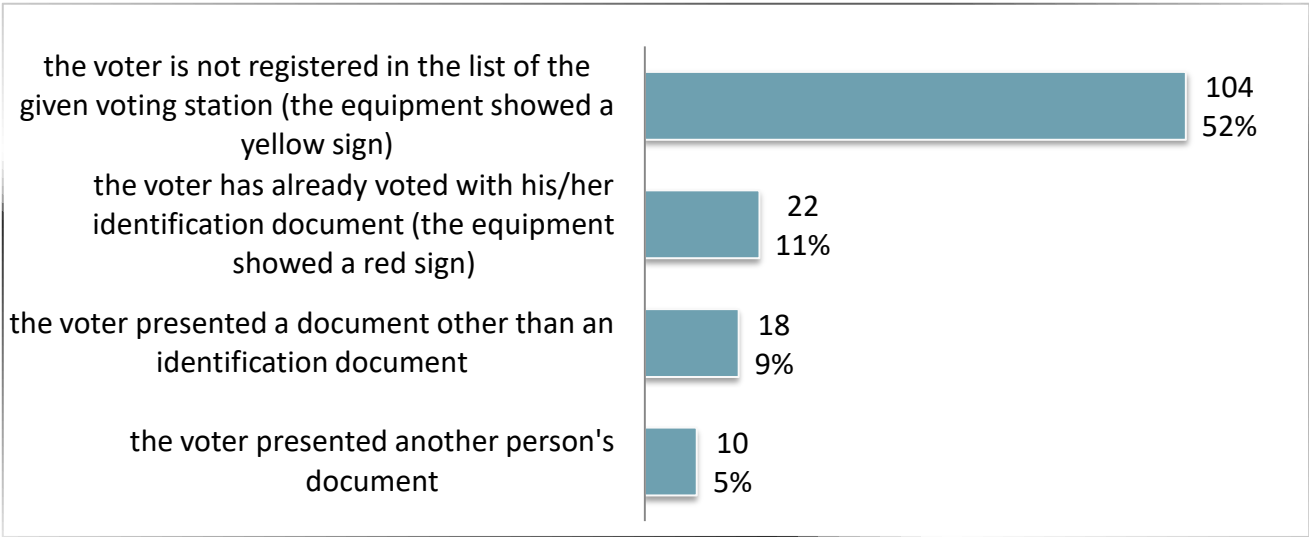
- The equipment recognized identification documents with difficulty
- The equipment recognized fingerprints with difficulty
- The equipment showed a yellow sign, but after entering the data by hand, a green sign.



Before the Voting Day, CEC organized testing of electronic registration equipment twice: on February 12th and March 25th, 2017. During both tests, the same problems were identified; hence adequate actions were not taken to eliminate those.

In 4 of the observed polling stations cases of removing an observer or proxy were recorded. Although those persons were mainly removed for directing the observers, not wearing the badge or other violations, but only in 2 polling stations they were removed by voting prescribed by the law.

Problems with electoral lists were recorded in almost all polling stations.





With regard to the above-mentioned cases observers have mainly reported that they were results of confusion and the commission or police officers invited the respective persons to leave or took other necessary actions. There were also cases when no adequate actions were taken.

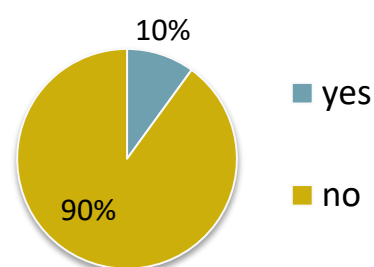
E.g. In 09/11 polling station, RPA proxy's son presented his father's passport and the technical equipment showed a red sign, after which the police officer took him out of the voting room. Later it was explained that he was supposed to pass the passport to his father, but mistakenly approached the equipment instead. The case was considered negligence and no other actions were taken by police officers. The PEC secretary and RPA proxy were constantly together at the polling station. They were even persuading the technical equipment specialist that the case was a result of negligence and there was no need to call a police officer.

In some cases of signing on behalf of a family member, voters noticed that the names of their family members were already signed. In other cases signatures were found before their own names.

According to information provided by the voters regarding some of the cases, the commission found out that voters mistakenly signed instead of another person. With regard to some of the cases, no explanations were given at the polling station. It should be mentioned that in order to reveal the truth of each case, it is necessary to conduct a comprehensive investigation by law enforcement agencies.

Signed instead of another person

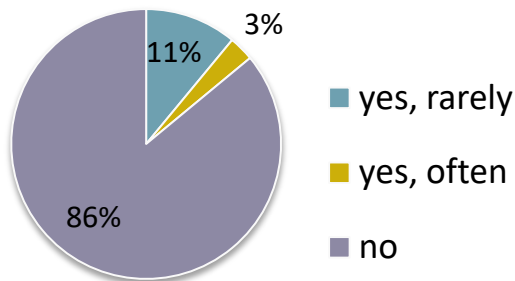
(observed polling stations, %)





Taking actions aimed at calling not yet voted persons to the polling station

(observed polling stations, %)



Inside polling stations observers have noticed that actions aimed at calling not-yet-voted people to the polling station were mainly taken by proxies, sometimes by commission members or observers. At 5 polling stations RPA proxies were involved in such actions, at 3 polling stations “Tsarukyan” Alliance proxies, at 2

polling stations Armenian Revival party proxies, at 2 polling stations Communist party proxies, at 1 polling station the Congress-PPA Alliance proxy.

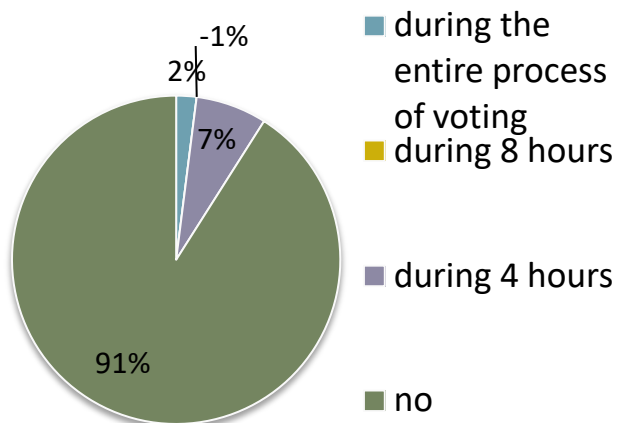
E.g. In 09/09 polling station, the RPA proxy, while looking through the voter lists, loudly said that “these people had to come, but have not come to vote”.

E.g. In 13/25 polling station, the village mayor (with an observer badge) found out who participated in the voting from the village and informed his son about it, who had lists in his hands and oversaw the process at the polling station entrance.

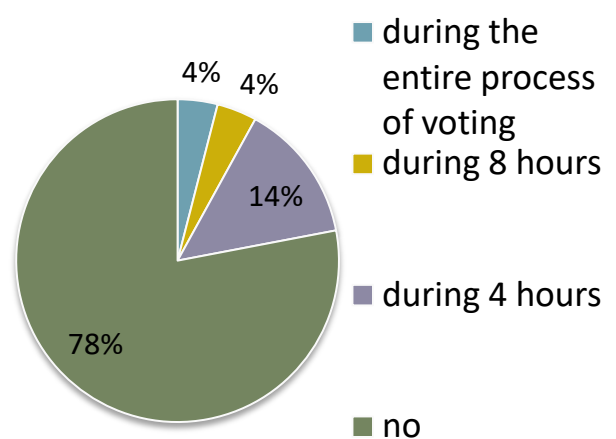
According to the data provided by Central Electoral Commission, 70,488 persons voted with assistance on the National Assembly Election day (4.5 percent of the total number of voters who participated in the voting), including over 20 percent of the voters in 23 polling stations and over 30 percent in 4 polling stations.



Cases of assisting a voter by an unauthorized person
(observed polling stations, %)



Not registering persons assisting the voters in the voting booth
(observed polling stations, %)



E. g. In 22/34 polling station, a young person tried to assist an elderly voter. Despite the latter saying that she does not need assistance, the young person insisted on it and was registered as a helper.

E. g. In 04/23 polling station, two to three times persons not registered as helpers entered the voting booth with the voters and prompted who to vote for.

E. g. In 13/15 polling station, it was noticed how a person helping a voter took a ballot paper out of his pocket. The commission chair removed that person from the polling station.

E. g. In 22/37 polling station, the RPA proxy was the village mayor; he approached the voters in the voting room saying: "You cannot vote on your own, can you?" and compulsively provided the majority of voters with helpers.



E. g. In 10/27 polling station, the parent forced a person with an apparent mental health problem to vote. As a result the secretary made an entry in the registration book and someone voted instead of that person.

Additionally:

E. g. Mobile observer recorded overcrowdings around 34/08 polling station, inside of which, it was noticed that the same person assisted different people in voting.

E. g. Observers noticed the same lady transferring elderly people to 06/33 polling station at different hours of the day. Inside the polling station the same woman also helped the pensioners to vote.

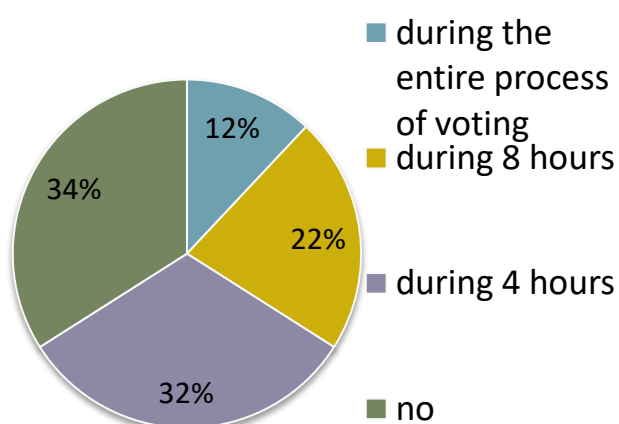
It is noteworthy that the number of persons who voted with assistance in the polling stations is directly proportional to the votes received by the Republican Party of Armenia in the same polling stations. In particular, in polling stations, where the number of persons who voted with assistance comprised more than 5% of the total number of voters who participated in the voting, RPA received the 54.4% of votes (around 5% more than the average). In polling stations, where the number of persons who voted with assistance comprised more than 10 % of the total number of voters who participated in the voting, RPA received the 61.3% of votes (around 10% more than the average). And in polling stations, where the number of persons who voted with assistance comprised more than 20 % of the total number of voters who participated in the voting, RPA received the 66.2% of votes (around 15% more than the average).



It should also be mentioned that the same pattern is not noticed between the numbers of votes received by the other three parties that entered the parliament and the number of persons voted with assistance in polling stations. It is the opposite: parallel to the growth of the number of persons voted with help, the numbers of their votes decrease.

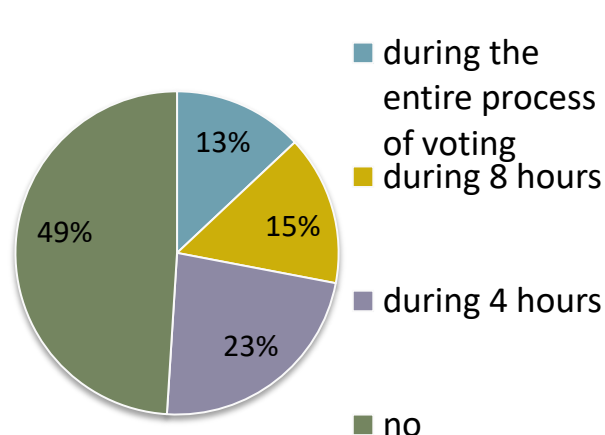
Cases/attempts of simultaneously entering the voting booth by more than one person

(observed polling stations, %)



Cases of marking or putting the ballot paper in the envelope outside the voting booth

(observed polling stations, %)



E. g. In 03/10 polling station, the RPA proxy entered the voting booth at the moment, when a voter was there. The commission chair pulled him back, but no entry was made in the registration book on that.

E. g. In 02/18 polling station, the “Tsarukyan” Alliance proxy from above the voting booths followed people’s voting. In the same polling station the RPA proxy several times checked the pen in the voting booth, in one case a voter was there.

E. g. In the Zolakar village of Gegharkunik region, the observer recorded that people voted in pairs, and there were open doors behind the voting booths. In the same polling station a brawl was recorded as well.



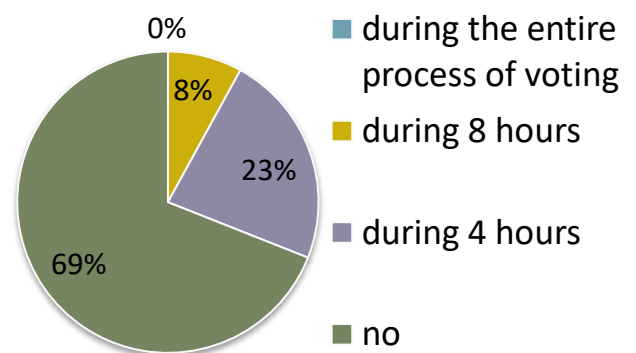
Cases/attempts of entering the voting by more than one person and marking the ballots or putting them in the envelope outside of the voting booth were mainly done by elderly people, relatives and persons with vision problems. There were cases when some persons entered the voting booth with the voters and were registered as helpers afterwards. In some cases unknown persons entered the voting booth with the voters and prompted who to vote for. RPA proxies were involved in 2 of such cases.

E.g. In 13/38 polling station, during the entire voting process other persons controlled the voting of voters and checked the content of the envelope. And outside of the polling station voters presented the unused eight ballots to unknown persons.

Cases of voicing the vote were recorded in 31% of observed polling stations. Out of those cases

- 22 were on RPA
- 9 were on “Tsarukyan” Alliance
- 1 was on Congress-PPA Alliance
- 1 was on “ORO” Alliance

Cases of voicing the vote
(observed polling stations, %)



E.g. In 23/55 polling station, a voter said to a commission member: “ For who you said ... ”

E.g. In 13/28 polling station, the technical equipment specialist asked a voter. “You know who you have to vote for, right?”

E.g. In 24/20 polling station, a voter came out of the voting booth and informed the RPA proxy that he did everything right.



Cases were recorded, when other persons tried to reveal the secrecy of the vote.

E.g. In 22/22 polling station, the commission secretary asked several voters who they voted for.

E.g. In 13/07 polling station, 2 people tried to conduct exit poll in a room adjacent to the voting room. They said they were there on behalf of Chief of Police Vladimir Gasparyan and he was aware of their actions.

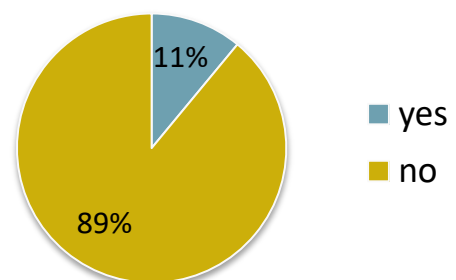
E.g. In 33/15 polling station, the RPA proxy twice took the envelope from the voters, looked at the ballot and returned it to them.

Cases of campaigning or directing the voters were recorded in 11% of the observed polling stations, which

- In 18 polling stations were in favor of RPA
- In 5 polling stations were in favor of “Tsarukyan” Alliance
- In 3 polling stations were in favor of “ORO” alliance
- In 2 polling stations were in favor of ARP
- In 2 polling stations were in favor of “Yelq” Alliance
- In 1 polling station were in favor of FDP.

Cases of campaigning and directing the voter in polling stations were mainly done by proxies and, in some cases, also by observers (from “Hayq National Conservative Youth union,” “Geghama Youth Regional Association”).

Campaigning or directing the voters inside the polling station
(observed polling stations, %)



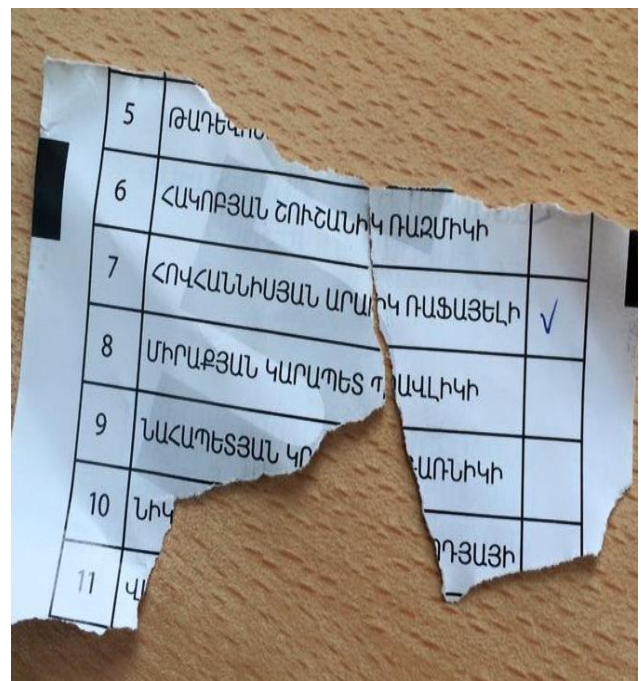
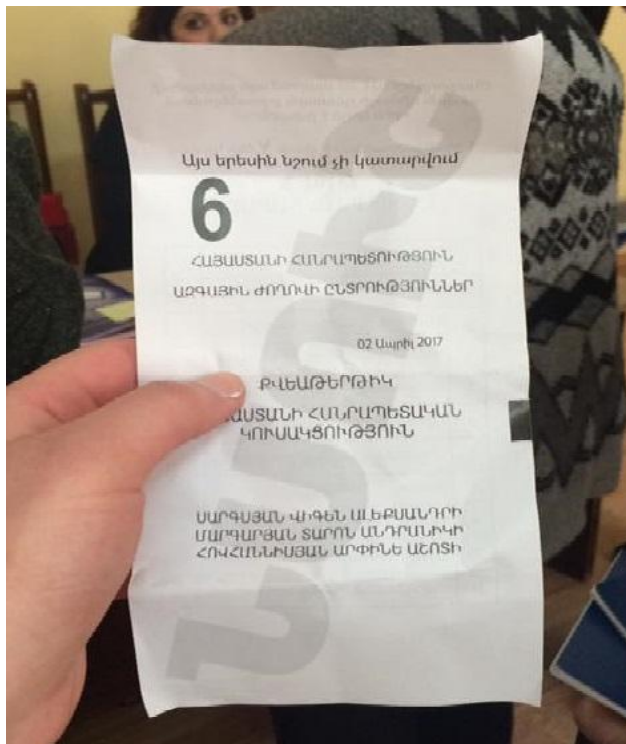


E.g. In 02/27 polling station, the observer of “Hayq” national conservative youth union prompted a voter to vote for “number 6” (RPA).

E.g. In 13/25 polling station, the observer of “Geghama youth regional association”, who was a teacher, directed the voters to vote for RPA.

In some polling stations it was found that voters had sheets of paper with party numbers noted on them or sample ballot papers.

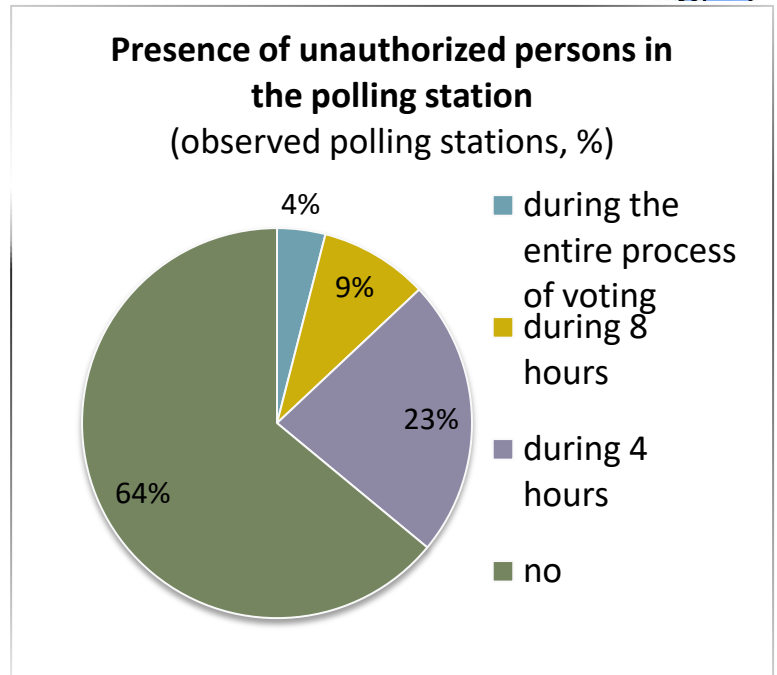
E.g. In polling station 08/35, a sample RPA ballot paper was discovered in the pocket of an elderly voter (voted for district candidate Araik Hovhannisyan). The commission chair told the voter: “Put it back into your pocket. We will give you new ones.” After observer’s demand the ballot paper was torn and a respective entry was made into the registration book. (Photos below)





Unauthorized persons:

- In 14 polling station, there were more than 2 proxies from the same party or persons presented as proxies but not having/wearing badges, which
 - In 6 polling stations were from RPA,
 - In 3 polling stations were from “Tsarukyan” Alliance,
 - In 1 polling station was from ARF;
- In 10 polling stations were 2 observers from the same organizations (from “Democracy and electoral processes” international center, “Democracy Law International Center”, “Liberal Youth Council”, “Student Council of Abovyan”, “Caravan 88”), persons presented as observers but not having/wearing badges, and persons with observer badges but not registered or not accredited by CEC.
- In 6 polling stations were the village mayor, his son or friends;
- In 4 polling stations were MP candidates
- In 4 polling stations were school headmasters.



After observers applied to the commission chairs, those persons were generally invited to leave the polling station; some of them did not leave or left for a short period of time and then returned.



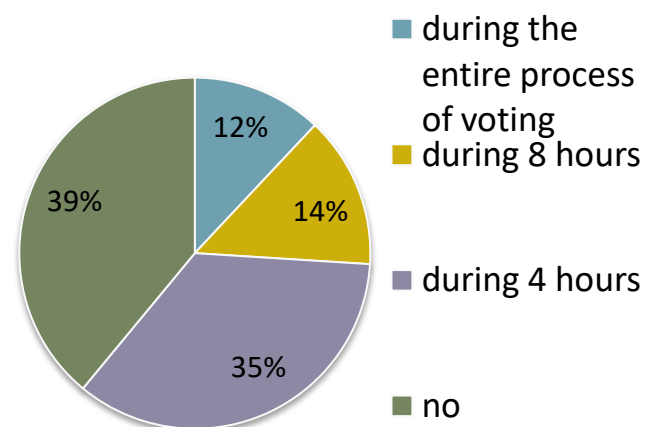
A person entered the 20/01 polling station and showed his service badge to someone. The observer asked who he was and what he was doing at the polling station, to which that person replied that he was a NSS employee, alluding to his badge and adding that everything was allowed to him. After the observer demanded he show a badge authorizing him to be at a polling station, he started wearing a business card of a dental clinic. The observer exhorted to the commission chairperson to either remove that person or to require him to wear a relevant badge; nevertheless the latter said the following: “Everyone is criminal here; it is a dangerous polling station. If I do that, they will shoot me right away. Do you want me to die?”

Cases of not wearing the badges visibly in the voting room were recorded in 61% of observed polling stations.

In 50 polling stations proxies did not wear their badges visibly, out of which

- 22 from RPA
- 11 from “Tsarukyan” Alliance
- 5 from “ORO” Alliance
- 3 from “Yelq” Alliance
- 2 from Congress-PPA Alliance
- 1 from ARF
- In other cases party is unknown.

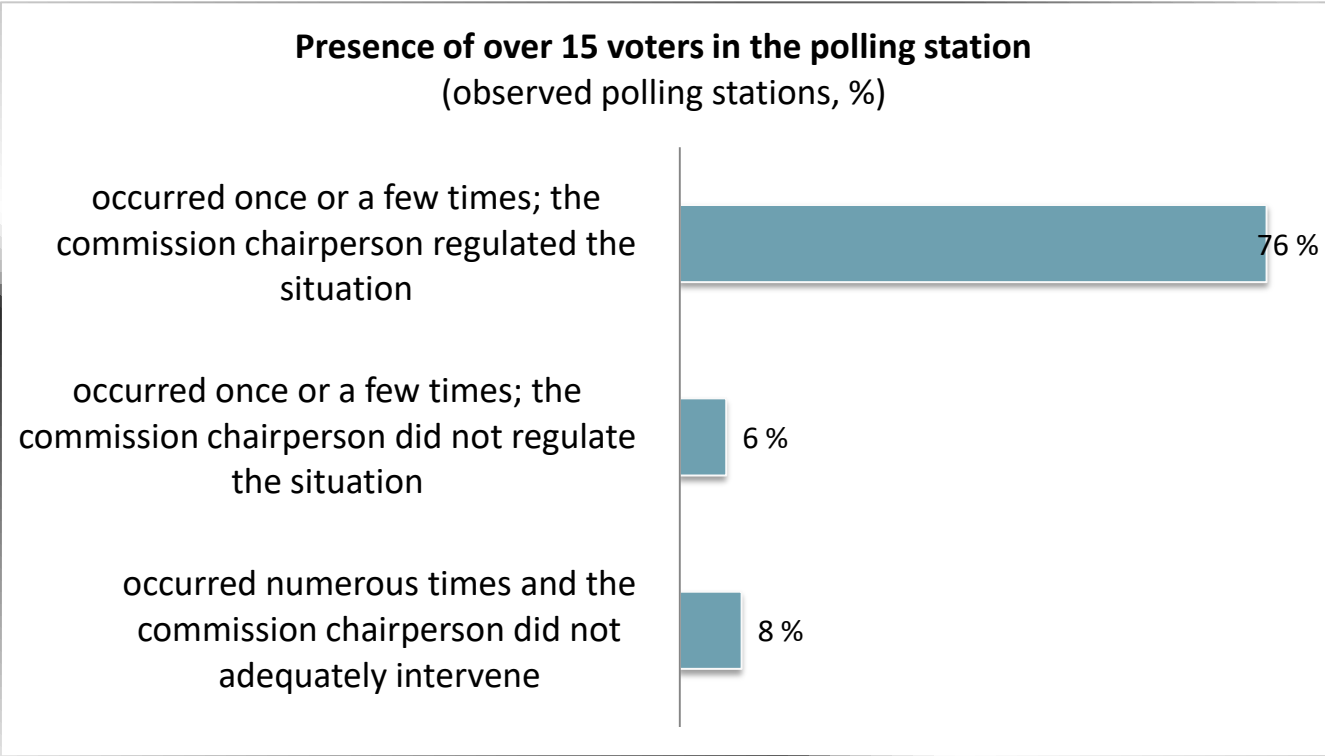
Presence of persons not wearing their badges visibly
(observed polling stations, %)



Those persons usually started wearing their badges after being warned by the commission chairperson, nevertheless in some cases they continued not wearing them, in particular proxies of RPA and “Tsarukyan” Alliance.



Cases of not wearing badges by observers of “Caravan-88”, “Generations’ Solidarity”, “Geghama Youth Regional Association”, “Hayq” National Conservative Youth Union, “Chamber of United Leaders”, “Legally Educated Society” were noticed as well. A person not wearing a badge, but introducing him/herself as a “Geghama Youth Regional Association” observer, also directed the voters.



According the 2016 Electoral Code, 15 is no longer the maximum number of voters having the right to simultaneously be in a polling station, as it was prescribed in the 2011 Electoral Code. Now the law authorizes the PEC chairperson to determine the maximum number of persons having the right to be in the polling station at the same time, which cannot be less than 15.

It should be noted that in polling stations, there were periodically a large number of voters present and the commission chair was unable to regulate the voting process. This resulted in a number of violations, in particular, simultaneously entering the voting both by several persons.



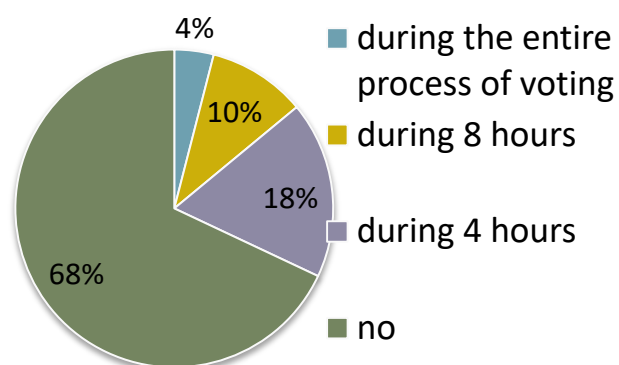
In this situation observers also had difficulty in effectively observing the entire process. Taking this into consideration, the new regulation of the Electoral Code is contrary to the practical need, and, perhaps, in terms of maintaining the order in polling stations it would be more expedient to make that regulation stricter and prescribing a lower number of voters having the right to be in a polling station at the same time.

Numerous cases were recorded in the observed polling stations when proxies or other persons gave commands or took on commission chair's functions in another way.

- In 28 polling stations those persons were RPA proxies,
- In 14 polling stations “Tsarukyan” Alliance proxies,
- In 5 polling stations “Yelq” Alliance proxies,
- In 4 polling stations ARP proxies
- In 4 polling stations Communist Party proxies, but one of them obviously represented the interests of RPA, and another one directed the voters,

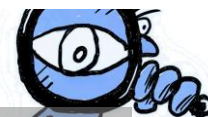
Cases of giving orders in the polling station by a proxy or otherwise taking on the PEC chairperson's functions

(observed polling stations, %)



- represented the interests of RPA, and another one directed the voters,
- In 3 polling stations FDP proxies,
- In 1 polling stations an “ORO” Alliance proxy
- In 4 polling stations persons with observer badges took on the commission chairperson's functions (from “Generations' Solidarity”, “Free Society Institute”, etc.).

In some cases those persons were the mayor of the given village or the director of the institution where the polling station was located.



E.g. In 13/07 polling station, the RPA proxy who was giving instructions and was constantly interfering with the voting process obtained some information from the technical equipment specialist and reported it to other people via phone.

E.g. In 22/34 polling station, the observer of “Free Society Institute” gave orders to the other observers, noted that they did not have the right to do things, which are actually not forbidden by the law.

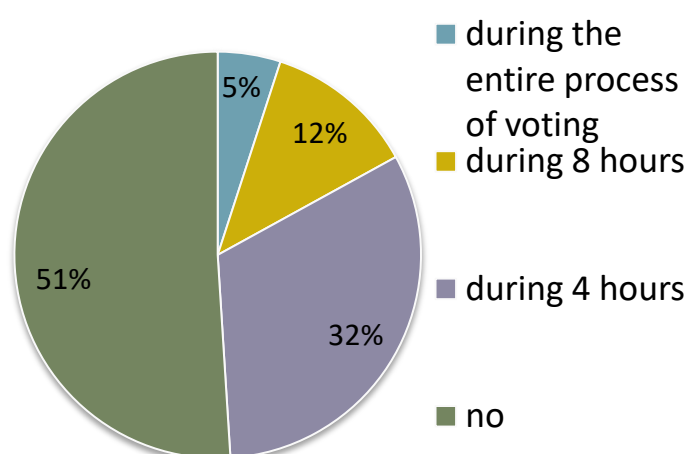
The sides of arguments were mainly proxies, observers, voters, and commission members.

The arguments involving voters mainly were related to the waiting lines, complaints regarding the complexity of voting procedure, and the names of their acquaintances/relatives being in the electoral lists.

- In 2 polling stations arguments were accompanied with physical violence against a proxy and/or observer.
- In 11 polling stations arguments were related to campaign or directing the voters by a proxy/observer/commission member (from Communist Party, RPA, “Free Society Institute”, “Full Life”)
- In 5 polling stations arguments were related to not wearing badges by proxies or observers.
- In 3 polling stations arguments were related to constantly putting the ballot paper N3 (RPA) on top by the commission member.

Cases of arguments in the polling station

(observed polling stations, %)





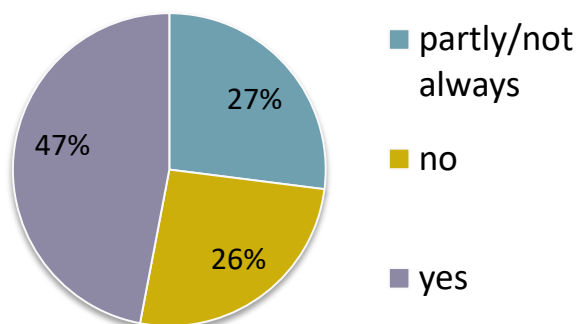
- In 2 polling stations the reason for arguments was that ballot paper N3 (RPA) was not given to the voter.

E.g. In 22/37 polling station, the RPA proxy constantly argued with everyone authorized to be present in the polling station. For instance, he said to the “Tsarukyan” Alliance proxy: “Who are you to tell me to wear a badge?” The commission chair did not take any actions.

Precinct Election Commission chairpersons mainly did not take the initiative to eliminate violations and entries on violations that took place were made into the registration books in 50% percent of the observed polling stations.

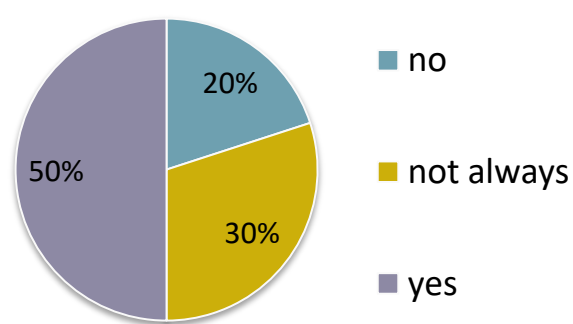
Taking actions by competent authorities to eliminate violations

(observed polling stations, %)



Making entries on violations and assessments in the registration book

(observed polling stations, %)

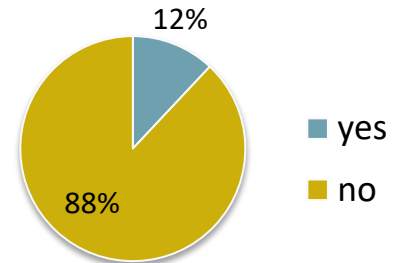


E.g. In 01/10 polling station the secretary announced that he/she had lost his/her personal stamp and under that reason no entries were made into the registration book on violations. The stamp was found only in the end.



- In 6 polling stations the observers of the “Independent Alliance” were threatened
- In other cases they were hindered from performing their lawful functions, not allowed to observe the electronic registration equipment, restricted to move around the ballot box, prohibited from taking pictures/making videos, and refused to have their assessments entered into the registration book. Among the persons who violated their rights were RPA proxies, observers of the “Free Society Institute”, the “Democracy and Electoral Processes” international center, and the commission member/chair.
- In a polling station the proxy of “Yelq” Alliance was threatened (“Don’t do so, that you don’t get out of here”)

Violations of rights of the observers of "Independent Observer" Alliance
(observed polling stations, %)



E.g. In 04/23 polling station, the commission chair threatened to remove the observer who was video-recording the person controlling the voting and obstructed his/her work.

E.g. In 17/14 polling station, the RPA proxy told the observer, “I am the one who is in control here, who are you to speak?”

During the voting and especially in the evening, power supply was disrupted in 6 of the observed polling stations. There was information on the disruption of power supply in other polling stations as well.

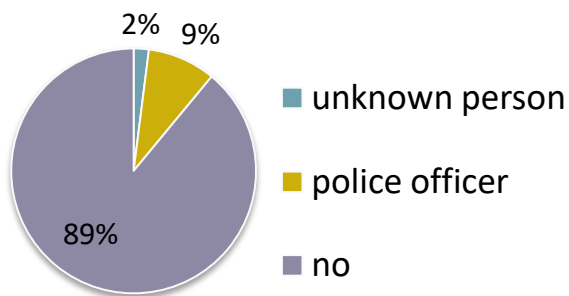


Summarization of voting results

The behavior of commission members and others was assessed during the summarization of voting results as well.

In 18 of the observed polling stations, police officers were present at the sitting of summarization of voting results, and in 4 polling stations, other unknown people were present.

Presence of an unknown person or police officer during the vote counting
(observed polling stations, %)



- In 1 polling station, 4 RPA proxies were present at the summarization of voting results
- In 4 polling stations, not all commission members were present at the summarization of voting results

- At 1 polling station, the Congress-PPA Alliance proxy and a media representative were hindered from entering the polling station,
- At 1 polling station, “Yelq” Alliance proxy was hindered from entering the polling station,
- At 1 polling station, a media representative was hindered from entering the polling station for around 20 minutes,
- “Tsarukyan” Alliance proxies were removed from 2 polling stations, and no entry was made into the registration book with that regard

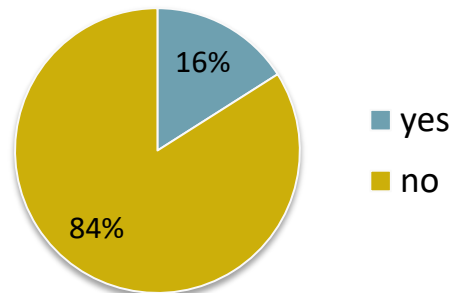
Persons not wearing badges during the summarization of voting results were identified in 16% of polling stations:

- In 22 polling stations, proxies did not wear their badges during the summarization of voting results, out of which:



- 11 from Republican party of Armenia
- 4 from Armenian Revolutionary Federation
- 3 from “Tsarukyan” Alliance
- 2 from Communist party
- 2 from “ORO” Alliance
- 1 from Congress-PPA Alliance
- 1 from “Yelq” Alliance
- 1 from Armenian Revival party
- In 5 polling stations, observers, who mainly worked for the Republican Party of Armenia, did not wear the badges visibly (e.g. from “Caravan 88”, “Full Life”)
- In 3 polling stations, MP candidates did not wear the badges visibly, out of which
 - 1 from Congress-PPA Alliance
 - 1 from Armenian Revival Party
 - 1 from RPA
- In 1 polling station, some commission members did not wear their badges visibly
- In 9 polling stations, the PEC chair did not take any actions with regard to the cases of not wearing badges
- In 3 polling stations the PEC chair exhorted those persons to wear their badges
- With regard to other polling stations, actions taken by the chairs are unknown.

Presence of persons not wearing their badges visibly
(observed polling stations, %)

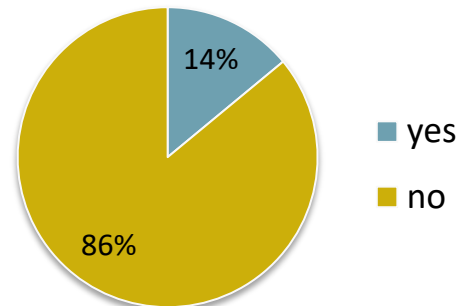




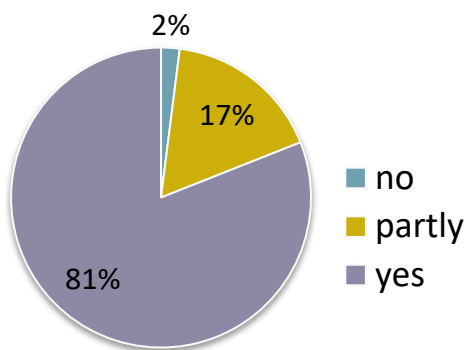
Cases of starting the process of summarization of voting results with a delay or interrupting it:

- In 4 polling stations were because of power outage
- In 7 polling stations were because of having food
- In 3 polling stations were for having a rest/ substituting each other
- In 1 polling station was because the chair was constantly answering phone calls,
- In 9 polling stations were because of incidents for various reasons (arguments, problems with electronic registration equipment, etc.)

Cases of starting the sitting of summarization of voting results with a delay or interrupting it (observed polling stations, %)



Commission chairperson's competence in voting results summarization procedure (observed polling stations, %)



Observers recorded the following cases regarding the process of assessing the ballot papers validity:

- In 09/03 polling station, two sides of an RPA ballot paper were marked with a cross, but it was considered valid,
- In 09/11 polling station, the RPA ballot papers, the stamps of which were coming off, were carefully taken off the envelope.

Nevertheless, in case of the other parties, those ballots were taken off with obvious negligence.

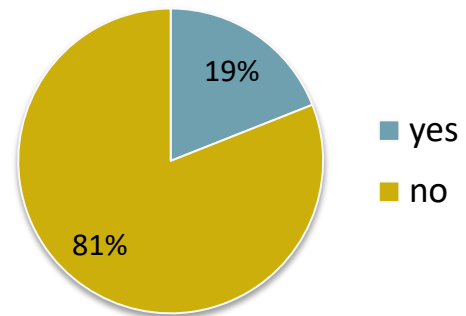
- In 20/04 polling station, there was an additional writing on a “Tsarukyan” Alliance ballot paper, but it was considered valid.



The number of ballots voted in a different ink color (red, green, black) increased from a few to a few dozen and even a few hundred in some polling stations.

- In 32 polling stations, those ballots were voted for RPA candidates (Mihran Poghosyan, Samvel Aleksanyan, Arayik Grigoryan, Mnatsakan Mnatsakanyan, Karen Karapetyan, Arman Sahakyan, Mkhitar Zakaryan, etc.),
- In 4 polling stations were for “Tsarukyan” Alliance candidates,
- In 1 polling station were for an ARF candidate,
- In 1 polling station were for a “Congress-PPA” Alliance candidate (Myasnik Malkhasyan),
- In 1 polling station were for an ARP candidate (Hunan Petrosyan).

Ballots marked in different ink color
(observed polling stations, %)

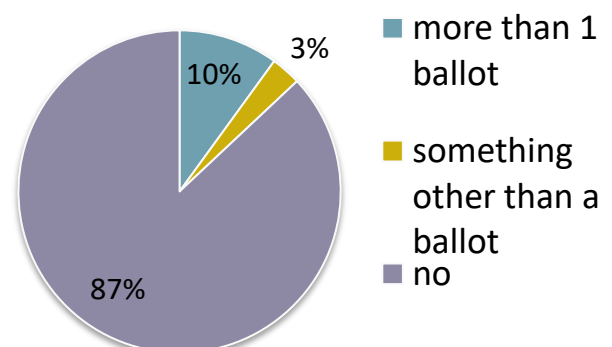


E.g. In 10/10 polling station, a citizen asked for permission to vote with a green pen.

During the vote count, besides ballot papers, voting passes printed by the electronic registration equipment, pieces of colored paper (some of them with notes), a business card, a coin, a piece of metal and other things were discovered from the envelopes.

The ballot papers taken off those

Objects other than a ballot paper in the envelope
(observed polling stations, %)



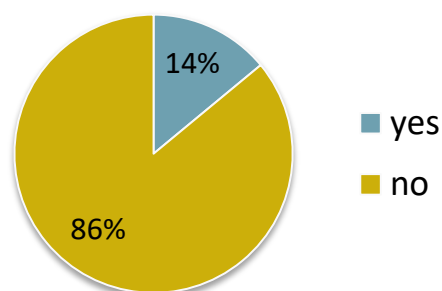


envelopes were considered invalid in three polling stations. Although, according to the CEC official clarification, if there is another item in the envelope, that is not a basis for considering the ballot paper invalid. Nevertheless, it is indisputable that such items can reveal a person's identity.

Proxies' participation in vote counting was mainly through counting or studying the ballot papers of the respective party.

- 15 proxies from RPA,
- 12 proxies from "Tsarukyan" Alliance,
- 8 proxies from "Yelq" Alliance,
- 3 proxies from "ORO" Alliance,
- 3 proxies from ARF,
- 2 proxies from ARP participated in the vote counting process in the polling stations.
- In a polling station the observer of "Legal Culture Development" directly participated in the vote counting through counting the RPA ballot papers.

Proxies' immediate participation in the process of vote counting
(observed polling stations, %)



In some polling stations certain discrepancies were found in numerical data, in particular between the number of unused stamps and the voter turnout.

E.g. In 05/04 polling station, invalid ballots were counted in favor of a district candidate from RPA.

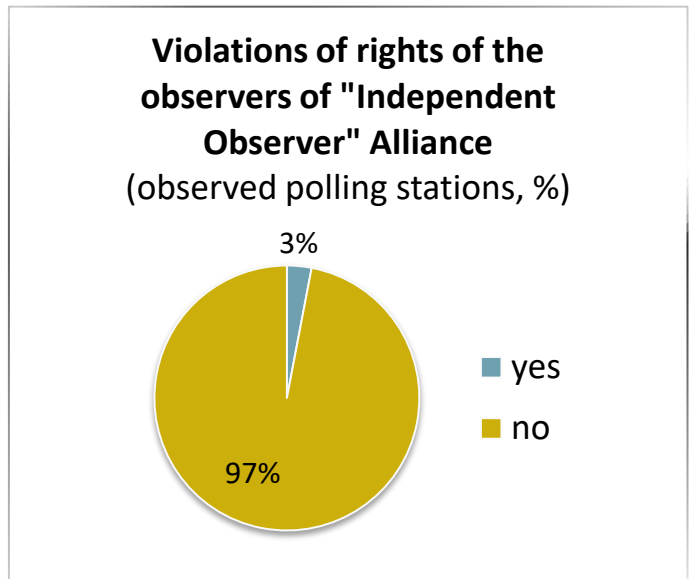
E.g. In 09/56 polling station, RPA proxies had pens in their hands, which were taken from them, but it was found out that markings appeared on ballots that were blank before.



In 3 polling stations cases of alcohol usage by commission members were identified.

The main cases of violating the rights of the “Independent Observer” Alliance observers during the vote counting were the following:

- They were not allowed to take pictures/make videos,
- They were not provided with the statement of information printed by the electronic registration equipment,
- Police officers hindered mobile observers’ entrance to the polling station,
- They were subjected to psychological pressure,
- They were treated disrespectfully/ insulted,
- They were exhorted not to be neutral and were given promises.



Fake – “partisan” observers

Around 28000 observers from 49 organizations were accredited by the CEC to observe the National Assembly Elections. The observers of most of the organizations, however, in fact served as proxies at the polling stations, carrying out the functions envisaged for proxies by law as well as some unlawful actions. Several violations during the Election Day presented in the summaries above were conducted by persons carrying an observer badge:

- Not wearing their badge visibly and not registering
- Directing and attracting voters
- Organization of transportation of voters
- Violation of secrecy of voting



- Interfering in the voting process by taking over the responsibilities of the PEC chair
- Fights
- Non neutrality – obvious support for this or that party

These people were observers from the following organizations:

- “Democracy Law International Center”
- “Chamber of United Leaders”
- “Pan-Armenian Youth Association
- “Democracy and Electoral Processes” International Center
- “Shahen”
- “Hayq” National Conservative Youth Union
- “Geghama Youth Regional Association”
- “The Institute of Legal Culture Development”
- “Generations Solidarity”
- “Free Society Institute”
- “Caravan-88”
- “Ashur”
- “Liberal Youth Council”
- “Full Life”
- “Student Council of Abovyan”

It should be noted that the people who had observer badges, but acted as proxies and often exceeded those functions as well, mostly acted in favor the Republican Party of Armenia and “Tsarukyan” Alliance. Essentially, parties used the institute of observation to ensure their vote at the polling station by all legal and illegal mechanisms and to have additional people at the polling station to control the voter. With this behavior they also discredited the observation mission and tainted real, neutral, and impartial observation. There was information received about some organizations that they were directly linked to parties. For Example, the president of the “Chamber of



United Leaders” which had 1,414 observers is a member of Prosperous Armenia Party (member of “Tsarukyan” Alliance). And the president of “Democracy and Electoral Processes” International Center, which had 969 observers, was number 67 in the national list of the Republican Party of Armenia.

The following example is illustrative of the above said.

At Polling Station 20/01, there were over 20 observers, with some organizations having 2 or even 3 observers, who informed the observer from the “Independent Observer” Alliance what parties they were from – RPA, “Tsarukyan” Alliance, ARF. They also tried to confirm what party the observer of the “Independent Observer” Alliance represented and did not believe the reassurance that she was an independent observer and was not representing a party. The RPA representative had even told her at the end: “And we never found out what party you were from.”

One of the above-mentioned organizations, “Full Life” NGO released a statement on their Facebook page on April 3 that they were concerned about information on abuse of rights by the observers of the organization. Should the cases be confirmed after studying, the organization would take measures to hold those individuals responsible. No further statements were released about the results of the study and the actions undertaken by the organization.

Maintaining neutrality is not only an internationally accepted norm of behavior for observation organizations and observers, but also a legislative requirement. Although we should note that the existing regulations are not enough to ensure that the principle is observed.

- According to Article 30 point 2 of the RA Electoral Code, those non-governmental organizations of the Republic of Armenia whose charter objectives include — for minimum 1 year preceding the day of calling



elections — issues related to democracy and protection of human rights and which do not support candidates or political parties running in elections have the right to conduct observation mission during elections.

The support for a candidate or a party by an organization is publicly manifested on the Election Day. Thus it is difficult for the authorized body to know or confirm the possibility of it and to reject accreditation of the organization's observers. Considering that, it would have been a more effective requirement to set up a condition like demanding the head of the organization not be a member of a political party or be affiliated with it and the organization's financial sources being presented, which can be confirmed beforehand. It should be noted that during the May 14, 2017 Yerevan City Council elections, when the behavior of observers from this organizations was known, the RA CEC again accredited their observers. Thus the issue is not only the legislative regulations but also the absence of the will to enforce the existing provisions.

- According to Article 32, point 2 of the RA Electoral Code, When exercising their rights, an observer, visitor shall be obliged to be unbiased, neutral, not to express a prejudiced position publicly nor display a preferential attitude towards the authorities or opposition, candidates, political parties running in elections or any issue related to the electoral process.

There is no liability for not carrying out the requirement. In the past, the Electoral Code envisaged depriving the organization of the observation rights for biased behavior from an observer. Considering that this provision could be used against genuine observation organizations, it was removed through their advocacy. However, there were no mechanisms created against fake/"partisan" observation which led to the situation that, in addition to fake observation for legitimizing elections (this function has been traditionally



carried or by “It’s you Choice” NGO), there is “partisan” observation to ensure votes for political parties.

The Electoral Code prescribes that to be accredited by the RA CEC, an organization has to submit an electronic list of observers in the form provided by the CEC, which is posted on the CEC website. The lists of observers submitted by these organizations for observing the April 2, 2017 elections were not properly completed. In particular, many lacked patronymic names and sometimes even first names; however, the CEC accredited the observers of these organizations.

During the NA Elections, there were cases where the name on the observer badge was not in the list of observers by the given organization posted on the CEC website, meaning these people were in fact at the polling station with a fake badge. There is no liability for this action as well. It would be appropriate to fine the organization for issuing observer badges to each unaccredited observer. It should also be noted that there were significantly more people identified during the Yerevan City Council Elections on May 14, 2017 whose names were not in the lists posted on the CEC website. The issue is that there were only few names checked during the National Assembly Elections, while much more names were checked during the Yerevan City Council Elections. Thus we cannot unequivocally state that there were less cases during the National Assembly Elections.



Observation of Territorial Election Commissions

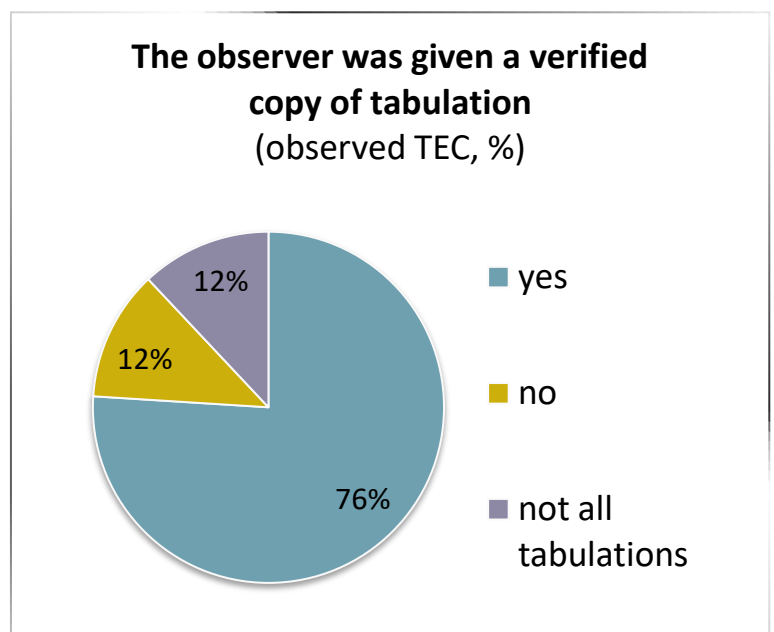
The “Independent Observer” Alliance observed 32 Territorial Election Commissions (TEC); information on 31 has been summarized.

None of the observers were hindered from entering the territory of Territorial Election Commission, but the work of 5 of them was obstructed in TECs.

There were observers from other missions at all TECs, journalists at 9 TECs, and proxies in 25% of the observed TECs. In 12 TECs observers noticed unauthorized persons. In some cases commissions explained that they were helping to move the heavy sacks, but it is necessary to prescribe a badge or certificate and to prescribe their presence on the legal level.

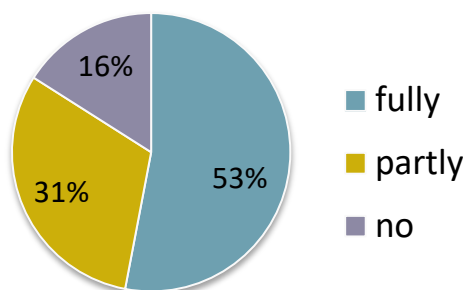
In 6 TECs, observers recorded cases of arguments. The observer noticed alcohol usage by TEC members in TEC N17 of the Aragatsotn region.

In one-third of the observed TECs, observers noticed that tabulations were not printed and posted in a visible place at least once in a 3-hour period, as it is prescribed by the law. In some cases it was done after being warned by the observers and sometimes only after entering the data of the last polling station. 25% of the observers had problems with regard to receiving a verified copy of tabulation upon request.





TEC territory is sufficient for the commission members and observers to function effectively
(observed TECs, %)



By observers' assessment, the territory of 53% of TECs was sufficient for full and complete work, the territories of 31% of TECs was partially sufficient, and in 16% of TECs observers assessed the territory to be entirely insufficient.

Generally, it was problematic that Territorial Election Commissions simultaneously used several rooms

because it made the observation difficult and also meant that in separate rooms commission members performed activities on their own which required the decision of the entire commission.

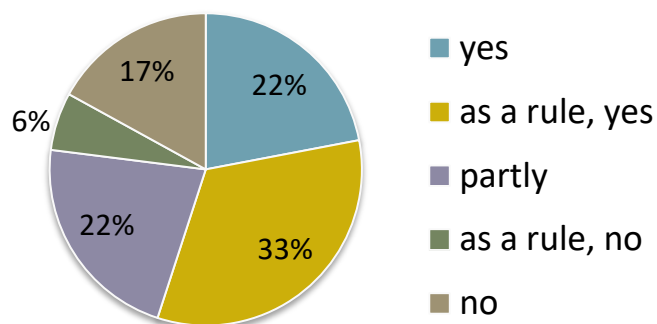
In 2 of the Territorial Election commissions cuts to the power supply took place.

In the period of summarization of voting results, among 20% of the cases of violation reports received from polling stations, Territorial

Election commissions did not take any measures to eliminate those and in 2 cases TEC members had to go to the polling station to resolve the problem.

Observers noticed that the chairs of 10 Territorial Election commissions periodically had phone conversations with representatives of parties or campaign offices. In the majority of cases, observers found out that those conversations were with the representatives of Republican Party of Armenia, but in other cases it was impossible to find that out.

TEC has taken measures to stop violations at PECs
(observed TECs, %)





Numerous Territorial Election Commission observers noticed that chairpersons had greater interest in the number of votes received by the Republican Party of Armenia in polling stations. According to observers, sometimes that interest was greater than their interest in performing their duties. Observers noticed that TEC heads often congratulated the chairpersons of those polling stations where Republican Party of Armenia received a large number of votes.

At the majority of TECs observers noticed cases of changing non-baseline data in the protocols of a significant number of polling stations. Quite many Precinct Election Commissions had put the magnifying glasses allocated to the polling stations and the signed voters' lists into the sack of election related documents, which resulted in opening those sacks in the Territorial Election commissions in order to take the magnifying glasses and lists out. In one case even the polling station stamp was put in the disposable sack.

At nine of the TECs, observers noticed that sacks being brought were either damaged or not adequately closed.

By observers' assessment, there were widespread cases of both big and small electoral sacks arriving unsigned and were being signed by the polling station chairs at the TECs.

In general observers recorded that numerous violations were a result of lack of knowledge by Precinct Election commissions.

After the voting day, Territorial election commissions applied to the CEC to revoke the qualification certificates of 8 Precinct electoral commission chairs. The grounds of applications were that those persons violated the provision of the Electoral Code according to which proxies and observers have the right to demand that their position be recorded in the registration book of the Precinct electoral commission.



Analysis of Results

Post-electoral developments and international reaction

1,575,786 voters participated in the National Assembly Elections. This number is higher than the number of participants in 2012 NA and 2013 Presidential elections.

2 parties and 2 Alliances passed the threshold of 5% and 7% respectively.

Party/Alliance	Ballots in favor	Percent	Mandates received
Yelq	122065	7,78 %	9
“Tsarukyan” Alliance	428836	27,32%	31
RPA	770441	49,08%	58
ARF	103048	6,57%	7

Although the use of technical equipment reduced or even eliminated double-voting, other unlawful methods were used both inside and outside of polling stations. This was mainly done through financial resources and personal leverages of district candidates. In addition, on the Election Day, control of voters was ensured via biased commission members, additional proxies and fake observers.

International Election Observation Missions – OSCE Office for Democratic Institutions and Human Rights, Parliamentary Assembly of the Council of Europe, OSCE Parliamentary Assembly, and the European Parliament issued their preliminary conclusions,²⁵ according to which:

²⁵ International Election Observation Mission, Republic Of Armenia – Parliamentary Elections, 2 April 2017, Statement Of Preliminary Findings And Conclusions, Preliminary Conclusions
<http://www.osce.org/office-for-democratic-institutions-and-human-rights/elections/armenia/309156?download=true>



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

The joint preliminary statement of the international missions has objectively summarized the full process of organizations and conduct of elections and outlined the areas where there is a need for reforming the legislation and practice. Referring to the conclusions of the international organizations, the foreign diplomatic missions in Armenia, including the British, USA and European Union Embassies, stated that they followed the investigation of electoral violations and called for working toward reforms.

Following the voting, 4 political powers submitted recount request but all requests were rejected for not being submitted by an eligible person.²⁶

Based on an alert and a complaint from the Armenian Revolutionary Federation the election results for 17/21 polling station in Parpi Village were declared invalid. After the elections, Aghvan Vardanyan, Representative of the political power that again formed a coalition with the Republican Party of Armenia, said to a media outlet: “By the way, directing seems to have become the main type of violation at many polling stations. We have already alerted about Parpi; we have applied to the CEC Chairman and Prosecutor General,

²⁶ None of the territorial election commissions will consider the recount requests, Aravot, April 2017, <http://www.aravot.am/2017/04/04/874793/>



to try to establish order there. We have also warned our commission member that if the violations repeat there should be a complaint registered about the polling station.” According to the media outlet, he emphasized that very often the work outside of the polling station, which should be done by the police, is done by reporters. Likewise, inside many polling stations, where commission members and proxies should act, the job is again partly left to reporters.²⁷ This has been recorded by mobile observers of the “Independent Observer” Alliance as well, who recorded accumulation of people and cars around many polling stations, as well as intimidation and arguments.

Questioning the high turnout during the elections, the “Ohanyan-Raffi-Oskanyan” Alliance applied to the Central Electoral Commission with a demand to compile a joint database of all fingerprints collected by the Voter Authentication Devices for comparison. During the discussions of the draft code, this suggestion was made by the Prosperous Armenia Party within the 4+4+4 format, and on June 28, 2016 amendments to the Electoral Code were conditionally approved which would allow citizens to be included in the voters’ lists only if they had an identification card and all their fingerprints were recorded in a database. If these amendments went into force fingerprints would be the means of identifying voters. The amendments were annulled under justification of not identifying corresponding financial resources on time.

The RA Central Electoral Commission rejected the application from the Alliance, arguing that it would take ages to create a joint database of fingerprints and to compare them. The RA administrative court, in turn, rejected the complaint brought against the decision of the RA CEC.

The “Congress-PPA” Alliance and the “Citizen Observer” Initiative appealed to the RA Constitutional Court requesting to declare the election

²⁷ Election results in Parpi were declared invalid, Yerkir, yerkir.am, April 2017, <http://www.yerkir.am/news/view/127333.html>



results invalid. The applications were based on observations of the observation missions and the conclusion that the rights of citizens to freely form their will, express their free will and the secrecy of voting were not maintained during the April 2, 2017 National Assembly Elections. And, due to abuse of administrative resources and other violations and flaws, it was impossible to record the actual will of the people.²⁸ The RA Constitutional Court returned the application from the “Citizen Observer” Initiative, as non-governmental organizations are not a subject to applying to the Constitutional Court on such matters. On April 28, 2017, the RA Constitutional Court rejected the application from the “Congress-PPA”.²⁹

It is interesting that in their references submitted to the Constitutional Court and in general, the law enforcement bodies and the RRA Central Electoral Commission state that the complaints about electoral violations are general and abstract. At the same time, when discussing specific cases, even in cases of indictments, it is declared that these cases are individual incidents and have not had an impact on the election results. As a result, it is impossible to find the line between general and specific, where the presented facts could lead to another decision on election results.

Female representation

The New Electoral Code established the maximum representation of one sex in the party lists. Article 83 of the Code stipulates that the representation of one sex in national and district lists of parties/Alliances should not exceed 70%. The 2011 Electoral Code prescribed 80%. Unlike the 2011 Electoral Code, the new Code provides guarantees the representation of both sexes in the RA National Assembly and city councils of Yerevan, Gyumri, and Vanadzor. Hence, according to Article 100 of the Code, in case of a

²⁸ “Congress-PPA” Alliance applied to the Constitutional Court requesting annulling the election results, Azatutyun/Radio Liberty, April 2017, <https://www.azatutyun.am/a/28431288.html>

²⁹ SDV – 1364, RA Constitutional Court, April 2017, <http://concourt.am/armenian/decisions/common/2017/pdf/sdv-1364.pdf>



withdrawal of an elected candidate the mandate shall be given to the next candidate of the same sex where, as a result of withdrawal, the number of representatives of that sex in the given faction results in less than 25%.

Until 2022, this requirement toward the lists is 25%, and toward elected factions it is 20%. Somewhat regulating the transfer of mandates in case of withdrawal, the Code, nevertheless, did not stipulate the principle of proper initial representation.

Thus, the 4 political forces elected to National Assembly received a total of 105 mandates, of which 119 were given to women (18%):

- Republican Party of Armenia – 58 deputies, of which 8 are women (14%),
- “Tsarukyan” Party Alliance – 31 deputies, of which 8 are women (26%)
- “Yelq” Alliance – 9 deputies, of which 2 are women (19%)
- Armenian Revolutionary Federation – 7 deputies, of which 1 is a woman (14%):

Moreover, only 1 woman was elected through district lists representing “Yelq” Alliance, and 1 was elected from the second part of the national list of “Tsarukyan” Party Alliance – national minorities. The other 17 women were elected from national lists.

9 candidates of the Republican Party of Armenia and 3 candidates from the Armenian Revolutionary Federation waived their mandates. 23 candidates from the “Tsarukyan” Alliance (including two women) withdrew their candidacy but some of those retracted their withdrawal. Moreover, there were women elected from “Tsarukyan” Alliance in place of 2 candidates that withdrew and the representation of women in the faction is 26% as a result. While when replacing the men who waived their mandates, the Republican Party of Armenia and the Armenian Revolutionary Federation did not pay



attention to the representation of both sexes and, as a result, women are represented by 14% in both faction.

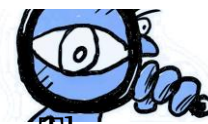
Comparison with 2012 NA Elections

The RA National Assembly elections held in May 2012 were regulated by the Constitution as acting at the time and the 2011 Electoral Code. Of 131 deputies, 90 were elected under a proportional system and 41 were elected under a majoritarian system. The electoral system allowed the voter to separately vote for an individual/majoritarian candidate and separately vote for a party. As a result, in some electoral districts a majoritarian candidate could receive more votes than the party that nominated him. For example, Arkadi Hambardzumyan, the RPA majoritarian deputy elected from former District 29 in Lori Region received 27,038 votes in 2007, while the party received 13,802 votes in the same district. In 2012, the same deputy received 30,114 votes, while the party received 22,150 votes.

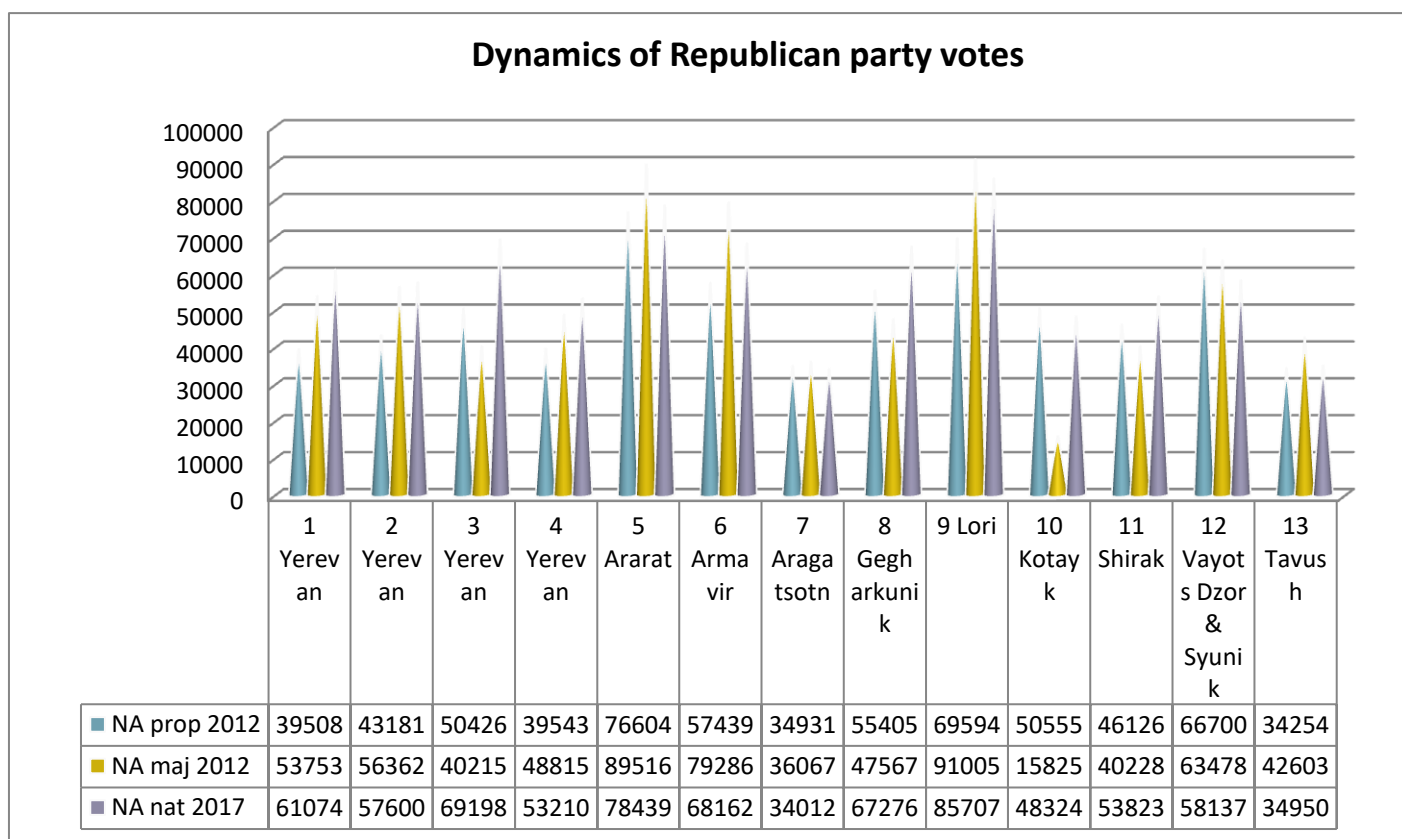
With the new election system district candidates have a direct contribution in the volume of votes received by the party/alliance, as in order to vote for an individual candidate, the voter has to elect the party or party alliance that nominated him/her.

This change allowed the Republican Party of Armenia to use the reputation of separate individuals for the success of the party and to ensure that the mandates of candidates that received votes, but did not make it into the National Assembly, would not be lost.

The chart below shows the difference in the votes received by the Republican Party of Armenia as compared to 2012, which in itself proves how beneficial the new electoral system was for the ruling authorities. If in 2012 the Republican Party of Armenia received 664,266 votes through the proportional system and 704,720 votes through the majoritarian system, then



on April 2, 2017, Republican Party of Armenia received 770,441 votes. Thus with the new proportional system, the Republican Party of Armenia received 106,000 more votes than with the old proportional system in 2012.



The encouragement of person-centered voting was visible also in that the campaign was built around individual candidates and not the party. The authorities and, in particularly, the RA Central Election Commission did not take steps to explain the new electoral system to the public and instead would only explain the voting procedure.

Moreover, all television stations broadcasting nation-wide, except “Kentron” TV in Yerevan, refused to broadcast the educational clips prepared by the member of the “Independent Observer” Alliance to fill the information gap and inform citizens.

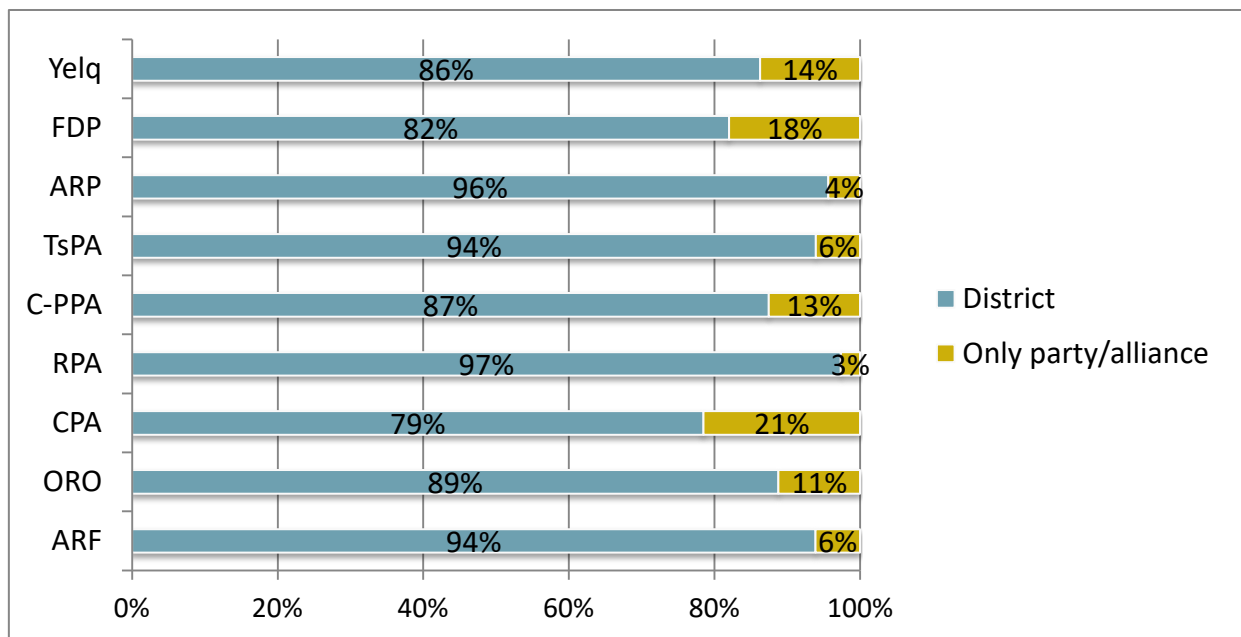
On the billboards in the City of Aparan in Aragatsotn Region, the candidates were represented with an unknown “Menq” (We) logo. Moreover, one of the candidates, Razmik Vagharshak Petrosyan, represented “Ohanyan-



Raffi-Oskanyan” Alliance, Roland Rubik Hayrapetyan represented the Republican Party of Armenia, and Lyova Yuzik Khachatryan represented “Tsarukyan” Party Alliance.

In general both the establishment of district lists and the emphasis of the campaign contradicted the goal set in the Concept of Constitutional Reforms about establishment of political parties, in that the ruling parties especially emphasize and encourage the role of individuals and not the party ideology. For example, on the national level, the axis of the campaign of the Republican Party of Armenia was the promise about the Prime Minister Karen Karapetyan remaining in his position, while on district level it was about the individual contribution or possibility of support by the district candidate.

The chart below presents which portion of votes for each party/alliance were for district candidates and which were only for the party. Although the proportion could have been affected by ballots declared invalid for a candidate for some reason, the chart still distinctly shows the person-centered and ideology-centered voting.





In a non-established political system, where the partisan ideology has to compete against a local authority (who the voter is of vital dependence on or perceives to be) the chances of victory for the ideology are minimum. That is why it is necessary for the establishment of parties to introduce an actual proportional system and to promote ideological differentiation and clarification of parties. Only in this case will the goal of establishment of political parties set in the Concept of Constitutional Reforms be realized. And the basis of establishment of political parties should be development and consolidation of mechanisms for internal democracy, which in turn will become the principle of compiling party candidate lists.

Comparisons with the Constitutional Referendum

The changes in the voting procedures for the National Assembly Elections, particularly the requirement for publishing the voter lists, made the possibility of double-voting and mass ballot-stuffing particularly difficult. Instead, vote-buying and intimidation, the methods of “summoning” voters and controlling their voting were used.

Voter turnout during the Constitutional referendum was rather low as recorded by observers and there was confidence that the turnout reflected in the final results was inflated. Throughout the voting period on April 2, 2017, there was regular overcrowding at 89% of the polling stations observed by “Independent Observer” Alliance, which was mainly due to people being summoned and transported to polling stations in groups. Nevertheless, in polling stations of over 500 voters, where voter turnout was over 80% during the Constitutional Referendum, turnout rate for the National Assembly Elections was lower by an average of 20%.

When planning the observation, the “Independent Observer’ Public Alliance mainly selected polling stations that served a large number of voters



and had reported a high turnout. The comparison of results from some polling stations below is rather remarkable:

Polling Station	Constitutional Referendum					NA Elections				
	Number of people with the rights to participate	Turnout	Turnout %	“Yes” votes	Yes %	Number of Voters	Turnout	Turnout %	RPA	RPA %
v. Aygavan - 13/27 (former 18/27)	1617	1575	97%	1301	83%	1617	1066	66%	656	62%
c. Vagharshapat-14/10(former 19/10)	1874	1831	98%	1591	87%	1908	973	51%	459	47%
v. Pemzashen - 33/34 (former 36/34)	1034	996	96%	960	96%	1053	671	64%	445	66%
v. Nerqin Khndzoresk 34/15 (former 37/30)	843	823	98%	822	100%	906	826	91%	689	83%

The “Independent Observer” Public Alliance observed 3 of the abovementioned polling stations. The fourth polling station was not observed by accident. However, this accident allowed the Alliance not only to assess the difference in turnout, but also the impact of observation and to question the voting results at this polling station. Moreover, at the abovementioned polling stations observers regularly reported about overcrowding and waiting lines, even though, according to official results, the voter turnout at this polling station in Aygavan village of Ararat Region was 29% lower than during the Constitutional referendum. In addition, at the very polling station in Vagharshapat city of Armavir Region the turnout was lower by 47% and at the very polling station in Pemzashen village of Shirak Region the turnout was lower by 28%.



Actions of the Alliance with regard to recorded Violations and Response of Relevant Authorities

Actions taken by the Alliance

A legal team of 27 lawyers was formed to assist the work of the observers during electoral processes, particularly by providing legal consulting and taking measures toward recorded violations. An initial training of lawyers was conducted and the strategy and tactics of their work during the elections was developed.

It was initially clear that the regulations of the RA Electoral Code would not allow observation organizations to effectively participate in the prevention and elimination of identified violations, particularly as observation organizations cannot dispute the actions of the electoral commissions or apply with a request to eliminate specific violations. With regards to this issue, the legal team had to develop tactics that would allow it find a legal mechanism and apply to competent bodies for eliminating recorded violations.

In reality, Article 53 of the RA Constitution prescribes such an opportunity through submitting petitions to national and local government bodies.

During the elections, including during the pre-election campaign, the Alliance submitted applications, complaints, recommendations, reports, and claims to relevant government bodies (RA Police, Prosecutor's Office, electoral commissions, and the RA Administrative Court).

The term "to submit a petition" is interpreted in literature as the right to individually or in a group submit recommendations to state and local self-government bodies for the protection of their and others' rights and to receive an appropriate answer.



In legal literature, the term “**appropriate answer**” is perceived as “a legal and justified answer”.³⁰

Currently the law regulating the submission of recommendations in the RA is the RA Law on “Establishing the procedure of consideration of citizen recommendations, applications, and complaints. According to Article 4, part 1, Point “a” of the Law, government bodies and their officials are obliged to receive and, within their capacity, **consider the recommendations, applications, and complaints from citizens** as regulated and in a timely manner, **respond to them and to take relevant measures**.

The provisions clearly show that when receiving a recommendation from any individual, the competent body, should:

- Discuss the recommendation (*naturally it should be discussed content-wise*)
- Respond to the person submitting the recommendation (*As we saw, the RA Constitution requires the response to be appropriate*)
- Take relevant measures (*naturally, it derives from the law that this refers to measures toward the recommendation or implementation of its contents*).

Considering the above said, a decision was made to inform relevant electoral commissions on behalf of HCA Vanadzor about violations recorded by observers during the pre-election campaign and on the Election Day, including to submit recommendation-applications based on Article 53 of the RA Constitution.

³⁰ See “Commentaries to the RA Constitution” digest, 2010, Yerevan pp 313-317.

“...the right to petition reflects that interest of individuals and their groups in effective organization of social and political life and at the same time, becomes a basis for harmonious cooperation between the public authorities, the individual, and society. In this respect the right to petition is included in the sphere of political rights and as such contributes to and provides for the right to participate in state and local government as prescribed by Article 30 of the RA Constitution. At the same time, this right allows to guarantee the protection of constitutional rights and freedoms (not only political) as well as rightful interests.

It is also clear that this right has not only a personal but a clearly articulated public essence and inclination.



With regards to the recommendation-applications, the CEC stated its legal position that the issues raised in them were not related to the rights of the Organization. Hence, launching criminal proceedings on them should be rejected. As a result, decisions were made to reject launching administrative proceedings regarding the submitted applications. However, the legal basis of recommendation-applications submitted to the CEC were petitions which were submitted based on Article 53 of the RA Constitution. Thus the CEC was obliged to provide appropriate (legal and justified) responses to the Organization.

During the elections the CEC left all recommendations by the Organization unanswered. Launching administrative proceedings was rejected, i.e. there was no response provided regarding the petitions submitted by the Organization.

Contrary to that, the CEC, upon its own initiative, launched administrative proceedings based on the factual circumstances indicated in the recommendation and did not make the Organization a party to the discussion.

It should be noted that during the preparation for elections, the CEC organized discussions where, among others, it discussed some other recommendations from Helsinki Citizens' Assembly – Vanadzor and the Union of Informed Citizens. Civil society organizations also participated in these discussions.

It should be noted that during the campaign period the CEC had a differentiated approach toward cases with the same factual circumstances. In particular, the CEC launched administrative proceedings with regards to an application submitted by the Union of Informed Citizens, a member of the Alliance, discussed the content and rejected it, arguing that the application was not grounded.



However, the said application did not refer to the rights of the applicant and the CEC manifested a differentiated approach.³¹

During the preparation of the National Assembly Elections, a member of “Independent Observer” Public Alliance, the Union of Informed Citizens, submitted recommendations to the Central Electoral Commission regarding the solution of 19 questions and issues.

Of more important recommendations, the following were accepted:

- About retaining the right of observers and other authorized persons to enter the polling station after it is closed
- About preserving the voting right in case of difference in the two registration mechanisms
- About clarifying the procedure for removing observers and other authorized persons
- About prohibiting and removing observers and other authorized persons from the polling station on the basis of limiting the number
- About furnishing of voting booths and putting extra ballot papers there.

Nevertheless, the following important recommendations were rejected or not considered by the Commission:

- About making decisions on order in buildings with more than one polling station
- About prohibiting electoral commission to receive food from political parties
- About making the ballot papers more legible and understandable
- About considering the envelopes with extra paper to not be of established sample

³¹ See CEC Decision N98-A of 18.03.2017, N 131-A, 132-A, 133-A, 134-A, 137-A, 138-A of 25.03.2017. <http://www.elections.am/decisions/>



- About counting the attempts for double voting through the technical equipment and reflecting it in the final statement.

Note that the rejection of recommendations on making the ballot papers more legible and understandable and considering the envelopes with extra paper to not be of established sample significantly influenced the election results and processes. The issue is that during the vote count, at 7% of the polling stations, observers noticed ballot envelopes with extra papers and other items that were taken into account, even though they could have been a manifestation of controlled voting (there was even a business card found in the envelope). Besides, according to the official statistics, over 70 thousand voters voted with another person's interference (assistance), which is problematic in terms of secrecy of voting.

While, if the two recommendations by the Union of Informed Citizens were accepted, the ballot papers in envelopes with other papers or items that could reveal the identity of the voter would not be taken into account (this would help eliminate the gap for controlled voting) and many voters would be able to vote without interference from others.

However, hearing all arguments and having enough legal grounds, the Central Electoral Commission did not accept these important recommendations and did not narrow the opportunities for controlled voting.

Assessment of consideration of recommendations

The CEC initiated administrative proceedings on some of the petitions to discuss some factual circumstances presented in the recommendations by the Alliance members.

Some of the considered applications were about the participation of the RA Prime Minister in the campaign and the lawfulness of using state resources by the Republican Party of Armenia.



With a petition submitted to the CEC we requested:

1. To warn the Republican Party of Armenia about violation of Article 19, part 5, point 1 of the RA Electoral Code
2. To discuss the existence or absence of grounds for applying Part 8 of Article 19 of the RA Electoral Code.

The RA CEC decided to reject launching administrative proceedings on the recommendation-application. Then it initiated administrative proceedings to discuss the lawfulness of the actions by the RA Prime Minister, Karen Karapetyan, only without addressing the lawfulness of actions by the Republican Party of Armenia, including the issue as to why the RPA should use the state's human resources for its campaign. There was no discussion held on this aspect and no decision was made.³²

Another petition from HCA Vanadzor requested the CEC to warn the national and district candidate from the Republican Party of Armenia, Arakel Movsisyan, regarding a violation³³ and draft a protocol, as well as to apply to the RA Administrative Court demanding administrative punishment against A. Movsisyan.

The CEC refused to launch administrative proceedings based on the petition (considered to be an application by the CEC) from the Organization.

On the same day, the CEC made another decision to launch proceedings upon its own initiative, according to which, taking the application from HCA Vanadzor as a report, the CEC informed that it had already issued a warning

³² See CEC Decision 143-A from 28.03.2017

<http://res.elections.am/images/dec/17.%20143-A.pdf>

³³ According to video-materials in media, the candidate from an RPA district list asks about the issues in the community, after which the mayor of the community presents the asphaltting of the main road in the community as the most urgent issue. The candidate asks about the length and width of the road and says that he will take care of it at the moment. The footage clearly shows that the candidates telephones someone that, based on the footage is "in the asphaltting business" and instructs them to come to Tsaghkalanj community, after which the candidate immediately asks the community mayor who many voters there are in the community. The community mayor says "1160". The candidate asks: "How many show up?" and the mayor answers 500-600.



to the candidate about the violation and there were no grounds for a new liability.

We would like to emphasize that it is obvious from the analysis of Article 19 of the RA Electoral Code that warning is not a punishment measure but a tool for preventing an unlawful behavior – a guarantee for observing campaign regulations, and a punishment for a violation can be issued only by the court upon an application from the CEC and confirmation of the misdemeanor.

It is interesting that CEC³⁴ did not at all consider the issue of existing grounds to compile a protocol in accordance with the Code of Administrative Offenses and to apply to the court on the issue of imposing an administrative sanction on Arakel Movsisyan with regard to the misdemeanor of the candidate.

It means that the RA CEC essentially refused to perform its duties prescribed by the law. Specifically, in the case of revealing an administrative offense, it is obliged to draft a protocol on violation and apply to the RA Administrative Court.

It is noteworthy that regarding the same issue, a candidate registered in the “Way Out” (Yelq) Alliance list applied³⁵ to the CEC requesting to apply to the RA Administrative Court with a demand to revoke the registration of Arakel Movsisyan’s candidacy.

As prescribed by the RA Electoral Code, the RA CEC is responsible for the orderly conduct of pre-election campaign and the oversight of it. Hence it is obvious that on every indicated fact, that is when receiving an application or report on a violation, the CEC is obliged to take relevant actions and to give them a legal assessment. When we study the decision on rejecting the

³⁴ See CEC N 137-A decision from 25.03.2017. http://res.elections.am/images/dec/17.137_A.pdf

³⁵ See CEC N 135-A decision from 25.03.2017 http://res.elections.am/images/dec/17.135_A.pdf



“Yelq” Alliance candidate’s application³⁶, we get an impression that it testifies on the lack of the CEC’s will to tackle the problem.

The other petition of HCA Vanadzor office was related to the promise of finding a job for a citizen during the pre-election campaign of “Tsarukyan” Alliance candidate Gagik Tsarukyan.

With respect to this issue,³⁷ the CEC accepted that the candidate had violated the Electoral Code, confirmed that he had been warned about it, and nevertheless did not touch upon the existence or absence of grounds to impose an administrative sanction on the candidate.

4 of the organization’s suggestions were with regard to the cases of damaging printed campaign materials posted on designated places. CEC initiated administrative proceedings on its initiative and made a decision³⁸ on receiving information regarding persons who committed violations and sending the information to the RA police. It should be noted that until the point of making this report public, member organizations of the Alliance have no information on that process. It may be noted that we have received no adequate responses on suggestions presented with this regard as well.

Court proceedings

2 applications were submitted to the RA Administrative Court on not providing proper responses to application-suggestions submitted by the member organizations of the Alliance during the elections within the framework of which generally actions of not providing proper responses to suggestions presented to the CEC are appealed (the demand to appeal the actions related to not giving responses to all suggestions is included in both applications).

³⁶ See CEC N 135-A decision from 25.03.2017 http://res.elections.am/images/dec/17.135_A.pdf

³⁷ See CEC N 137-A decision from 25.03.2017 http://res.elections.am/images/dec/17.137_A.pdf

³⁸ See CEC N 143-A decision from 28.03.2017 <http://res.elections.am/images/dec/17.%20143-A.pdf>



The first application was returned by the decision of the RA Administrative Court,³⁹ arguing that the raised issues did not violate the active or passive electoral rights of the plaintiff HCA Vanadzor and the issues raised there referred to the existence of an obligation of the CEC to provide a proper response. Therefore the application could not be considered in special proceedings. The Court found that in these circumstances the application should be considered under general proceedings. The application was adapted to the legal position expressed in the Court decision and resubmitted to the Court, but It made a decision to take a part of the case into proceedings and reject the other part (the part that requested cancelling the decisions of the CEC). The decision to take the case into proceedings partly was appealed in the RA Administrative Court of Appeals. The RA Administrative Court of Appeals took the case into proceedings on 22.05.2017 and, as of the reporting time, has not made a decision.

The other application was taken into proceedings on 16.05.2017 by the RA Administrative Court and the initial hearing is scheduled for 30.06.2017.⁴⁰ It was mentioned above that when discussing the first application by the Union of Informed Citizens, the CEC launched administrative proceedings, considered the application content and rejected the application.⁴¹

The CEC decisions 98-A from 18.03.2017 was appealed in the RA Administrative Court. The RA Administrative Court took the case into proceedings and the lawsuit was rejected on 28.03.2017.⁴²

It is interesting that after the lawsuit was filed and before a court decision was made, the CEC changed its legal stance and, in case of further similar applications, the decision was made to reject launching administrative proceedings. During the court examination, it was clear that the Court and

³⁹ See number VD /2603/05/17 Administrative Case

⁴⁰ See number VD/4267/05/17 Administrative Case

⁴¹ See CEC 18.03.2017, N 98-A decision http://res.elections.am/images/dec/17.98_A.pdf

⁴² See number VD/2433/05/17 Administrative Case



the CEC were in contact with each other. We believe this based the following facts:

- Before the Court judgment was published, the CEC expressed the same legal position as the Court in its decision (the CEC made a decision to reject launching administrative proceedings),
- Then, during the first day of hearing, after examining the evidence, the representative of the Organization directed the Court's attention to the fact that the materials of the administrative proceedings presented by the CEC did not contain a number of evidences, while there were observations about their existence in the decision. During the next hearing session, representatives of the CEC appeared in the Court and presented the missing documents and evidences. Note, that in response to the lawsuit, the CEC had requested to examine the case without their representative.

We would like to emphasize that when it rejected the application, the Court recalled the fact that no rights of the organization were violated by the issues raised in the application and found that this was enough to reject the suit. Nevertheless, the judgment of the Court also referred to assessing the factual circumstances underlying the decision and, as a result, it restated the position of the CEC that the Republican Party of Armenia did not violate any norms by distributing chocolate bars and their wrapping paper is not a print material. Thus, the party is not required to mention the client, number of copies, and other credentials.

The next case refers to the application to the RA Administrative Court in protection of the rights of an observer accredited by the Alliance member HCA Vanadzor. We would like to emphasize that within this case, the RA Constitutional Court accepted the Organization's conviction that it has the right to apply to court for restoring the rights of its observer. This is evidenced by the fact that the RA Administrative Court took the case into



proceedings, considered its merits, even though the case was rejected on the basis of not providing enough evidence that the rights of the observer were violated. This case has a precedential value in electoral processes and can be referenced in other similar cases. Thus in the Republic of Armenia, we have a situation where an organization conducting observation missions can apply to court in protection of the rights of its observer, but is deprived of the extrajudicial means for protecting its observer's rights, i.e. the opportunity to bring an administrative complaint.

In the last two cases, when the RA Administrative Court examined the case in special proceedings, the judgments came into force after publication and were not subject to appeal, as prescribed by the RA Administrative Procedure Code.

We believe that such a regulation contradicts the RA Constitution and the members of the Alliance will bring the issue before the RA Constitutional Court.

Crime reports

During election observation, HCA Vanadzor, a member of the Alliance, submitted 11 crime reports to the RA Prosecutor's Office, which referred to violation of secrecy of voting, infringement on voters' free will, obstructing observers from looking at electoral documents, putting false information in protocols, and banning the public monitoring group from entering penitentiary institutions on Election Day.

Decisions were made to reject launching criminal cases in relation to reports submitted by the Organization on the bases of lack of corpus delicti or the event of crime. 4 of the decisions were appealed to a senior prosecutor and rejected again. Lawsuits are underway.



All in all, we can conclude that the violations recorded by organizations conducting observation missions are not properly investigated by relevant state bodies. The Central Electoral Commission has never used its authority to draft a protocol on offense in case of existing facts of an administrative violation and to apply to the RA Administrative Court. A part of crime reports was not subject to proper investigation.



Main Conclusions and Recommendations

Civil Society in the Republic of Armenia constantly highlighted a number of problems regarding the electoral processes and the failure to solve such problems, giving grounds to doubt the elections held in the country.

These problems include the organized and widespread abuse of administrative resources and the ineffective combat against it, lack of equal playing field for candidates, ineffective fighting against obstruction of the free will of voters, restrictions on civil oversight of elections and the lack of any effective mechanisms and opportunities to complain against the election frauds and appeal the election results.

The new Electoral Code adopted in 2016 did not provide any solutions to these concerns but rather increased the possibility to abuse administrative resources and various leverages by basing the proportional voting system on the opportunity to nominate candidates via district lists.

After observing the pre-election campaign in the entire territory of Armenia, the “Independent Observer” Public Alliance concluded:

1. The election campaign was accompanied by acts of violence and pressure, including the use of firearms mostly against non-ruling and/or opposition parties and Alliances.
2. Ruling RPA committed organized and widespread misuse of administrative resources.
3. The CEC did not carry out a thorough, including comprehensive examination of the issues raised in the petitions. The CEC did not show enough effort and will to prevent the offences identified and confirmed during the election campaign and remove their consequences.

During the last days of the election campaign and especially on the voting day and the campaign silence day, there were many alerts of



widespread mass vote-buying by the Republican Party of Armenia, Armenian Revolutionary Federation Party and “Tsarukyan” Alliance and reliable information on such incidents was also shared by the mass media and social networks. Nevertheless, the law enforcement bodies have not detected or prevented a single case of vote-buying so far.

The observers, who carried out observation missions in 200 districts and 32 territorial commissions throughout the country on April 2, 2017 within the “Independent Observer” Alliance, reported over 3,050 violations, most of which could have an impact on the election results by their nature.

At 134 (67%) of the 200 observed polling stations, the secrecy of voting was actually breached as there were incidents when there were other adults in the voting booth who were not helpers as prescribed by law. At 101 (50.5%) polling stations, there were cases where voters filled out the ballot papers outside the voting booth. At 59 (29.5%) polling stations, there were cases when voters loudly informed the commission members or proxies about their vote after voting.

All this is indicative of an unprecedented control over citizens' votes, which involved persons acting on behalf of observation missions. The main violations typical of the Election Day also covered regular overcrowdings of voters near polling stations, which were the result of the transportation of voters to the polling stations in groups and guiding them in their voting. At 99 (49.5%) of the observed polling stations, arguments were recorded at different hours of the voting which once again provides evidence of the tense atmospheres at least at half of the polling stations on the election day.

Based on the above, “Independent Observer” Public Alliance recorded

1. Many issues identified during the election campaign (widespread and organized abuse of administrative resources, unequal competition conditions for nominated parties and blocs), the atmosphere of impunity



resulting from the improper reaction and inaction of the RA Central Election Commission, and the Police and other law-enforcement agencies all affected the Election Day.

2. The desired results for the ruling party through its territorial candidates were ensured by vote-buying and other illegal means not prevented or examined properly by competent authorities so far.
3. The RA National Assembly elections were accompanied by numerous and organized violations and widespread control over the voters.

The “Independent Observer” Public Alliance considers the RA National Assembly elections of April 2, 2017 as absolutely non-free and accompanied by gross infringements of RA citizens’ civil and political rights.

Recommendations

- Eliminate the distinction between district and national lists of candidates and stipulate a purely proportional system
- Stipulate a general prohibition of abuse of administrative resources as recommended by the Venice Commission and clarify the consequences
- Secure the electoral right of Armenian citizens abroad on the voting day through RA Diplomatic and Consular Missions.
- Classify organization and commitment of mass electoral violations or fraud as grave crimes against the state as violation of Article 2 of the RA Constitution, and prescribe a commensurate punishment
- Clearly stipulate the respective provisions on criminal and administrative liability for violations of the Election Code
- Taking into consideration the circumstances obstructing independent voting, provide additional actions and measures for full accessibility



of polling stations and voting procedure minimizing the need for another person's assistance getting to the polling station and voting and ensuring the right of the person to direct and secret voting.

- Change the status of the Oversight Service to empower it to verify the legitimacy of declarations on the income and reports on campaign donations and expenditures of candidates and parties
- Restore the right of observers and organizations conducting observation mission to appeal electoral violations and election results⁴³
- Amend Article 32.1.6 of the Electoral Code adding the provisions of Article 30.6 of the 1999 Electoral Code, stipulating that observers and media representatives cannot be prosecuted for their opinion on the process of elections and results
- Clearly define the terms precinct, polling station, and voting room
- Hold all meetings of the territorial election commissions in one room with the participation of all members
- Define a legal status for the assisting staff present during the meetings of the territorial commission.

⁴³ As prescribed by Article 17 of the 1995 Law on the election of RA Parliament Members, <http://www.arlis.am/DocumentView.aspx?DocID=206>



About Organizations involved in the Observation Mission

Observation mission was conducted by “Independent Observer” Public Alliance, whose members are Helsinki Citizens’ Assembly-Vanadzor (HCA Vanadzor), Union of Informed Citizens, Martuni Women’s Community Council and Goris Press Club.

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