

INTERIM REPORT No. 1
22 March–2 April 2012

5 April 2012

I. EXECUTIVE SUMMARY

- On 23 February 2012, the president of the Republic of Armenia called parliamentary elections for 6 May, in line with constitutional provisions. The 131 members of the National Assembly will be elected under a mixed electoral system.
- Candidate registration, which ended on 1 April, was inclusive. Eight parties and one party bloc were registered for the proportional component of the elections, and 155 candidates were registered in the 41 single-mandate constituencies under the majoritarian component. Some 237 of all registered candidates (about 20 per cent) are women.
- A new Electoral Code was adopted in May 2011. The Code was assessed as comprehensive and generally providing a solid framework for the conduct of democratic elections, but there are still areas where it could benefit from improvement.
- The elections will be administered by the Central Election Commission (CEC), 41 Territorial Election Commissions, and 1,982 Precinct Election Commissions. The CEC is active in making preparations for the elections, meeting legal deadlines.
- The number of registered voters is around 2.5 million. Voters are able to check their records in the voter list, including on the internet, and to request inclusion and corrections to it. Several OSCE/ODIHR EOM interlocutors have raised concerns about the quality of the voter list, which according to the authorities is continuously improving.
- Political parties and candidates are actively preparing for the official campaign period, which will begin on 8 April. The new Electoral Code has strengthened campaign-finance rules and introduced higher campaign spending limits.
- The Electoral Code provides for free airtime on public broadcasters and obliges all broadcasters to ensure non-discriminatory conditions for all contestants and to provide impartial and unbiased information in their news programs. Campaign coverage in all broadcast media is overseen by the National Commission for Television and Radio.
- Almost all of the some 40 election-related complaints filed thus far were denied consideration, mostly due to applicants not having the right to file such complaints or due to a lack of jurisdiction. There is an overlapping jurisdiction between superior election commissions and the Administrative Court in dealing with election-related complaints.
- The OSCE/ODIHR EOM opened in Yerevan on 22 March, with a 14-member core team and 24 long-term observers who are deployed to 10 locations throughout the country.

II. INTRODUCTION

On 23 February 2012, the president of the Republic of Armenia, Serzh Sargsyan, called parliamentary elections for 6 May. Following an invitation from the prime minister of the Republic of Armenia and based on the recommendations of a Needs Assessment Mission conducted from 30 January to 1 February,¹ the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 22 March. The EOM, led by Radmila Šekerinska, consists of a 14-member core team based in Yerevan and 24 long-term observers (LTOs) who were deployed on 28 March to 10 locations around the country. Members of the EOM were drawn from 23 OSCE participating States. Participating States have been requested to second 250 short-term observers to observe voting, counting, and tabulation of results.

III. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

The electoral legal framework has recently undergone significant reform. A new Electoral Code was adopted in May 2011, well in advance of the upcoming elections. It was assessed as comprehensive and generally providing a sound framework for the conduct of democratic elections.² It offers a number of improvements related to various aspects of the electoral process, some of which are based on previous recommendations of the OSCE/ODIHR and the Council of Europe's Venice Commission, but there are still areas where it could benefit from improvement. Since the adoption of the new Electoral Code, the CEC has issued a number of supplementary regulations and legal interpretations.

Other relevant legislation includes the Law on Political Parties and a new Law on Freedom of Assemblies, adopted in 2011. The Administrative Offences Code and Criminal Code were both amended in 2011, increasing fines and prison terms for electoral offences and establishing additional election-related offences. The Administrative Procedures Code, Law on Fundamentals of Administration and Administrative Proceedings, and Law on the Constitutional Court all regulate aspects of the formal election dispute process.

Elections to the National Assembly are held under a parallel mixed electoral system. Of the 131 deputies of the National Assembly, 90 are elected under a proportional system in a single nationwide constituency. To qualify for the allocation of mandates, parties must pass a threshold of 5 per cent of valid votes, and blocs must receive at least 7 per cent. The remaining deputies are elected under a majoritarian electoral system in 41 single-mandate constituencies.³

IV. THE ELECTION ADMINISTRATION

Parliamentary elections are administered by a three-tiered system of election commissions, comprising the Central Election Commission (CEC), 41 Territorial Election Commissions (TECs) in ten *marzer* (provinces) and the city of Yerevan, and 1,982 Precinct Election Commissions (PECs).⁴ All election commissions consist of seven members, and parties, blocs and candidates registered to contest an election are entitled to appoint proxies. At least two members of the CEC and each TEC should be of the under-represented gender.

¹ See OSCE/ODIHR Needs Assessment Mission report at: <http://www.osce.org/odihr/elections/88245>.

² At the request of the National Assembly, OSCE/ODIHR carried out a joint legal review of the new Electoral Code, together with the European Commission for Democracy through Law (Venice Commission); see <http://www.osce.org/odihr/elections/84269>.

³ In late January 2012, the opposition parties Heritage and the Armenian Revolutionary Federation–*Dashnaksutyun* (ARF) submitted a draft bill proposing a purely proportional system. The bill was rejected by parliament.

⁴ One precinct has up to 2,000 voters.

The CEC in its current composition was appointed in July 2011. Under transitional provisions of the Electoral Code, two CEC members were appointed for three years, three for five years, and two for seven years. In the future, CEC members will be appointed for six-year terms.

The 41 TECs (one for each single-mandate constituency) are permanent bodies whose members are appointed by the CEC from among citizens nominating themselves as TEC members. The CEC appointed the TECs in their current composition in August 2011. There were two TEC vacancies at the time of this report.

PECs will administer voting and counting in the 1,982 polling stations. Two PEC members are appointed by the respective TEC; each party and bloc currently represented in parliament may appoint one of the remaining five PEC members. The deadline for appointments is 11 April. Any vacancies remaining thereafter will be filled by the TEC chairperson. PEC members must have passed a test and hold a CEC qualification certificate in order to be appointed.

The chairpersons, their deputies and secretaries of the CEC and TECs are elected by commission members from among themselves. The positions of PEC chairpersons and secretaries are distributed among the political parties and bloc appointees, proportionally to their seats in parliament.

The CEC is active in making preparations for these elections, within legal deadlines. It meets regularly in sessions that are open to media and observers. The CEC also posts on its website the agenda of its sessions and the ensuing decisions. The CEC is conducting training of lower-level commissions, prospective PEC members and domestic observers. TEC members have been trained in February, while PEC members will be trained at the end of April.

V. VOTER REGISTRATION

The Passport and Visa Department (PVD) of the police is responsible for maintaining the voter register, based on state population register data.⁵ Voter lists are extracted from the voter register, which is based on citizens' registered place of residence.

Provisional voter lists were posted on the PVD and CEC websites; they should also be available in the vicinity of polling stations, enabling voters to check their records.⁶ The PVD informed the OSCE/ODIHR EOM that as of 27 March, 2,485,844 voters were registered, some 157,000 more than for the 2008 presidential election. Several OSCE/ODIHR EOM interlocutors have raised concerns about the quality of the voter list and the high number of Armenian citizens living abroad who remain on the voter list, with some alleging a deliberate increase of the number of registered voters.⁷ The authorities said the quality of the population and voter registers was continuously improving, and this increased the number of voters, along other factors such as citizens turning 18 and a number of diaspora Armenians being granted citizenship.

Citizens without registered residence in Armenia can apply to the PVD to be included in a supplementary voter list at their current residence in Armenia, up to seven days before election day. The same deadline applies if voters intend to vote in another community than the one where they are

⁵ The PVD is also responsible for maintaining the state population register.

⁶ The voter register was posted on the CEC website on 26 March, and voter lists by precinct were posted on the PVD website on 27 March, as required by the Electoral Code. For the first time, the voter register is searchable and the voter lists by precincts can be downloaded.

⁷ By law, Armenian citizens living out of country for more than six months should inform the respective consulate and be de-registered from their address in Armenia.

registered. Voters who have been omitted from the voter list can also apply for inclusion during the four days preceding election day, as well as on election day, until the end of voting.

Special voter lists are compiled for military units, pre-trial detention centers, police and National Security Service personnel stationed away from home, diplomatic and consular offices abroad, and legal entities registered in Armenia and located abroad. Some 238 diplomatic service staff posted abroad and family members will vote via the internet before 6 May.

VI. CANDIDATE NOMINATION AND REGISTRATION

The deadline for candidate nomination expired on 22 March, while candidate registration ended on 1 April. The CEC registered the candidate lists of political parties or blocs for the proportional part of the elections,⁸ while TECs registered candidates for the majoritarian contests. To be registered, contestants had to present a copy of the statute of the party (or parties in the case of blocs), as well as personal data and the official documents certifying the five-year citizenship and residence in Armenia for each candidate. Parties and blocs running in the proportional elections had to pay an electoral deposit of AMD 8 million,⁹ while the deposit for candidates running in single-mandate constituencies was AMD 1 million.¹⁰ The deposit is returned if the party or bloc obtained a mandate in parliament (proportional system) or a candidate is elected or received at least five percent of the vote (majoritarian system).

The grounds to decline the registration of the candidate list or an individual candidate are: a candidate list containing too few or too many names or not meeting the gender requirements of the Electoral Code, suspension or liquidation of the political party's activity, the fact that only one political party is left in a bloc, failure to pay the deposit, falsification of nomination documents or ineligibility of a candidate.

The registration process was inclusive. Overall, 15 parties and 1 bloc will contest the upcoming elections; 1,171 candidates out of 1,206 nominees (for the proportional and the majoritarian races) have been registered. Eight parties and one bloc submitted candidate lists for the proportional component of the elections. The CEC registered all nine proportional lists, rejecting three candidates.¹¹ Seven candidates from proportional lists withdrew before the lists were registered. For the majoritarian part of the elections, 155 candidates have been registered, of which 89 were nominated by 13 parties¹² and 66 are self-nominated. Two nominees for the majoritarian contest were rejected, and 23 withdrew.¹³

In the outgoing parliament, 10 out of 131 members are women (7.6 per cent). The Electoral Code

⁸ Under Article 106.2 of the Electoral Code, a bloc must consist of at least two political parties. A candidate list must contain no less than 25 and no more than 270 candidates.

⁹ 8,000 times the minimum salary or some EUR 15,355 (this figure was erroneously reported in the OSCE/ODIHR Needs Assessment Mission report). According to Law on the Minimum Monthly Salary, the minimum salary to be used as calculation basis is AMD 1,000. At the time of writing the official exchange rate was approximately EUR 1:AMD 521.

¹⁰ 1,000 times the minimum salary or some EUR 1,919.

¹¹ Republican Party of Armenia (RPA), Prosperous Armenia (PA), Rule of Law Party (RoL), ARF, Heritage, Armenian Democratic Party (ADP), Communist Party of Armenia (CPA), United Armenians Party (UAP), and the Armenian National Congress bloc (ANC).

¹² RPA, PA, RoL, ARF, Heritage, CPA, Democratic Fatherland Party, Democratic Path Party, Liberal Party, Marxist Party of Armenia, Pan-Armenian National Movement Party, People's Party, and Republic (*Hanrapetutyun*) Party.

¹³ The two rejected candidates are Khachatur Sukiasyan and Ashot Chanchapanyan, both self-nominated. Mr. Sukiasyan was rejected for not fulfilling the five-year residency requirement, while Mr. Chanchapanyan did not pay the electoral deposit.

provides for a 20 per cent gender quota for the proportional lists, which has been adhered to by the registered parties and blocs.¹⁴ Out of 1,016 candidates registered on the proportional lists, 225 are women (22 per cent). Of the 155 candidates running in single-mandate constituencies, 12 are women (7.7 per cent).

The candidate lists of the parties in the ruling coalition include prominent politicians and officials. The RPA proportional list is led by President Sargsyan, with Prime Minister Tigran Sargsyan, National Assembly Speaker Samvel Nikoyan and Yerevan Mayor Taron Margaryan in high positions. The PA list includes three government ministers and 21 sitting MPs. In total, some 94 of the 131 current deputies (72 per cent) are seeking re-election. All ten *marzer* governors are included on proportional lists (8 on the RPA list and 2 on the PA list).

VII. PRE-CAMPAIGN ENVIRONMENT

Article 18.1 of the Electoral Code establishes a fixed campaign period when rules aimed at ensuring equal opportunities for the candidates are applied. The same article also specifically states that campaigning is not restricted outside the official campaign period, apart from the silence period before and on election day. The official campaign period is between 8 April and 00:00 hrs on 5 May. The Electoral Code guarantees state support for pre-election campaigning by parties, blocs and candidates. Local self-government bodies are obliged to provide contestants with premises for campaign events, free of charge and under equal conditions.

Parties are actively preparing for the official election campaign. The RPA and PA held party congresses on 10 and 17 March, respectively, and Heritage had their congress on 2 March. On 30 March, the ANC held a gathering and march in Yerevan, attended by several thousand people.

VIII. THE MEDIA

The Electoral Code provides for free airtime, news coverage and paid advertisements, stipulates 24 hours of campaign silence before election day, and prohibits the publication of exit polls before the closing of the polls.

The public broadcaster, *Public TV and Radio*, is obliged to provide free and paid airtime. Each political party or bloc with a registered proportional list is entitled to 60 minutes of free airtime on public television *HI*, and 120 minutes on public radio. In addition, each party or bloc can buy up to 120 minutes of paid airtime on public television, and 180 minutes on public radio.¹⁵ On 2 April, the CEC established by lottery the order of appearance of parties and blocs during free and paid airtime on public television and radio, as provided for by the Electoral Code. The public broadcasters will air campaign spots from 8 April. Candidates running in single-mandate constituencies are not entitled to free or paid airtime on the public broadcaster. In line with the Electoral Code, the prices for paid political advertising on private and public broadcasters were made public on 5 March.

The Electoral Code obliges public and private broadcasters to ensure non-discriminatory conditions and to provide impartial and unbiased information in their news programs. The National Commission for Television and Radio (NCTR) is responsible for supervising the implementation of media-related provisions of the Electoral Code. On 16 March, the NCTR published its media monitoring methodology for the election campaign. The monitoring will assess the non-discrimination principle

¹⁴ The number of representatives of each gender must not exceed 80 per cent of each integer group of five candidates within the list, starting with the second place on the list.

¹⁵ There is no limit on the amount of political advertisement parties or blocs can purchase on private broadcasters.

in the allocation of free and paid airtime to political parties and blocs, the adherence of broadcasters to their obligation of unbiased, impartial and equal treatment of candidates and political parties in news and information programs. The list of media outlets to be monitored is yet to be published; according to the public broadcaster's representatives, the NCTR will include its programs in their monitoring activities.

The NCTR must submit the findings of its media monitoring to the CEC three times during the election period: on 17 April, on 27 April and by 11 May. In case of violations, the NCTR can suspend the license of broadcasters after issuing three warnings.¹⁶

On 15 March, the CEC amended two controversial articles of a decision on the accreditation of journalists which had raised concern among journalists' organizations.¹⁷ According to the CEC, no applications by journalists for accreditation have been rejected thus far.

On 27 March, the OSCE/ODIHR EOM commenced its media monitoring of a cross-section of media outlets, with quantitative and qualitative analysis of their political and election-related coverage.¹⁸

IX. COMPLAINTS AND APPEALS

Decisions, actions, and inactions of election commissions can be appealed to the superior commission, while all complaints against the CEC are under the jurisdiction of the Administrative Court. Complaints regarding voter lists are adjudicated by first-instance courts of general jurisdiction, with no right to appeal. These will be the first parliamentary elections in which the Administrative Court, established in 2008, implements its jurisdiction in election-related disputes. Election commissions may submit cases to the Administrative Court for de-registration of parties, blocs, and candidates for any type of campaign and campaign financing violation. Complaints against election results are solely under the Constitutional Court's purview.

The general administrative laws, which regulate complaints against decisions and actions of state bodies, apply to complaints against all levels of election commissions and allow those to be filed directly to the Administrative Court, bypassing submission to superior commissions as provided in the Electoral Code. Thus, an overlapping jurisdiction between superior election commissions and the Administrative Court exists. The laws do, however, establish procedural rules for cases where complaints are filed in duplicate to state bodies and courts. Decisions of the Administrative Court in election disputes are final.

As of 1 April, the CEC had received more than 30 complaints. The vast majority was filed by one person, most alleging campaigning by public officials;¹⁹ all were denied consideration on grounds that private citizens have no right to seek remedy for violation of public electoral rights. All other complaints were denied consideration due to lack of jurisdiction²⁰ or because the same complaint

¹⁶ Article 55.b of the Law on Television and Radio Broadcasting.

¹⁷ CEC Decision No. 18 of 31 January 2012 included the dissemination of untrue information about CEC activities and the unexpired convictions for premeditated crimes as valid reasons to deny a journalist accreditation.

¹⁸ The OSCE/ODIHR EOM is monitoring the prime time (18:00–24:00 hrs.) political and election-related coverage of six national TV channels: *H1* (public television), *H2*, Armenia TV, *Shant* TV, *Yerkir* Media, *Kentron* TV; two radio stations: Public Radio and Radio Free Europe/Radio Liberty; and the daily state newspaper (*Hayastani Hanrapetutyun*).

¹⁹ Many complaints alleged that the prime minister campaigned for the RPA while carrying out official duties in the regions. Two complaints alleged the president was using his official website to promote the RPA. One complaint alleged that a governor was using his official position to campaign on his own behalf.

²⁰ Several complaints were against other state bodies, including the Ministry of Justice, Police, and the NCTR.

was pending in court, except for two rejected in substance.²¹ The Administrative Court received several complaints, one of which is pending; all others were refused consideration due to applicants not having the right to file such complaints or insufficiently defined claim.²²

X. DOMESTIC OBSERVERS

Domestic non-party observers can be nominated by public associations engaged in the field of “democracy and protection of human rights”²³ and are accredited by the CEC. Individuals must have previously passed a CEC-administered test to qualify as domestic observers. As of 30 March, 15 domestic organizations have been accredited to observe these elections. These organizations have accredited over 12,700 individual observers. The accreditation deadline is 26 April.

Thus far, the CEC has rejected four organizations for not meeting the legal requirements.²⁴ Article 30.5 of the Electoral Code empowers the CEC to withdraw an organization’s accreditation in case its observers support any party, bloc or candidate participating in the elections. However, the CEC has informed the OSCE/ODIHR EOM that it does not intend to enforce this provision but will withdraw the accreditation of individual observers instead if they violate the Electoral Code.

XI. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM formally opened in Yerevan with a press conference on 22 March 2012. The Head of Mission has met the CEC Chairperson, the Minister of Foreign Affairs, the Minister of Justice, the Presidential Administration, the President of the Constitutional Court, the Prosecutor General, the Head of the OSCE Office in Yerevan, and representatives of political parties. The EOM has also established regular contacts with the CEC, governmental institutions involved in the election process, political parties, civil society, and the media. The 24 LTOs have established contacts at the regional level, including with TECs, state and local authorities, parties and candidates, civil society and regional media.

For election day observation, the OSCE/ODIHR EOM will be joined by the delegation of the OSCE Parliamentary Assembly (PA). Mr. Francois-Xavier de Donnea has been appointed by the OSCE Chairman-in-Office as Special Co-ordinator to lead the short-term observation mission. The Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) also plan to deploy observer delegations for election-day observation.

*The English version of this report is the only official document.
An unofficial translation is available in Armenian.*

²¹ One complaint disputed registration of a candidate alleging he did not fulfill the five-year residency requirement, and the other alleged campaigning before the start of the official campaign period.

²² One complaint was filed by an NGO requesting that the ballots include the voting option ‘against all’.

²³ As provided by Article 29.1.3 of the Electoral Code.

²⁴ Electoral Code, Articles 29.1.3 and 30.4, and CEC Decision No. 37–N of 29 July 2011.