



Helsinki Citizens' Assembly - Vanadzor

REFLECTION OF RECOMMENDATIONS BY
INTERNATIONAL ELECTION OBSERVATION
MISSIONS IN
THE RA 2016 ELECTORAL CODE
AND
THEIR IMPLEMENTATION DURING
2017 NATIONAL ASSEMBLY AND YEREVAN CITY
COUNCIL ELECTIONS

Vanadzor 2017



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The report is the reviewed and supplemented version of previous assessments conducted by Helsinki Citizens' Assembly – Vanadzor.

Preparation and publication of the report was funded by Open Society Foundations – Armenia.

The views expressed herein can in no way be taken to represent the official opinions of the funding organizations.

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Abbreviations

NA – National Assembly

OSCE - Organization for Security and Cooperation in Europe

PACE - Parliamentary Assembly of the Council of Europe

CEC - Central Electoral Commission

IEOM - International Election Observation Mission

TEC - Territorial Election Commission

ODIHR - Office of Democratic Institutions and Human Rights

RA - Republic of Armenia

PEC - Precinct Electoral Commission

LSG - Local Self- government

Introduction

First Presidential elections in independent Armenia were held on October 16, 1991, following the September 1991 Referendum for Independence. Since then, there have been several presidential, parliamentary, and local elections and referenda held in Armenia.

In the past 25 years, the legislation regulating electoral processes in the Republic of Armenia changed regularly. On May 25, 2016, the RA National Assembly fully adopted the third new electoral code which derives from the Constitutional Amendments adopted with the December 6 2015 referendum. The negotiations on amending the Electoral Code continued afterwards with domestic and international stakeholders resulting in packages of amendments adopted on June 30, 2016, one of which entered into force on July 30, 2016. According to the RA CEC the reason for the other package to not enter into force was that no company agreed to provide the necessary technical support within the set timeframe. Initially, however the conditionality for the package to enter into force was the possibility of securing funds for it.

As a result of ongoing negotiations between the authorities and the opposition a new law on amendments to the RA Electoral Code was adopted on October 20, 2016 and entered into force on November 14, 2016. The main change prescribed by the law was publication of signed voter lists.

It should be noted that initially civil society representatives also participated in the negotiations on the Electoral Code in “4+4+4” format; however, the consensus was reached and signed only between the authorities and the opposition as civil society representatives did not have the opportunity to have essential impact on the negotiation results.¹

International Election Observation Missions (IEOM) have had a significant role in pushing for electoral reforms, and particularly in terms of

¹ Statement on the Electoral Code of Armenia and the recent developments related to it, <https://transparency.am/en/news/view/1600>

revising the electoral legislation. In 2015, Helsinki Citizens' Assembly – Vanadzor conducted a thorough analysis (Helsinki Citizens' Assembly-Vanadzor, 2015), assessing the implementation of recommendations submitted by International election observation missions in 2003-2013 in legislation and practice.

At the beginning of 2017, reviewing the above-mentioned report of Helsinki Citizens' Assembly – Vanadzor, the office prepared "The Reflection of Recommendations by International Election Observation Missions in the RA 2016 Electoral Code" report, which presents the recommendations and observations of international observation missions made since 2003, particularly of OSCE/ODIHR, PACE and as well as those of European Commission for Democracy through Law (Venice Commission) and their reflection in the new Electoral Code.

The goal of this report is to assess the application of recommendations of International Election Observation Missions during 2017 National Assembly and Yerevan City Council Elections and to supplement the corresponding chapter of "The Reflection of Recommendations by International Election Observation Missions in the RA 2016 Electoral Code" report, which was prepared by means of the European Union and Council of Europe joint project.

Adoption Process of the RA 2016 Electoral Code and the Recommendations of International Election Observation Missions on the new Electoral Code

IEOMs often emphasize that adequate legislative provisions, though important, are not sufficient for concluding that elections are well administered. The determination of the authorities to conduct fair and democratic elections and to increase public trust toward electoral processes is what counts as most essential.

Nevertheless, electoral regulations and ensuring public participation during their development is a most significant indicator of political will for electoral reforms. In this respect, the opinions and concerns by the Armenian civil society and the Venice Commission regarding the RA Electoral Code generally coincided.

On May 10, 2016, several representatives of civil society disseminated an opinion about correspondence of the provisions of the new electoral code to international standards. (Non-governmental organizations, 2016)

The Opinion specifically states that the Draft Electoral Code (hereinafter the Draft) failed to be submitted to the National Assembly in due time and was not published, and the fact of it being ready was kept secret from the public by the responsible state bodies for a long time. The code was first available on February 22, 2016 on the official website of the Venice Commission in English, then the Armenian version appeared on the website of the RA Government as it was included in the agenda of the Cabinet meeting on March 3, 2017.² During the drafting of the Code, the requirements on regulatory impact assessment of legal acts as stipulated by the Law on Legal Acts,³ organizing and conducting public discussions provided by Government decision,⁴ and submitting issues to the

²March 3, 2016 agenda of the RA Cabinet meeting
<https://www.e-gov.am/sessions/archive/2016/03/03/>

³ RA Law on Legal Acts, Article 27.1, part 2

⁴ RA Government Decision N296-N on Organization and holding of Public hearings from March 25, 2010, and RA Government decision N 296-N of 25 March 2010 "On approving the order of organizing

Government's session prescribed by presidential decree were not met.⁵ The authors of the document avoided participating in the discussions organized by non-governmental organizations before the draft was approved by the RA Government. To reach consensus on the main issues of the Code, NGO representatives with an extensive experience in the elections and a mandate from more than 200 civil society organizations, took part in discussions in 4+4+4 format (government coalition, non-ruling political parties and NGOs) initiated by the opposition. However, due to unyielding position of the representatives of state bodies, the discussions failed to give any meaningful results. Despite the recommendations put forward in the final report of OSCE/ODIHR referendum expert team and the previous respective recommendations made by OSCE/ODIHR, the amendments to electoral legislation were not carried out inclusively, and the stakeholders were not given an opportunity to make every effort for reaching possible consensus on the reforms.

Civil Society indicated the following as the main issues:

- Discriminatory provision of voting rights of those, who are outside of the Republic of Armenia,
- Issues related to uptading the voter registers and existing inaccuracies and potential use of votes of absent voters,
- Ineffectiveness of mechanisms for ensuring equal voting rights and eliminating multiple voting,
- Abuse of administrative resources and unequal opportunities,
- Absence of opportunities for certain groups of voters to form an opinion without access to campaign information (e.g. military servicemen or inmates),
- Effective mechanisms for preventing election violations,
- Issues related to maintaining secrecy of voting,
- Restriction of rights of observers and mass media representatives,

and conducting public discussions" and N 13 Protocol decision "On repealing RA government decision of 5 April 2012 on approving methodical instructions for elaborating draft legal acts and N 42 protocol decision of RA Government of 28 October 2010"

⁵ RA President decree N NH-174-N of 18 July 2007 on "Procedure of organizing the activities of the Government and other agencies under its jurisdiction"

- Absence of opportunities and mechanisms for effective appeal against violations and voting results,

The Preliminary Joint Opinion of the Venice Commission and the OSCE/ODIHR on the Electoral Code (as of April 18, 2016) was published on the same day with that of civil society. (VENICE COMMISSION and OSCE/ODIHR, 2016) On July 19, 2016 the Second Joint Preliminary Opinion was published regarding the Electoral Code adopted on May 25, 2016 and the amendments from June 30, 2016.

Restating their previous recommendations and opinions regarding the electoral process in the Republic of Armenia, the Venice Commission and OSCE/ODIHR noted in their preliminary joint opinion published on May 10, 2016, that the timeframe for adopting the Electoral Code was rather short. While the stability of the electoral system is a key principle, it is equally important to have sufficient time for a thorough, inclusive, and public discussions in order to build consensus and confidence around major changes in electoral legislation.

The international entities stated that the Code had addressed some of the previous recommendations by the Venice Commission and the OSCE/ODIHR; namely, improving the voter identification system, enhancing the Central Electoral Commission regulatory powers, strengthening the quota for the participation of women as candidates, removing provisions that could lead to the arbitrary withdrawal of observer accreditation, and systematising the rules on campaigning.

However, they identified concerns with regard to the accuracy of voter lists, the restrictions on the rights of observers and a lack of clarity about the use of new technologies. According to the Venice Commission and OSCE/ODIHR, the draft code did not address recommendations related to the effectiveness of complaints and appeals procedures, the transparency and accountability of campaign finance, safeguards against potential abuse of state resources, and the role of media during elections.

The regulations for ensuring “Stable majority” were found rather

complex. In general, international entities recommended:

- to reconsider the undue restrictions on the formation of coalitions,
- to allow meaningful consultation of signed voter lists without violating privacy to address suspicions about voter impersonation,
- to ensure effective and gradual introduction of new technologies, including their procurement, testing, training of the staff and public awareness,
- to remove mandatory testing for observers and the three-year requirement for the charter,
- to ensure independence of the Central Electoral Commission prescribing that the President consult with all parliamentary parties if nominating member of the CEC,
- to revise the quota for representation of women ensuring more effective placement in the candidate list,
- to simplify the process of voting, counting, tabulation, and determination of election results,
- to ensure meaningful engagement with all relevant stakeholders in the process of amending the code

In the Second Joint Opinion published on July 19, 2016, the Venice Commission and the OSCE/ODIHR assessed the implementation of recommendations given in the previous document and noted that most of them were taken into account: namely, the time-period for the formation of political coalitions after the first round of elections was doubled (from 3 days to six), and the time-period for forming alliances to participate in the second round changed from two to five days; access to signed voter lists was made possible; the mandatory test for observers was removed and the term for specific provisions in the charter was reduced to 1 year; the requirement for the President to appoint the acting chairperson or a member of the CEC "in consultation with parliamentary factions" was added; the independence of election administration officials has been strengthened by adding an exhaustive list of grounds for the early termination of their mandate; women's representation was changed by increasing the minimum quotas for each gender on candidate lists from 25

to 30 per cent, and extending quotas for the first part of the list to each integer group of 3 instead of 4; the CEC is obliged to develop and publish training materials for the members of all electoral commissions, specialists, candidates, proxies, observers, and voters; important regulations addressing recommendations related to campaign and campaign finance, candidate de-registration processes, and complaints and appeals procedures were adopted. International organizations also found it important that there was a possibility of testing the new technologies during the LSG elections in fall 2016, which was prescribed by the Code. They also emphasized the necessity to further address a number of other issues, including harmonising new provisions with data protection laws and standards, ensuring public testing and certification of the equipment, guaranteeing contingency planning, providing sufficient training for electoral staff, and ensuring effective awareness-raising among voters and political parties.

It should be noted, however, that the testing of the new voting system was not conducted during the 2016 local elections, but it was done during the local elections in February 2017, which did not allow for sufficient time before the RA National Assembly Elections.

The Venice Commission and the OSCE/ODIHR also noted that a number of recommendations were not taken into consideration or were partly followed. In Particular:

- to fully remove the requirement about charter provisions on democracy and human rights for observer organizations;
- to reconsider the restriction on the number of parties in a coalition;
- to reconsider the different threshold for political parties and for alliances;
- to consider having minority representatives on ordinary candidate lists, to avoid the possibility of the minority vote to change the political composition of parliament;
- to allow nomination of candidate lists also by groups of citizens;
- to include grounds that may lead to removal of the deputy chair and

and secretary of the CEC and chair, deputy chair and secretary of a DEC in Article 45 of the Code;

- to reconsider the deadlines for submitting the documents for registration of candidate lists in case of early elections;
- to provide for general prohibition of the misuse of administrative resources;
- to set reasonable deadlines for accreditation of observers and media representatives, including for the second round of elections;
- to include additional measures to enhance the transparency of the tabulation process;
- to lower the electoral thresholds for elections of the Council of Elders of Yerevan, Gyumri and Vanadzor and for returning electoral deposits after the elections;
- to reconsider the additional seats awarded to the winner of the elections of Council to Elders of Yerevan, Gyumri and Vanadzor.

In the document, the Venice Commission and the OSCE/ODIHR noted that the Electoral Code was adopted 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 was constructively involved in the negotiations, although it eventually did not sign the final agreement.

Note that in their last statement,⁶ civil society representatives clearly indicated threasons and justifications for not signing the Agreement, which prove that there was no large public consensus formed around the electoral processes.

⁶ Statement on the Electoral Code of Armenia and the recent developments related to it, <https://transparency.am/en/news/view/1600>

Reflection of Recommendations by International Election Observation Missions in the RA 2016 Electoral Code and their Implementation during 2017, April 2nd National Assembly Elections and May 14th Yerevan City Council Elections

Since 2003, international organizations issued over 250 recommendations, over 60 of which referred to the current code.

This research assesses the relevance and reflection of the recommendations issued since 2003 in the RA 2016 Electoral Code and their implementation in the context of April 2, 2017 National Assembly and May 14th Yerevan City Council elections.

Accessibility: Recommendations on accessibility of polling stations were issued by the PACE, OSCE/ODIHR, and the Venice Commission. It was recommended that the government of the Republic of Armenia make polling stations and ballot boxes accessible for people with disabilities. It was also recommended that those who are at a hospital or are physically unable to get to the polling station have to opportunity to exercise their voting right through mobile ballot boxes or other means. The Code stipulates only the possibility of voting for persons receiving inpatient treatment at a hospital. During the elections held before 2017, the majority of polling stations had been inaccessible for voters using wheelchairs. Before the second reading of the Electoral Code, it was proposed that the Code stipulates taking into account independent voting of people with mobility issues when selecting locations for polling stations; however, the Government rejected it arguing that it would be impossible to ensure accessible polling stations in the entire territory of the Republic. The body responsible for accessibility of polling stations is the local government; however, the mechanisms for setting criteria and control are unclear.

On November 22, 2016, the RA CEC adopted a decision about creating

additional opportunities for making voting accessible for people who have difficulties voting. The decision, however, did not have for mandatory implementation mechanisms.⁷

Only 20 percent of 200 polling stations observed by “Independent Observer” Public Alliance during 2017 National Assembly elections were fully accessible, and the 69 percent of polling stations observed by OSCE/ODIHR were inaccessible for persons with mobility problems.⁸ In around 48 percent of polling stations observed by “Independent Observer” Alliance there were no special means to ease the voting of persons with vision or hearing problems. Hence, in terms of this, the above-mentioned decision made by the RA CEC had no practical significance, because the majority of polling stations were again inaccessible during 2017 NA elections. Note that the RA CEC has not presented any report regarding the actions taken to make the voting accessible.

According to the data provided by the RA CEC, on the Voting Day for NA elections of April 2, 2017, 70,488 persons voted with assistance (4.5 percent of the total number of voters that participated in the voting). In 22 percent of the polling stations observed by “Independent Observer” Alliance cases of not registering the assistant’s data were recorded, hence the real number of persons who voted with assistance was higher. Note that the number of persons who voted with assistance is directly proportional to the number of votes received by the Republican Party in the corresponding polling stations – that is to say, the more people voted with assistance in a polling station, the more votes the Republican Party received.

In fact, the inaccessibility of polling stations or voting has not only deprived a large number of voters of the opportunity to vote independently, but also the possibility of voting with assistance has been abused in favor of the ruling party, transgressing the electoral rights and dignity of citizens. Numerous cases were recorded, when there were certain people around polling stations who “performed a function” of assisting the voters in an

⁷ http://res.elections.am/images/dec/16.136_N.pdf

⁸ OSCE/ODIHR Election Observation Mission Final Report, <http://www.osce.org/odihr/328226?download=true>

obviously organized manner.

Inaccessibility of polling stations and abuses of the opportunity to vote with assistance are more thoroughly presented in the Final Report of “Independent Observer” Alliance on the 2017 National Assembly Elections.⁹

Thus, the recommendations of international observation missions regarding accessibility have not been implemented during 2017 National Assembly Elections.

Adjudication of Electoral Disputes: OSCE/ODIHR and the Venice Commission issued several recommendations regarding adjudication of disputes. The recommendations referred to clarification of complaints and appeals procedure, including who and how could submit applications and complaints, time-periods for appeals, proper investigation of all complaints and provision of grounded decisions, criminal and/or administrative liability for electoral violations, and intensification of collaboration between relevant authorities for increasing the effectiveness of investigation. The missions called for the CEC to take a more active stance in investigation of complaints.

Despite the recommendations about allowing domestic observers submit complaints and applications, the new Code did not provide the right either and observer can only submit complaints in relation to violation of their individual rights.

Some Venice Commission and OSCE/ODIHR recommendations regarding timeframes and conditions for appeals presented in the First Joint Opinion were taken into consideration in the 2016 Electoral Code. However, the recommendations regarding giving citizen groups the right to appeal and the timeframes for submitting recount requests were not implemented.

The recommendations related to electoral disputes that refer to the practical application of law, in particular, the proper investigation of

⁹ 2017 April 2nd RA National Assembly Elections, Final Report of the “Independent Observer” Public Alliance, <http://hcav.am/wp-content/uploads/2017/07/NA-report-ENG.pdf>

complaints and the making well-grounded decisions, have been ignored by the relevant bodies during both 2017 National Assembly and Yerevan City Council elections.

Investigation results of the main complaints submitted during the above-mentioned elections are concisely presented below.

According to the RA CEC 2017 April 9th decision¹⁰ on the election results, until the voting day of the National Assembly Elections 18 application-complaints were submitted to the RA CEC, by 2 of which “Yelq” and “Ohanyan-Raffi-Oskanyan” party alliances demanded to apply to the court for the de-registration of the Republican Party of Armenia, after the recordings published by the “Union of Informed Citizens” revealed that principals of 114 schools and kindergartens had admitted preparing voters lists for the Republican Party of Armenia and handing those to corresponding persons, one of them had even mentioned that they “had intimidated them in the most extreme way”. 1 application-complaint demanded applying to the court for the de-registration of RPA candidate Arakel Movsisyan for making promises to pave the roads in the village of Tsaghkavan and for paving roads in another village. The rest of the applications referred to the violations of pre-election campaign rules. 12 of the applications were rejected, including the ones on applying to the court for de-registration of RPA and RPA candidate Arakel Movsisyan. Although the facts presented in the rejected applications were investigated by the CEC in proceedings instituted by themselves, no proper and adequate decisions were made, for instance, in cases of election bribery and promising election bribe, CEC considered warnings to be sufficient.

The Final Report of the OSCE/ODIHR also states that although the CEC sometimes investigated some alleged facts, nevertheless it did not thoroughly consider the contentious issues, for example possible pressure and intimidation of teachers to collect signatures.

6 complaints were submitted to the Administrative Court against CEC

¹⁰ CEC 2017 April 9th decision on the election results, http://res.elections.am/images/dec/17.162_%D0%90.pdf, in Armenian

decisions, all of which were either rejected or discontinued.

Based on the application submitted by pro-government Armenian Revolutionary Federation, the relevant Territorial Election Commission invalidated the election results in a polling station in the village of Parpi, nevertheless the application presented by oppositional "Congress-PPA" Alliance on invalidating election results in 3 polling stations, was rejected.

On April 7th, 2017, "Congress-PPA" Alliance submitted an application to the RA CEC on rendering the National Assembly elections invalid, which was rejected mainly on the basis that the submitted application was groundless in terms of legal justifications and provability of election violations. The main position of RA CEC with regard to election violations is that they have been singular, separate cases and could have had no impact on election results. By the Article 49, point 6 of the RA Electoral Code, the side bringing a complaint against an election commission decision bears the burden of proving the facts presented by them and the election commission bears the burden of providing evidence for the facts underling its decision. Based on this, the RA CEC argues that the applicant did not present proper evidence of violations and has simply mentioned statements, at the same time the RA CEC in the decision on election results and, in general, simply states that violations have not had any effect on election results without providing any proof of that. The CEC decision on the application of "Congress- PPA" alliance was appealed to the RA Constitutional Court, which affirmed it. On May 16th, 2017, "Yerkir Tsirani" party submitted an application on invalidating the results of May 14th Yerevan City Council elections, which was rejected by the CEC as well.

During the preparation and holding of NA elections, the office of RA Prosecutor General examined 923 reports on election violations, with regard to only 20 of which criminal cases were instituted. The proceedings of 5 criminal cases have been discontinued on the grounds of absence of corpus delicti. During Yerevan City Council elections, 124 reports were

received, but only 10 criminal cases were initiated.¹¹

After the NA elections, an audio-recording of a meeting was posted on the internet; the meeting was with the employees of “SAS group” belonging to RPA candidate Artak Sargsyan, where they were required to collect votes for Artak Sargsyan with a promise “to reward the ones who would bring many votes” and “to punish the bad workers”. A criminal case was instituted related to the case, no information on the process of which is known.

Before May 14th, 2017 Yerevan City Council elections, “Yelq” Alliance disseminated information on distributing election bribe in a campaign office of RPA candidate Taron Margaryan and on documents found from a trashcan at the same office testifying on organized and widespread distribution of election bribe. “Yelq” Alliance applied to the RA CEC claiming to apply to the court to deregister RPA, which was also rejected.

Campaign Finance: OSCE/ODIHR and Venice Commission issued a number of recommendations that propose prescribing clear regulations for campaign financing, including expansion of the list of expenditures to report in more detail, clarification of reporting requirements and indicators for proper oversight. The Code multiplied the maximum donation from natural persons to the campaign funds of parties by five and the ceiling for campaign spendings became five times more as well. However, the list of campaign expenditures to be reported has not been expanded and does not include salary payments for the staff overhead, campaign office rent, or transportation.

The oversight of the contributions made to campaign funds, expenditures and their calculation, as well as of the current financial activities of political parties is carried out by the Oversight and Audit Service.

By the Electoral Code and the corresponding CEC decision,¹² the

¹¹ 14.07.2017 | Concise information on the process and results of investigation of violations in April 2nd and May 14th Yerevan City Council elections, <http://www.prosecutor.am/am/mn/6886/>, in Armenian

Service is authorized to receive information on the cash flow of campaign funds, as well as receive declarations, other documents on the expenditures made from the funds, prepare a conclusion based on the audit of those and provide it to the CEC. In the conclusions prepared on both National Assembly and Yerevan City Council elections, the Service did not find out any violations in the declarations presented by parties and alliances. However, it is unknown to what extent the information provided by the parties was complete and what methods were used during the audit.¹³

Note that neither the Electoral Code, nor the corresponding CEC decision prescribe mechanisms for oversight of the current financial activities of parties, and, in general, it is unclear what specific function the legislature and CEC have prescribed for the Oversight and Audit Service under that provision. Although as a result of Venice commission recommendation on ensuring the independence of Oversight and Audit Service, it was added in the Code that the Service performs independently from the commissions and is not accountable to them, nevertheless the head of the Service is appointed by the CEC and by the public it is not perceived as an independent body performing real oversight functions.

The recommendations on campaign finances, in essence, have not been implemented.

Candidate Registration: A number of recommendations were issued on candidate registration, including on the requirements toward candidates (signatures, deposit, and terms) and on the process of cancelling the registration of a candidate. The requirement to submit collected signatures for registration was abolished in 2003; however the

¹² CEC Decision on Prescribing the Rules of Procedure of the Oversight and Audit Service http://res.elections.am/images/dec/16.39_N.pdf, in Armenian

¹³ Conclusion of the RA CEC Oversight and Audit Service on the inspection results of declarations on the use of means available in the campaign funds of parties and party alliances running in 2017 April 2nd NA elections, <http://res.elections.am/images/audit/conclusion02.04.17m3.pdf>, in Armenian

¹³ Conclusion of the RA CEC Oversight and Audit Service on the inspection results of declarations on the use of means available in the campaign funds of parties and party alliances running in 2017 May 14th Yerevan City Council elections, <http://res.elections.am/images/audit/conclusion14.05.17m3.pdf>, in Armenian

size of the electoral deposit is still problematic. The threshold for returning the deposit has been reduced but not sufficiently. The requirement for permanent residency in the Republic of Armenia was reduced as well but the stipulated four year requirement is still considered unjustified. The time-period for registration of candidates for special elections is extremely short and limits the competitiveness. OSCE/ODIHR addressed the regulations for cancelling the registration of a candidate to avoid forced resignation of candidates. Although the grounds for registration of candidates are clear, the possibility of self-withdrawal is more open and is particularly common during local elections due to unfair competition.

During 2017 National Assembly and Yerevan City Council elections, no problems were recorded related to the registration of candidates, but after 2017 National Assembly elections an incident occurred with regard to “Tsarukyan” Alliance. After the CEC published the names of persons who had submitted applications for self-withdrawal, according to which 23 candidates were from “Tsarukyan” Alliance, 12 of those persons announced that they had not submitted applications of self-withdrawal and demanded revoking the applications submitted on their behalf. As a result, the CEC gave mandates to 8 of them, the ones who were in passing positions of the list. One of those candidates told Radio Station Liberty that “such applications were written” before the voting day, if for some reasons it would be necessary to withdraw the candidacy, those applications would be submitted to the CEC, with their consent, nevertheless, the candidate insisted that the submission of applications on waiving the mandates was not agreed upon by them.¹⁴ Hence because of undemocratic methods of decision making within the party, the opportunity of self-withdrawal was abused during the last elections as well.

Thus, the recommendations on candidate registration have been partially implemented.

Central Electoral Commission: The OSCE/ODIHR and the Venice

¹⁴ 8 candidates from “Tsarukyan” Alliance who had canceled their application, received mandates, Radio Station Liberty, May 3, 2017, <https://www.azatutyun.am/a/28466254.html>, in Armenian

Commission have issued several recommendations regarding the CEC. The formation of the CEC was changed by the Constitutional amendments and the latest Electoral Code. The CEC members are appointed by the majority of the National Assembly and the international observation missions find that the trust of all parliamentary parties toward the newly formed CEC is important. The other recommendations by the CEC were implemented.

Note, that during the “Electoral Developments in Armenia: Lessons Learned and Steps Ahead” conference organized by the Council of Europe, the Head of EU Delegation in Armenia, Ambassador Piotr Switalski, among other messages with regard to the amendment of Electoral Code, reviewing the necessity of district lists, etc., also urged to consider changing the principles of CEC formation, in particular, the inclusion of civil society representatives in it in order to make it more credible in the public eye.¹⁵ Government representatives interpreted Ambassador’s phrase as interference in the domestic affairs of the RA.¹⁶

Citizen observer: There were several recommendations regarding observation by independent observers.

International observation missions and the Venice Commission believed that the mandatory testing of observers and the provision allowing disqualification of the organization because of the partiality of an observer should be removed. With the amendments adopted on June 30, 2016, the requirement for mandatory testing of observers was removed at the same time it was stipulated that in case an observer supports any candidate, political party running in the elections, as well as violates the requirements of this Code in such a way that essentially hinders the smooth operation of the election commission or the smooth voting process, the chairperson of the election commission may remove the observer from the session of the commission, and from the polling station on the Election Day, upon a

¹⁵ Switalski. Civil society representatives have to be included in the CEC, Hayastan24, June 15th, 2017, <http://hayastan24.com/?p=17519&l=am>, in Armenian

¹⁶ Switalski is trying to interfere in the domestic affairs of RA, Davit Harutyunyan (video), A1+, June 15th, 2017, <http://www.a1plus.am/1550737.html>, in Armenian

decision adopted by at least 2/3 of the votes of the total number of members of the election commission.

It should be noted that previously the Venice Commission supported the idea of fewer rights for observers and rejected any opportunity for observers to interfere in the voting process in any way. In its later remarks, the Commission recommends giving more rights to observers including applying to courts with electoral disputes including challenging the election results. Nevertheless, the Electoral Code restricted the involvement of observers by stipulating the requirement for observer organizations to have a charter goal for democracy and human rights for at least one year. The Code deprived observers of the right to submit remarks and recommendations to the commission chair and stipulated that the observer can be removed by the vote of the commission, allowing the observer only to register their remarks in the registration book of the commission.

In their joint opinion, the Venice Commission and the OSCE/ODIHR did not speak positively of the charter requirement, considering it an uncalled for restriction, while they commended the reduction of the time period for the requirement.

The RA CEC arbitrarily refused extending invitation to foreign non-governmental organizations to observe the 2017 National Assembly elections, when the Electoral Code stipulates that right. The CEC justified that by the large number of already accredited observers. Although foreign observers had the opportunity to be accredited by local organizations, but depriving foreign non-governmental organizations of the right to observation prescribed by the law contradicts the international principles and is negatively assessed. What refers to the realization of observers' rights on the voting day, in some polling stations cases of obstruction, violence, threats were recorded, but they were not widespread.

The recommendations on observers were also partially implemented.

Coalitions and Alliances: OSCE/ODIHR and the Venice Commission presented recommendations on the alliances and restrictions of the number of members and timeframes for forming coalitions after the elections. In

particular, they proposed revising the maximum number (three) of coalition members, extend the timeframe for forming coalitions after the first round of elections and the timeframe for forming alliances before the second round of elections. It was also recommended to reduce the election threshold and allow parties form coalitions for local elections. The Code adopted only the recommendations on the timeframes for forming coalitions and forming pre-election alliances before the second round.

Election Campaign: There were several recommendations made on election campaign regulations, including on dissemination of campaign materials, the need for prohibition of campaigning on the Election Day and particularly, close to the polling stations, responsibility for campaign violations and for distribution of libelous material, and clarification of the campaigning period. The Code stipulates that it is not mandatory to remove campaign posters on the eve of the elections or on the Election Day, which contradicts the provision prohibiting campaigning on those days. Moreover, campaigning during the period not prohibited by the Code is not regulated in any way.

During the 2017 National Assembly elections, “Independent Observer” Alliance registered activities aimed at directing voters in favor of a party at 17% of the observed polling stations and at 22% of observed polling stations during the Yerevan City Council Elections. The majority of these activities were in favor of the Republican Party of Armenia, while campaigning on the Voting Day is prohibited. Campaign posters were not completely removed on the Voting Day or on the day before either.

During the campaign period of the 2017 National Assembly elections, long-term observers of “Independent Observer” Alliance identified 159 cases of campaign materials posted in non-designated areas and 109 cases of damaging campaign posters.¹⁷

The campaign posters of almost all the parties and Alliances were

¹⁷ ‘Independent Observer’ Public Alliance Election Campaign Long-Term Observation Report
<http://hcav.am/en/publications/1235541263-en/>

damaged, but the posters of Edmon Marukyan, candidate of “Yelq” Alliance were damaged most often, particularly, in the City of Vanadzor. Addressing only on the cases, the Police released a statement saying that two minors had unconsciously torn the posters while playing.¹⁸ However there is footage showing that posters are being torn by adults and their widespread damage shows that the police response is selective and unreliable.

No proper investigation was carried out into these cases and nobody was held accountable, while the RA Code of Administrative Offences prescribes a fine between 50000 to 100000 AMD for damaging the posters posted in designated areas. It should also be noted that there is no fine or any other penalty prescribed for posting campaign materials in non-designated areas.

The law prescribes that, in case of violation of campaign regulations by a party, the Commission that registered the party can apply to relevant authorities to stop them and give a warning. In case of continuous violations, the commission applies to court to cancel the registration of the party. The actions taken by the CEC in this regard are presented in the paragraph on Adjudication of Election Disputes.

The recommended legal regulations for pre-election campaign were mostly incorporated; however, their implementation was not effective.

Electoral Commissions: A number of recommendations were made by the Venice Commission and OSCE/ODIHR on the election administration by the commissions. Recommendations concerned the composition of electoral commissions, dismissal of commission members, liability of commission members for electoral violations, continuous training, transparency in decision making, fair distribution of commission management positions, and separation of TEC premises from the central and local authority buildings.

In terms of PEC composition, domestic observers report that despite the seemingly diverse appointment, PECs generally serve the ruling

¹⁸ Those “unconscious children”, who tore my poster, received 300 AMD for each piece, Edmon Marukyan, Tert.am, March 17, 2017, <http://www.tert.am/am/news/2017/03/13/edmonmarukian/2306357>

Republican Party, and are not always willing to take action in case of violations. PEC members are appointed by parliamentary parties based on the proportion of deputies in the faction. This gives an initial advantage to the ruling party and creates unlevel playing field especially for political powers not represented in the National Assembly and running in elections. According to the evaluation of the observers of "Independent Observer" Coalition, during the voting of National Assembly elections in 26 percent of the polling stations Precinct Electoral Commissions took no actions to eliminate the violations, and in 27 percent – not always or partially took actions. During the voting of Yerevan City Council elections in 10 percent of the polling stations Precinct Electoral Commissions took no actions to eliminate the violations, and in 28 percent – not always or partially took actions.

Cases were recorded, when PECs discriminated, mainly in favor of the ruling party, e.g. during the vote count, in the process of assessing the validity of ballot papers or when handing the set of ballot papers to the voter, they put the ballot paper of the Republican party on top.

The grounds and procedure of dismissal or termination of powers of commission members are clearly defined in the Electoral Code. After the voting of National Assembly elections, based on the applications of Territorial Election Commissions, the certificates of qualification of 8 Precinct Electoral Commission chairs were revoked by RA CEC for violating the provisions of Electoral Code, and after Yerevan City Council Elections the certificates of 19 members of 10 Precinct Election Commissions were revoked. After the NA elections the certificates of qualification of 8 PEC chairs were revoked, in particular, for violating the provision of the Electoral Code according to which proxies and observers have the right to demand that their opinion be recorded in the registration book of the Precinct electoral commission. According to information provided by the observers of "Independent Observer" Alliance, during the NA elections in 20 percent of the observed polling stations (40 polling stations) violations and assessments were not recorded in the registration book and in 30 percent

(60 polling stations) - were not always recorded. During Yerevan City Council Elections in 12 percent of the polling stations (7 polling stations) violations and assessments were not recorded in the registration book and in 13 percent (8 polling stations) - were not always recorded. Although the revoking of certificates of PEC chairs after the NA elections is a positive step, nevertheless the above-mentioned data shows that the violation committed by those persons was recorded in a number of other polling stations; hence there were grounds for revoking the certificates of a much larger number of commissioners. It should also be emphasized that during the following Yerevan City Council elections the cases of not or not always recording the violations or assessments were noticed in a much smaller number of polling stations, which is, perhaps, a result of that CEC decision.

In the context of the complete change in the voting procedures, stipulated in the New Electoral Code, the training of commission members was particularly important. During both National Assembly and Yerevan City Council elections of 2017 in 28 percent of the polling stations observed by "Independent Observer" Alliance, observers assessed that commission members were not fully proficient in the voting procedure and their functions. In 14 percent of polling stations observed during the National Assembly elections, and in the 7 percent during Yerevan City Council elections, commission members did not always explain the voting procedure to the voters, when needed.

During 2017 National Assembly elections "Independent Observer" Alliance observed most of the Territorial Election Commissions as well. One of the main problems identified in TECs was that activities were performed in different rooms, as a result of which not all commission decisions were made by all commission members. A more detailed information on the work of Precinct and Territorial election commissions is presented in the "Electoral commissions" and "Observation of Territorial Election Commissions" chapters of the Final Report of "Independent Observer" Alliance on April 2, 2017 NA elections.

Thus, the recommendations with regard to commissions on both legislation and practice have been partially implemented and there is still

much work to do in terms of raising the credibility and effectiveness election administration.

Fairness and Integrity of Electoral Processes: Seven recommendations were presented by the OSCE/ODIHR, Venice Commission, and PACE addressing general fairness and integrity of electoral processes, particularly demonstration of political will for democratic elections. In terms of fairness and integrity of the electoral processes, we should note that the Electoral Code essentially fails to address the underlying problems causing lack of trust toward electoral processes.

During the elections held in the spring of 2017, the main obstacle to holding truly free and fair elections was the lack of political will and the aspiration of authorities to be re-elected at all costs. Hence, no progress has been recorded in terms of implementing these recommendations.

Implementation of Recommendations: OSCE/ODIHR, Venice Commission, and PACE encouraged the Armenian authorities to address their recommendations and to work with civil society and political parties, to ensure their participation and to cooperate with the Venice Commission and PACE for monitoring the implementation of recommendations. Neither of recommendations was implemented. The lack of inclusion during the initial drafting of the new Electoral Code and the ineffectiveness of further participation showed that the recommendations were ignored even though the international organization put much effort into the collaboration between the authorities, opposition, and civil society and found it to be unprecedented and successful.

It can be stated that recommendations concerning mostly administrative issues were taken into account, whereas the recommendation on more content related issues having an effect on elections results were mainly ignored. E.g., recommendations on deadlines of complaints were accepted, whereas the recommendations on granting the right to appeal to citizen groups or observers and effective investigation

of complaints – were not.

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

Media: Several recommendations were made by the Venice Commission, OSCE/ODIHR, and PACE on media regulations, including guarantees for media freedom, allocations of media time, impartial coverage, independence of regulating bodies, fair licensing, as well as more coverage of women’s participation.

Aside for some online media, few print media, and one regional TV station, all media is controlled by the authorities. Independence of journalists cannot be ensured if they are dependent in between elections, and the use of violence against them is not prosecuted. Balanced media coverage during campaign was not consistent and largely depended on pressure from IEOMs. According to the Final Report of OSCE/ODIHR on 2017 National Assembly elections, the broadcasted TV stations monitored before the official start of pre-election campaign were obviously biased in favor of the parties they are associated with, whereas in the official campaign period the coverage was slightly more balanced, although not entirely. This fact indicates that the regulations of Electoral Code somewhat held the TV stations in check, but impartiality is not a principle for them and it is necessary to stipulate regulations for the time preceding the official campaign period in terms of this as well.

Cases of violence and hindrance of professional work were recorded during these elections as well. According to the report of the Committee to Protect freedom of Expression, on April 2, 2017 parliamentary elections 2 cases of physical violence and 9 cases of pressure against media representatives were recorded. During the campaign period preceding Yerevan City Council elections, 1 case of violence and 2 cases of obstruction against journalists were recorded. 2 cases of physical violence and 5

incidents of professional work hindrance were recorded on the Election Day, May 14th.¹⁹

Further media and related provisions were introduced with regard to private media, for instance through the NCTR. A new challenge for media is the requirement of the Electoral Code for preliminary accreditation of media representatives and the limit on the number of representative by each media.

Thus, certain recommendations with regard to media were taken into consideration; nevertheless fully impartial coverage and the independence of media were not ensured.

Military: Recommendations made on military and referred to the free will of military voters and their duties during the electoral processes. Although the new Code, just as the last one, stipulates that military servants do not enter the polling station in a marching manner, their free will is not ensured as they are brought to the polling station in groups under the control of a commander. The Electoral Code also prohibits publication of the number of voters registered in military units and the polling stations where they vote.

During 2017 elections, no progress has been recorded in terms of soldiers' electoral rights; their free expression of will was again not ensured.

Participation of Women: The recommendations made by OSCE/ODIHR referred to encouraging participation of women through quotas as well as providing corresponding mandates. The Electoral Code revised the maximum representation of one sex in the party lists. It stipulates that the representation of one sex in both 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 for the representation of both sexes in the RA National

¹⁹ Second Quarterly report of CPFE on the Situation of Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (April-June, 2017) <http://khosq.am/reports/հայաստանում-խոսքի-ազատություն-վիճակի-11/>, in Armenian

Assembly and city councils of Yerevan, Gyumri, and Vanadzor. Hence, in case of a 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 that requirement for electoral lists is 25% and for factions – 20%.

International organizations state that to ensure meaningful participation of women, a higher quota should have been established.

Note that in National Assembly elections half of the mandates allotted to each party/alliance is given to the candidates elected from the district lists, regardless of sex, hence this quota does not imply that in the newly elected National Assembly the number of women cannot fall below 20% or 25%.

The 4 political forces elected to the 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%).

So, despite prescribing quotas aimed at ensuring women’s representation, as a result of the preferential voting by district lists, the number of women in the newly elected National Assembly is again small, whereas it is considerably bigger in Yerevan City Council which was elected through a pure proportional system.

As a result of 2017 May 14th elections, 65 persons became members of Yerevan Council of Elders, 18 out which were women (28%):

- “Way out” (Yelq) alliance – 14 members, 5 out of which women (36%)

- “Yerkir Tsirani” party – 5 members, 3 out of which women (60%)
- Republican party of Armenia- 46 members, 10 out of which women (22%)

The above-mentioned testifies that the new guarantees for ensuring female representation in the National Assembly are not sufficient and pure proportional system is the best option in this regard as well.

Hence international recommendations on women’s representation were partially implemented and were underperformed especially in the case of National Assembly Elections.

Police: Two recommendations were made by OSCE/ODIHR on training of police officers and clarifying their role on the Election Day at the polling stations. The Code clarified the role of police officers at a polling station, which is addressed in detail in the guidebook developed for police officers. As far as we know, no special trainings were organized for police officers; they were simply instructed to memorize the Guidebook on Police actions During Elections.

Polling Stations: The 3 recommendations on polling stations covered the presence of unauthorized persons, use of transparent boxes and identification of proper premises for official control over the process.

During 2017 National Assembly elections unauthorized persons were noticed in 36 percent of polling stations observed by “Independent Observer” Alliance and during Yerevan City Council elections – in 37 percent of polling stations. Those persons were mainly party proxies or observers exceeding the legally permitted number, as well as observers not accredited by the CEC, but wearing badges, candidates, municipality employees, “neighborhood guys”, etc. Unauthorized persons were mainly removed from polling stations, after observers applied to the commission chairs; in some cases they remained.

During both National Assembly and Yerevan City Council elections in 8 percent of polling stations observed by “Independent Observer” Alliance

observers assessed the space of the voting room to not be sufficient for ensuring the smooth process of voting and the effective work of authorized persons.

Thus, the recommendations regarding the presence of unauthorized persons in polling stations and selection of polling stations convenient for oversight have not been fully implemented.

Prevention of Violations: One recommendation was made on the prevention of violations urging to take immediate action against identified violations.

More detailed information on this is presented in Adjudication of Electoral Disputes and Electoral Commissions sections of this report.

Based on the observation of the voting day and further investigation of violations, the main conclusion is that proper actions are not taken for preventing violations, and the steps taken are more intended to conceal those.

The recommendation was not implemented.

Proxies: OSCE/ODIHR and PACE made 2 recommendations about proxies urging to address their undue interference in the work of electoral commissions and development of a manual for their training.

The Electoral Code stipulates that proxies cannot interfere in the work of the commission in any way. The Code also stipulates that a proxy can be removed from the polling station by 2/3 of the vote of the precinct electoral commission for obstructing the electoral processes.

The CEC developed a handbook for party proxies.

Despite the necessary legal regulations, during the NA elections held in the spring of 2017, in 14 percent of polling stations observed by the "Independent Observer" Alliance direct involvement of proxies in the vote counting was recorded. During Yerevan City Council elections held subsequently, that number decreased comprising 5 percent. In 32 percent of polling stations observed during National Assembly elections, cases were

recorded, when persons other than the commission chairs were giving orders or otherwise taking on the chairperson's functions, and during Yerevan City Council elections such cases were recorded in 15 percent of polling stations. Those individuals were mainly the proxies of ruling Republican party or observers representing its interests. It should be mentioned that there was a large number of fake or partisan observers during this elections, who performed proxy functions in polling stations, mainly in favor of Republican party of Armenia or "Tsarukyan" Alliance. Concerns regarding this phenomenon are presented in Fake – "partisan" observers chapter of the Final Report of "Independent Observer" Alliance on 2017 National Assembly elections. Violations recorded in polling stations during the voting were often committed by proxies or above-mentioned fake observers, e.g., not visibly wearing the badge, assisting, directing the voters or controlling their vote. Note, that almost no cases of removing proxies or fake observers from polling stations by voting were recorded. Commission chairpersons mainly exhorted the proxies committing violations to leave or contacted the campaign offices of the corresponding parties or did not take any actions.

So, legislative regulations with regard to the recommendations on proxies were adopted, nevertheless their application is very ineffective.

Publication of Results: Five recommendations regarding publication of results were presented by PACE, Venice Commission, and OSCE/ODIHR. The recommendations included posting election results at polling stations, publication of disaggregate result per district and timely completion of protocols. In terms of the New Code, it was recommended that the initial and final results are posted on the CEC website in a user-friendly format indicating the precinct and district. These recommendations we implemented previously and are reflected in the 2016 Electoral Code as well.

The recommendations on publication of results were properly implemented during 2017 NA and Yerevan City Council Elections.

Recording of Violations: In terms of recording violations the Venice Commission and OSCE/ODIHR recommended registration of violation of the voting procedure upon the request of one commission member or proxy. The law reflects the recommendation. The new Code adds observers, but commissions are reluctant to carry it out and the recent elections were not an exception in terms of this. The data on registering the violations during 2017 NA and Yerevan City Council elections are presented in Electoral Commissions section of this report, according to which in a considerable number of polling stations violations were not or were not always entered in the registration book.

It is also unclear whether registered violations are investigated further.

The recommendations related to recording of violations have been partially followed during 2017 NA and Yerevan City Council elections.

Suffrage Rights: Recommendations on suffrage rights referred to allowing military voting for majoritarian candidates, voting for citizens, living abroad, voting rights of prisoner and dual citizens. The new Electoral Code extended the opportunity to vote outside of Armenia to military servicemen studying abroad. As a result of Constitutional Amendments, voting rights were restored for those convicted for not very grave and medium gravity crimes. Dual citizens who are in Armenia on the Election Day are allowed to vote but cannot be elected.

These recommendations have been partially reflected in the Electoral Code.

Tabulation of Results: A number of recommendations were made on tabulation of result, including transparency, efficiency, consistency, and simplification of the tabulation process. However, the tabulation process became more complicated with the new Electoral Code considering the new system for voting and tabulation.

During the NA elections commission chairs were competent in summarizing the voting results at 81% of polling stations observed by

“Independent Observer” Alliance, were partly competent at 17% and were not competent at 2% of observed polling stations. During the Yerevan City Council elections commission chairs were competent in summarizing the voting results at 85% of observed polling stations, were partly competent at 15% of observed polling stations.

During these elections there were single incidents of the commission not being consistent in assessing the validity of ballot papers, but their number was not significant.

During the Yerevan City Council elections the tabulation of results was extremely tense at two of the observed polling stations and there were serious violations recorded. At one of the polling stations 23 “Yelq” ballots were put on the stack of Republican ballots, and the ballots in the other polling stations were not counted at all: there were false numbers put in the protocol.

Thus there were no widespread violations during the tabulation of results but there were grave violations in individual polling stations. In terms of effectiveness, the work of the commissions needs improvement. The recommendations were mostly implemented.

Use of Administrative Resources: Several recommendations were made on the use of administrative resources, including separation of party and the state, campaigning and official duties, fair use of local and central government resources for campaigning, and expansion of the powers of the Oversight and Audit Service. Implementation of recommendations in this area has so far been ineffective.

Abuse of administrative resources was widespread during the campaign period for the National Assembly and Yerevan City Council elections. Long-term observers of “Independent Observer” Alliance recorded 39 alleged cases of administrative resources during the campaign for the NA Elections. This included involving employees of state and state-funded organizations in campaign activities during their working hours, involving students in such activities and opening campaign offices in

the premises of state institutions.

During the campaign period for the NA elections, the disclosure made by member of “Independent Observer” Alliance, Union of Informed Citizens, received wide public attention. It was revealed that headmasters of 114 schools and kindergartens confirmed that they had compiled lists of voters, mainly consisting of teachers and parents, for the Republican Party of Armenia and in some cases they also confirmed that they had passed those lists to local government officials. This widened the circle of administrative abuse even more. The disclosure was followed by intimidation of Daniel Ioannisyann, Project Coordinator at the Union of Informed Citizens, in particular, his personal information that was available only to the Police was publicized through media and 30 of the aforementioned headmasters filed a lawsuit against him in an organized manner. During the post-election period an audio-recording of a pre-election staff meeting at SAS Group (which belonged to RPA candidate Artak Sargsyan) was revealed, where the person conducting the meeting checked the lists of voters submitted by employees and promised compensation to those who brought a high number votes and to fire those who showed bad results. The complaints submitted regarding these cases and their investigation is presented in the paragraph on Adjudication of Election Disputes of this report. They have not yielded any results.

Thus abuse of administrative resources was the most widespread violation during the last elections and the international recommendations on this were fully ignored.

Vote Buying: Recommendations on vote buying were its criminalization and prevention measures, which have been implemented ineffectively. It is particularly problematic that vote-buying is prohibited only during the campaign period stipulated by the Electoral Code.

Long-term observers of “Independent Observer” Alliance recorded 42 alleged cases of vote buying during the campaign for the NA Elections. These cases involved rewards in money, goods, gifts, services, construction work, and so on. In general, there were numerous reports in the media

about vote-buying.

During the Yerevan City Council elections, “Yelq” Alliance revealed that there were 20000 AMDs given out at one of RPA candidate Taron Margaryan’s campaign offices as bribes. Then the representatives of the Alliance found documents in a trash can near the campaign office, which proved that distribution of election bribes was systemically organized.

There has not been any effective investigation into these cases by the law enforcement bodies.

Voter Education: It was recommended to conduct continuous voter education, particularly on the legislative changes regarding the voting procedures.

According to the CEC communication on its activities during the April 2, 2017 NA Elections, the CEC developed two guides on voting procedures for voters, which were printed in 300 000 copies and were given out to voters in public areas. There were also information posters and videos, a guidebook for people with visual impairments, and a poster and guidebook for military servicemen were prepared.

We should note that all information materials prepared for voters covered only the voting procedure and did not contain any information regarding the new electoral system and political changes.

On the Voting Day of the NA elections observers of the “Independent Observer” Alliance recorded several cases when voters were not informed about the voting procedures and many violations by voters were committed due to lack of knowledge, particularly, in rural communities.

Thus the recommendations have been implemented but not sufficiently.

Voter List: Several recommendations were made on voter lists, including determination of the constituencies, maintenance of computerized voter lists, proper mechanism for ensuring their accuracy, and establishment of a reasonable option for their accessibility.

According to the Election Code, voter lists by precinct are available for download from the website Police website before the Election Day. Rejecting the opposition's demand to clean up the voter lists, the authorities agreed that should the opposition take on the task the information about absent voters would be added to the data in the voter authentication devices. This, as expected, did not take place. The Code stipulated also publication of signed voter lists after the elections, which was the result of a long-term struggle by the opposition and civil society.

The signed voter lists for both 2017 National Assembly and Yerevan City Council elections were posted on the CEC website. There were issues related to opening the lists, which CEC attributed to website overload. According to the CEC communication, there was one application received about voter impersonation after publication of the lists and there was a report on another citizen in the media.

Publication of signed voter lists significantly reduced the possibility for voter impersonation; instead, the authorities used other instruments for electoral manipulation. Recommendations regarding voter lists have been partly implemented.

Voting Procedures: Several recommendations were made on voting procedures, including ballot security, inking of voters' fingers, marking the ballot, assisted voting, stamping of passport, and mechanisms against multiple voting, and simplify the voting procedure. According to the RA Government the electronic registration system prevents the possibility of multiple voting, which in its turn justifies the complication of the voting process. However, it is unequivocal that the voting and tabulation procedures have been unduly complicated.

The New Electoral Code stipulated that stickers would be posted on ballot papers and during the vote count only those ballot papers that bore a sticker would be of an established sample.

There were a few issues with this mechanism related to not posting the sticker firmly at some polling stations, but it was effective in general.

At the same time, the grounds for finding a ballot paper invalid were extremely narrowed by the Electoral Code and the CEC decision and even a ballot paper that could reveal the identity of the voter would not be considered invalid. Consequently, the number of invalid ballots was not high during the NA Elections, despite the fact that the new election system and voting process were rather complicated. In terms of complicity of the voting process the data indicated in the final report of OSCE/ODIHR on 2017 NA elections is noteworthy. According to them, at 35% of observed polling stations voters had difficulties understanding the voting procedure.

While the electronic registration of voters and the publication of signed voter lists significantly reduced the possibilities for voter impersonation or multiple voting, the evidence identified on the voting days of NA and Yerevan City Council Elections showed that there was a high probability of controlled voting and vote-buying. For example, observers of “Independent Observer” Alliance noticed:

- Cases of revealing their vote – at 31% of polling stations during the NA elections and at 37% of polling stations during the Yerevan City Council Elections,
- Actions taken toward bringing in citizens who had not yet voted - at 14% of polling stations during the NA elections and at 37% of polling stations during the Yerevan City Council Elections,
- Transportation of voters to polling stations - at 17% of polling stations during the NA elections and at 33% of polling stations during the Yerevan City Council Elections,
- Presence of groups of “assistants” in some polling stations

The following data identified during the vote count are particularly noteworthy. During the National Assembly elections, there were ballots marked in a different ink color (red, green, black) than the one in the voting booth at 19% of polling stations observed by “Independent Observer”.

In 32 polling stations, those ballots were voted for RPA candidates. During the Yerevan City Council Elections such ballot papers were found at

17% of observed polling stations, and again the overwhelming majority was for the Republican Party.

Thus recommendations regarding voter impersonation or multiple voting and ballot security were implemented but the recommendations regarding simplification of the voting procedure were not. At the same, the mechanisms for electoral manipulations were “perfected” as well.

Conclusion

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

The new Electoral Code includes several recommendations by OSCE/ODIHR, yet many recommendations have not been properly adopted.

Nevertheless, the lack of open discussions during the drafting of the code that would help increase public trust toward electoral processes was unfortunate.

2017 National Assembly and Yerevan City Elections manifested that many recommendations reflected in the Code have not been effectively implemented, and the recommendations not taken into consideration were more than necessary.

Those recommendations, in particular, the ones on taking actions against election bribery, ensuring oversight of financial transparency of campaign, effective investigation of election related disputes, among others, have been included in the OSCE/ODIHR Final Report on 2017 NA elections. In the upcoming years, before the next big cycle of elections, the proper implementation of those recommendations by RA authorities has crucial importance for the establishment of electoral institute in the Republic of Armenia.

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About Helsinki Citizens' Assembly - Vanadzor

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

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

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

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