



Office for Democratic Institutions and Human Rights

**REPUBLIC OF ARMENIA
PRESIDENTIAL ELECTION
19 February 2003**

**OSCE/ODIHR
NEEDS ASSESSMENT MISSION REPORT**

11-15 DECEMBER 2002



**Warsaw
23 December 2002**

TABLE OF CONTENTS

I. INTRODUCTION	1
II. EXECUTIVE SUMMARY	1
III. FINDINGS	2
A. POLITICAL CONTEXT	2
B. LEGAL FRAMEWORK	3
C. ELECTION ADMINISTRATION	4
D. MEDIA	4
E. INTERNATIONAL AND DOMESTIC OBSERVERS	7
IV. CONCLUSIONS AND RECOMMENDATIONS	6
ANNEX	9
LIST OF MEETINGS	9

REPUBLIC OF ARMENIA

PRESIDENTIAL ELECTION 19 FEBRUARY 2003

OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Upon receipt of an invitation from the Ministry of Foreign Affairs to observe the presidential election due to be held on 19 February 2003, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Armenia between 11-16 December 2002. The NAM was composed of Andrew Bruce, ODIHR Election Adviser, Lydia Grigoreva, ODIHR Human Rights Officer, John Hartland, independent election analyst, and Rastislav Kuzel, independent media analyst.

The purpose of the NAM was to assess the conditions and level of preparation for the elections, in line with OSCE commitments, and to advise on the establishment of an Election Observation Mission (EOM).

The NAM held meetings in Yerevan with representatives of the authorities, election administration, political parties, media, civil society and international community (see annex for list of meetings).

The OSCE/ODIHR is grateful to the OSCE Office in Yerevan for the assistance provided during the NAM.

II. EXECUTIVE SUMMARY

A presidential election is due to be held in Armenia on 19 February 2003. This will be followed by parliamentary elections on 25 May, which may also coincide with a constitutional referendum.

The elections in 2003 mark an important test for the consolidation of democracy in Armenia. While the Election Code provides a sound foundation for the conduct of elections, and recent elections have shown some improvement, none have yet met international standards. Moreover, in advance of the elections the media situation has become a cause for concern. Opportunities for equal campaigning have been reduced. The two independent TV channels pursuing a different editorial line to the public TV have been off the air for several months and a grenade attack on a prominent journalist could have a chilling effect on the pre-electoral environment.

For public confidence in the election process to be improved, conditions for equal campaigning in the media should be restored. Furthermore, if the elections are to meet international standards, considerable improvement will be required in the performance of the election administration and the conduct of State authorities.

As a matter of urgency, to restore the conditions necessary to ensure the free expression of opinions, as required by Protocol 1, Article 3 of the European Convention on Human Rights, ratified by Armenia earlier this year, and paragraph 7 of the OSCE Copenhagen Document, steps should be taken to ensure that in time for the start of the presidential election campaign the citizens of Armenia are provided with an independent source of information from a nationwide television channel.

An additional step that should be taken urgently is for the Central Election Commission (CEC) to issue a regulation requiring that superior election commissions prepare and issue copies of a summary table, showing a full breakdown of results from the next inferior level of election commission. This is an essential transparency safeguard that has been raised by OSCE/ODIHR and the Council of Europe's Venice Commission, on a number of occasions.

The accuracy of voter lists has been a significant problem in previous elections and remains a continuing concern. While some improvement was noted during the October 2002 local elections, and further efforts are underway to improve the lists in advance of the presidential election, they remain a concern.

In meetings with the authorities, past problems with elections were acknowledged and welcome assurances were received that these would be addressed at the upcoming elections. These assurances must now be accompanied by action if Armenia is to fulfil its capacity to conduct genuine democratic elections.

The NAM recommends that a standard EOM be deployed to Armenia in the middle of January to assess the 19 February election in line with OSCE commitments. The OSCE/ODIHR should request from participating States the secondment of 18 long-term observers and 250 short-term observers.

III. FINDINGS

A. POLITICAL CONTEXT

The 2003 presidential and parliamentary elections mark an important test for the consolidation of democracy in Armenia. While past elections have shown some improvement, none have met international standards for democratic elections. The OSCE/ODIHR report on the 1999 parliamentary elections recorded a step towards compliance with OSCE commitments, but noted that serious issues remained to be addressed. The report on the 1998 presidential election described serious irregularities. The upcoming presidential election is the first national contest to be held since the

political upheaval caused by the October 1999 shootings in parliament. It is also the first to be held since Armenia joined the Council of Europe in January 2001. Local elections were held throughout much of the country in October 2002.

The development of political parties and a pluralist State structure is still at an early stage in Armenia. Most parties are not based on platforms or specific social constituencies, but rather on personalities. Allegiances shift frequently and access to executive, governmental and parliamentary positions often appear to be of greater importance than appealing to voters. Political parties are also highly fragmented. More than 100 are registered in the country and many splinter parties have names similar to their parties of origin. The President is not affiliated to any party, but will be supported at the election by a number of parliamentary parties across the political spectrum. Sixteen opposition parties, both inside and outside parliament, from across the political spectrum have formed a coalition and agreed to work together during the election.

A total of 15 candidates, including the incumbent President, have presented applications to participate in the election. Twelve have been nominated by political parties and three by citizen initiative groups. Supporters of the candidates are now in the process of collecting 35,000 valid signatures by 31 December. A large number of candidates are anticipated to be successfully registered, providing the people of Armenia with a genuine choice for president on 19 February.

For an election to be conducted in line with international standards, it is essential that candidates are provided with equal opportunities to campaign and State authority and resources are not abused. While the strong public statement by the incumbent President prior to the October 2002 local elections explicitly forbidding law enforcement bodies from helping any candidate was highly welcome and hopefully will be repeated in advance of the presidential election, it is a concern that there is currently no alternative nationwide television channel to public TV and that, according to a number of political parties with which the NAM met, the incumbent President is currently receiving substantial coverage on this channel. Some political parties also expressed concern about the appointment of the Defence Minister as campaign manager for the incumbent President, particularly in view of past problems with military voting.

B. LEGAL FRAMEWORK

The overall legal framework governing elections has changed since the last presidential and parliamentary elections as a result of Armenia's ratification of the European Convention on Human Rights, notably Protocol 1 Article 3, concerning elections. Significantly, election-related complaints can now be brought to the European Court of Human Rights in Strasbourg.

The Election Code was adopted in 1999 and governs all elections to State and local government bodies. In general terms, it is a comprehensive, largely cohesive body of regulations that provides a sound foundation for the conduct of elections. The Code has many strong qualities and has obviously been drafted to address the specific

circumstances arising in the Armenian political environment. Since the parliamentary elections in 1999, there has been an on-going process of debate and discussion on improving the Code. The OSCE/ODIHR and the Council of Europe's Venice Commission contributed to this process through participation in round table meetings and the provision of expert assessments.

The Code was amended in July 2002 to include a number of positive and welcome reforms, some of which reflected recommendations made by experts on behalf of OSCE/ODIHR and the Venice Commission. Significantly, they included removal of the rule allowing political parties to withdraw their nominees to electoral commissions, which should enhance the independence of the electoral administration and ensure greater protection of electoral commission members during their terms of office.

A number of previously suggested amendments, which would have enhanced election transparency, promoted equality among candidates and helped to ensure the security of the ballot were not adopted. Most significantly, a requirement that superior election commissions prepare and issue copies of a summary table, showing a full breakdown of results from the next inferior level of election commission was not included in the Code. This is an essential transparency safeguard that should urgently be considered through a CEC decision. The CEC could also issue regulations to address concerns raised by some political parties and non-governmental organizations relating to other issues, including "carousel" voting and the rights of proxies.

A number of interlocutors expressed lack of confidence in the judiciary. They are concerned that at past elections insufficient efforts were made to investigate and prosecute breaches of electoral laws. This is an area that must be addressed if public confidence in the rule of law during elections is to be restored. In addition, civic education is required to inform citizens of their political rights and how these can be protected.

C. ELECTION ADMINISTRATION

Following amendment of the Election Code in July 2002, a new CEC was formed in August. Under new provisions, three members were nominated by the President and one member by each of the six factions in parliament, a formula repeated in the formation of lower level commissions. The amendments also replaced 11 Regional Election Commissions (RECs) with 56 Territorial Election Commissions (TECs) and increased the number of Precinct Election Commissions (PECs) by requiring that registered voters in each precinct be reduced from 3,000 to 2,000, both welcome steps. TECs were formed in advance of the October 2002 local self-government elections, along with PECs, which have to be re-established 21 days before the presidential election.

The new formula governing the formation of election commissions provides for plurality, an essential requirement of commission composition and sensibly reduces the number of commission members from 13 to nine. While candidates are able to nominate proxies to observe the work of commissions during the presidential election, and parties are able to

do so for parliamentary elections, the election administration, in its current composition, does not retain the full confidence of all political actors. Given this situation, it is essential that commission members at all levels act in a professional and impartial manner and make every effort to establish confidence through, for example, ensuring that candidate proxies and observers are able to attend training sessions and are informed of all commission sessions in sufficient time.

Following abolition of the power of political parties and candidates to remove commission members, reports that a significant numbers of members resigned in advance of the local elections should be carefully investigated to determine whether they were encouraged or forced for improper reasons.

Training for the nine CEC members, 504 TEC members and 18,000 PEC members will be conducted by UNDP in advance of the presidential election. Poor training and lack of knowledge of election procedures by commission members at both PEC and TEC levels has been a feature of recent elections, including the October 2002 local elections. It is therefore essential that the training is thorough and effective and taken seriously by all levels of the election administration. It is also important that election commissions are properly resourced. In the past, commissions have been found to lack equipment and information, including copies of the Electoral Code and decisions of the CEC. While to some extent this has been a result of limited financial means, it has also been due to shortcomings in distribution, which must be addressed.

The accuracy of voter lists has been a significant problem in previous elections and is regarded across the political spectrum as a continuing major concern. While some improvement was noted during October 2002 local self-government elections, lists in many areas are of poor quality. The reasons for this include a failure to systematically remove many of the estimated 20% of the population who have emigrated in recent years, continuing impact of the 1988 earthquake, particularly in Gyumri, failure to remove the names of many deceased persons and the presence of a sizeable refugee population. Moreover, the results of the 2001 census have still not been published.

In addition to providing opportunities for manipulation and illegal voting, the poor quality of lists has also resulted in the disenfranchisement of significant numbers of people through omission. Voters who do not find their names on the voter list on election day are able to appeal to courts to obtain a certificate to permit them to vote. While this is a cumbersome procedure, it is the result of a positive decision of the Constitutional Court, which remains to be administered properly. During past elections, reports indicated a lack of uniform implementation and proper judicial scrutiny in this area.

According to the Ministry of Foreign Affairs, around 15,000 Armenian citizens living abroad who have registered to vote, will be able to do so at embassies and consular offices.

Under the twice yearly review of voter lists, the names of refugees who were able to vote in the local elections, but are not allowed to vote in presidential or parliamentary

elections, are currently being removed and the names of military personnel, who are able to vote in the presidential election and proportional element of the parliamentary ballot are being added. Other efforts are also underway to improve the accuracy of voter lists through the involvement of Ministry of Interior passport offices, the work of IFES-sponsored voter list advisory committees, and a project to convert existing lists into a standardised electronic format in municipalities in the country. However, despite these good faith efforts, the quality of voter lists remains a concern at the presidential election.

The CEC, supported by IFES, is planning to conduct an information campaign in advance of the elections. This will include the broadcast of public service announcements on TV and radio and the distribution of voter and civic education materials. It is essential that the campaign informs citizens to check their names on the voter lists during the 40 days in which they are publicly posted prior to the vote and explains how to obtain a court certificate to vote.

According to the Chairman of the CEC, a concern that, following amendment of the Election Code, reconciliation of the number of ballot papers received with the number accounted for at the end of the count was no longer required, has been addressed through a CEC decision and inclusion on result protocols. This, and an indication by the Chairman that he would try to develop regulations governing the conduct of police in and around polling stations on election day, are to be welcomed. CEC instructions would also be welcome to limit the number of proxies allowed in a polling station at any given time to one per candidate or political party and to provide clear guidance as to how proxies should behave while in polling stations. The purchase of transparent ballot boxes could also be considered as a confidence-building measure so long as the secrecy of the ballot could be safeguarded.

D. MEDIA

Television is the most important source of news in Armenia. While radio is less significant, it remains a considerable source of information in some local areas. Newspapers only have a local reach due to poor circulation and economic problems.

The OSCE/ODIHR final report on the 1999 parliamentary elections noted improvements in the media coverage in comparison to previous elections. No major violations of the Electoral Code and relevant CEC regulations occurred during the pre-election period and the level of professionalism was assessed as considerably higher than in previous elections. Coverage of political parties on State TV and other media were generally balanced and largely neutral.

However, since 1999 the media situation has become troublesome and most interlocutors placed threats to freedom of expression and information at the forefront of concerns with the upcoming election. Public TV is reportedly providing overwhelming news coverage to the incumbent and two of the main independent TV channels pursuing a different editorial line to public TV, *AI+* and *Noyan Tapan*, lost their broadcasting frequencies a few months ago.

A1+, the only well established private nationwide television channel which offered a diversity of political views went off the air in April 2002 after losing a license tender organized by the National Commission for Radio and TV, the State licensing body. In the case of the independent television channel *Noyan Tapan*, which lost its frequency in late 2001, the State licensing body turned down its recent application to a tender for a license due to a missing specification of a frequency in the application. Following the State licensing body's failure to notify *Noyan Tapan* about this omission and to allow ten days for correction as required by law/regulation, the channel appealed the decision to the first instance court, which on 2 December ruled in its favor. On 17 December, this decision was appealed by the National Commission for Radio and TV, making any tender unlikely before January 2003. Thus, the prospects of *A1+* and *Noyan Tapan* to start broadcasting again before the election are slim. The loss of these two stations raises concerns regarding the diversity and quality of information about candidates. Other privately owned television channels operate in Yerevan and other areas, but none reach the standard of the *A1+* news service.

The situation with the print media is different. Newspapers offer a plurality of views and are generally free to criticize the government. Along with the State-owned *Hayastani Hanrapetutyun*, several private outlets exist which offer a wide range of views and political positions. However for economic reasons, newspapers suffer from low circulation and are often financially dependent on sponsors. Most have only a local outreach. Despite attempts to privatise the *Haymamul* distribution network, the State retains a monopoly on newspaper delivery. A recent grenade attack on a prominent journalist could have a chilling effect on the pre-electoral environment.

The Election Code includes media provisions regulating the allocation of free time and paid political advertising on public television and radio and a clear requirement that equal access be provided to all candidates. The CEC is planning to organize a draw, to which candidate proxies will be invited, in order to determine the order and date of candidate appearances. The CEC will also be responsible for overseeing media adherence to the Election Code and anticipates close co-operation with the National Commission for Radio and TV. Due to lack of resources, neither the CEC nor the National Commission for Radio and TV intend to undertake significant monitoring of the media.

E. INTERNATIONAL AND DOMESTIC OBSERVERS

All interlocutors welcomed the deployment of an ODIHR EOM for the presidential election. Other international observers are expected to be deployed by the Parliamentary Assembly of the Council of Europe (PACE) and the Commonwealth of Independent States Parliamentary Assembly. The Association of Eastern European Election Officials (ACEEEO) and IFES are also planning to observe.

A number of non-partisan domestic groups will also observe the election. "It's Your Choice", which has observed elections in Armenia since 1996, plans to observe the campaign period, deploy observers to half of the country's approximately 2,000 polling

stations on election day and conduct a parallel vote tabulation. The Women's Republican Council hopes to deploy up to 600 observers on election day and the Academy of Political Researchers a minimum of 500. "It's Your Choice", the Yerevan Press Club and the Caucasus Media Institute are also planning to monitor the media. The NAM was impressed by the plans outlined by these groups, which should result in a fairly comprehensive observation of the election process and considerable coverage of polling stations on election day. To maximise both capacity and coverage, it would be beneficial for the groups to liaise closely throughout the election period.

Candidates are also planning to deploy proxies to observe all levels of the election administration.

IV. CONCLUSIONS AND RECOMMENDATIONS

The NAM recommends that an Election Observation Mission be established according to the standard OSCE/ODIHR methodology. The NAM advises to request from OSCE participating States the secondment of 18 long-term observers to follow from mid-January the campaign and election preparations, and 250 short-term observers for the observation of election day proceedings. Given past problems with middle level election commissions, and current concerns about media, these areas should receive special attention from the mission.

ANNEX

List of Meetings

Yerevan

December 11-15, 2002

AUTHORITIES

Presidential Administration

Mr. Alexan HAROUTUNIAN, Adviser to the President

Ministry of Foreign Affairs

Mr. Tatul MARGARYAN, Deputy Minister

Mr. Ashot KOCHARIAN, Director, International Organizations Department

Ms. Dziunik AGHAJANIAN, Spokesperson

Ministry of Justice

Mr. Karen KHTRYAN – Legal Division, Head

Mr. Araik TUNYAN – Legal Division, Deputy Head

Central Election Commission

Mr. Artak SAHRADYAN, Chairman

NATIONAL ASSEMBLY

Deputy Chairman of National Assembly

Mr. Tigran TOROSYAN, Deputy Chairman of Republican Party

POLITICAL PARTIES

Country Based on Rule of Law

Mr. Arthur BAGHDASARYAN, Chairman

Armenian Revolutionary Federation

Mr. Vahan HOVHANNISYAN, Member of the Party Supreme Committee

Mr. Armen Rustamyan, MP – Member of the Party Supreme Committee

Mr. Martun MATEVOSYAN, Member of the Faction

Republican Party

Mr Nikoyan SAMVEL, Head of Campaign Office

Mr. Gagik MELIKYAN MP, Member of Board

National Democratic Party

Mr. Shavarsh KOCHARYAN MP, Chairman

National Democratic Alliance

Mr. Arshak SADOYAN MP, Chairman

Armenian Communist Party

Mr. Khoren SARGSYAN MP, Secretary

Constitutional Right Union

Mr. Hrant KHACHATRYAN MP, Chairman

National Accord

Mr. Aleksan KARAPETYAN MP, Deputy Chairman

Armenian Democratic Party

Mr. Aram SARGSYAN MP, Chairman

People's Party

Mr. Grigor HARUTYUNYAN MP, Board Member

National Democratic Union

Mr. Aleksandr BUTAEV, Deputy Chairman

“Republic” Party

Mr. Artak ZEJNALYAN, Board Member

Socialist Party of Armenia,

Mr. SHAHVERDYAN, Chairman

“Socialist Armenia block”

Mr. George HAKOBYAN, Chairman, Social-Democratic Hnchak Party

MEDIA

National Commission for Radio and TV

Mr. Grigor AMALYAN, Chairman

Association of Investigative Journalists of Armenia

Mr. Shushan DOYDOYAN, Director

Internews

Ms. Nouneh SARKISSIAN, Managing Director

Yerevan Press Club

Mr. Boris NAVASARDIAN, President

Caucasus Media Institute

Mr. Vigen CHETERIAN, Director

Mr. Mark GRIGORIAN, Deputy Director

Mr. Alexander ISKANDARIAN, Head of Research Unit

Ms. Nina ISKANDARIAN, Head of Documentation and Publishing

CIVIL SOCIETY

It's Your Choice

Mr. Haroutyun HAMBARTSUMYAN, Chairman

Mr. Kachik VOSKANYAN, Deputy Chairman

Academy of Political Researchers

Mr. Emin YERITSYAN, Board Co-ordinator

Women's Republican Council

Ms. Nora HAKOBYAN, President

Ms. Narine GEVORGYAN, Executive Director

INTERNATIONAL COMMUNITY

OSCE Office in Yerevan

Ambassador Roy REEVE, Head of Mission

Ms. Elaine CONKIEVICH, Deputy Head of Mission

Ms. Ruzanna BAGHDASARYAN, Senior Political, Economic and Environmental Assistant

Mr. Matthieu GOODSTEIN, Military and Security Affairs

Council of Europe, Office of the Special Representative

Ms. Natalia VOUTOVA, Special Representative of the Secretary General

British Embassy

Mr. Roy WILLIAMS, Deputy Head of Mission

Ms. Sarah MURRELL, Third Secretary, Political/ Press and Public Affairs

United States Embassy

Ms. Anaida MARTIROSYAN, Political Assistant.

International Foundation for Election Systems (IFES)

Mr. Albert DECIE, Project Director

Mr. Ashot GAREGINIAN, Project Co-ordinator

Ms. Silva KHARCHAFDJIAN, Public Information Director
Ms. Alice ALAVERDYAN, Programme Co-ordinator for Publications

National Democratic Institute for International Affairs (NDI)

Ms. Marilyn EVANS, Country Director
Mr. Gegham SARKISSIAN, Program Director
Mr. Alec FRICK, Political Party Programming Director
Ms. Naira SULTANYAN, Program Assistant

Open Society Institute

Ms. Larisa MINASIAN, Executive Director

United Nations Development Programme (UNDP)

Mr. Aghassy YESAYAN, Project training co-ordinator

United Nations High Commissioner for Refugees (UNHCR)

Ms. Armine STEPANYAN

United States Agency for International Development (USAID)

Ms. Maya BARKHUDARYAN

Eurasia Foundation

Mr. Artashes KAZAKHETSYAN, Country Director

Norwegian Refugee Council/Norwegian Consul

Mr. Tim STRAIGHT, Resident Representative

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's main institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created in 1990 as the Office for Free Elections under the Charter of Paris. In 1992, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 80 staff.

The ODIHR is the lead agency in Europe in the field of **election** observation. It coordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following six thematic areas: rule of law, civil society, freedom of movement, gender equality, trafficking in human beings and freedom of religion. The ODIHR implements more than 100 targeted assistance programs, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR **monitors** participating States' compliance with OSCE human dimension commitments. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR [website](#), which also contains a comprehensive library of reports and other documents, including all previous election reports and election law analyses published by the ODIHR.