



REPUBLIC OF ARMENIA
Presidential Election
19 February 2003



INTERNATIONAL ELECTION OBSERVATION MISSION

Statement of Preliminary Findings and Conclusions

Yerevan, 20 February 2003. The International Election Observation Mission (IEOM) for the 19 February presidential election is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assembly of the Council of Europe (PACE).

This statement of preliminary findings and conclusions is issued before the final certification of the results, before election day electoral complaints and appeals have been addressed by the administrative and judicial authorities, and before a complete analysis of the observation findings.

PRELIMINARY CONCLUSIONS

The 19 February 2003 presidential election in the Republic of Armenia was generally calm and well administered but the counting process was flawed and the long-term election process fell short of international standards in several key respects.

This was the fourth presidential election since Armenia declared independence in 1991 and the first since Armenia became a member of the Council of Europe. Previous presidential elections were characterized by serious flaws and generally did not meet international standards. As such, this election provided an important test of the progress of democratic practices in Armenia.

A number of important positive elements were evident in the election process:

- The participation of nine candidates provided voters with a genuine choice;
- There was a vigorous, country-wide campaign, with active public participation and in which opposition candidates did not hesitate to criticize the authorities;
- A recently amended election law provides a basis for democratic elections;
- The election administration carried out the technical preparations for the election in a satisfactory manner;
- The voting, counting and tabulation processes were generally transparent; and
- The voter lists were improved, although they remained problematic.

Despite these positive factors, a number of significant shortcomings in regard to international standards were apparent:

- The pre-election period was marred by intimidation and by incidents of disruption of campaign events, including a serious instance of violence;
- There was evidence of pre-election manipulations, such as schemes to impersonate voters and use of inducements to secure votes;
- Public resources were heavily used in support of the incumbent, representing a pattern of unequal treatment of candidates by the authorities; and
- Public TV failed to comply with its legal obligation to provide balanced and unbiased reporting on candidates, violating the principle of equal access for all candidates.

On election day observers reported an essentially transparent process and that voting was generally calm and correctly conducted. Substantial numbers of candidate proxies and domestic observers monitored the process. However, a number of serious irregularities took place, including instances of ballot-box stuffing. While voting day processes were generally positively assessed by international observers, the counting process was more problematic. Further instances of ballot-box stuffing were witnessed by observers during the count and preliminary results from some polling stations showed a striking disparity from an otherwise consistent pattern of results.

The final assessment of these elections will depend, in part, on the completion of the counting and tabulation and, if relevant, the effectiveness of the complaints procedure. The institutions involved in the IEOM will continue to monitor these remaining steps of the process, and will return to observe the upcoming parliamentary elections in May.

The institutions represented in the IEOM are prepared to assist the authorities and civil society of Armenia in overcoming the remaining impediments to fully democratic elections and to build on those improvements that have been put in place.

PRELIMINARY FINDINGS

Background

The 19 February presidential election was the fourth since independence was declared in September 1991 and the first since Armenia joined the Council of Europe in January 2001. Significantly, it was also the first national contest to be held in the wake of the assassinations of leading figures in Armenia's political establishment during a 27 October 1999 attack on the parliament building. The presidential election will be followed by parliamentary elections in May, which may coincide with a constitutional referendum.

A total of 15 candidates, including the incumbent President, presented applications to participate in the election. Eleven were ultimately registered by the CEC, two of whom subsequently withdrew from the race. Under Armenia's electoral system, a presidential candidate must win over 50% of the votes cast for all candidates in order to be elected in the first round.

Legislative Framework

The Election Code, adopted in 1999 and amended in 2002, provided a basis upon which the election could be conducted in compliance with international standards. The 2002 amendments included a number of positive elements, some of which reflected recommendations made by experts on behalf of the OSCE/ODIHR and Council of Europe, Venice Commission. A remaining deficiency of the law is the absence of a provision requiring the CEC and TECs to publish worksheets with full breakdown of results from all polling stations in their jurisdictions in a timely manner.

As a result of Armenia's ratification of the European Convention on Human Rights, notably Protocol 1 Article 3, election-related complaints can now be appealed to the European Court of Human Rights.

Election Administration

The election was administered by a three-tier election administration: the CEC, 56 TECs and approximately 1,865 Precinct Electoral Commissions (PECs).

The formula for appointing CEC members – three nominated by the President, and one each by the six factions in Parliament as established following the last election – resulted in two-thirds of CEC members being supporters of the President. TECs and PECs were formed according to the same formula as the CEC. Although the appointment formula itself is not necessarily problematic, the imbalance in membership for the current election resulted in most candidates expressing a lack of confidence in the impartiality of the CEC. As observed in certain instances, it was possible for lower level election commissions to form a quorum, conduct business and adopt decisions with no presence of the opposition.

The CEC and most TECs operated efficiently. Preparations for elections were completed on schedule. The CEC took positive decisions to use transparent ballot boxes and to rebroadcast abroad the free TV advertising time accorded to candidates (although the latter was not enforced). A good program of training for election commission members was established. Judges were also trained to handle election day issues.

There were a number of efforts to intimidate or manipulate certain PECs. For example, pressure applied by local community leaders upon four members of a PEC in Shirak led to three of them tendering their resignations; other pressure included at least one PEC member in Yerevan nominated by the opposition being summoned to a meeting with a manager for a rival candidate and being told not to be obstructive. In three cases from Lori there were substitutions of PEC members without their nominating faction's consent. In Armavir, a properly nominated substitute to a PEC complained that his membership, and that of two others in neighboring PECs, were not recognized and they were not invited to meetings.

The accuracy of voter lists remained a concern. Voter lists are locally compiled and there is no centralized voter register, making it impossible to check the lists for double entries. In many municipalities the lists were improved in comparison with past elections, as a result of concerted efforts to correct errors. With some exceptions, voter lists were on display, as required, in the PECs, providing voters an opportunity to correct their individual data. However, international observers found that the lists in some regions continued to be problematic. The voter lists also include very large numbers of citizens with the right to vote who are not residing in Armenia, opening a potential for manipulation on election day. Polling stations in Armenian Embassies and Consulates provided the opportunity for some Armenians abroad to vote. As the result of a positive Constitutional Court decision in October 2002, voters who could not find their names on the voter list on election day were able to appeal to courts to obtain a certificate to permit them to vote.

The Campaign

Nine candidates were ultimately on the ballot for the election. The incumbent President was nominated by an initiative group, but he had the backing of about a dozen political parties or other organizations. Seven of the other eight candidates were leaders of political parties. Efforts by several of the opposition parties to unify behind a single candidate were not successful.

The campaign began slowly but quickly escalated in activity and tone, with posters, rallies and other campaign activity much in evidence around the country, and with active public participation. The field of nine candidates provided voters with a genuine choice. Opposition candidates did not hesitate to criticize the incumbent. In general, however, campaigning, especially by opposition candidates, was not issue-based.

Serious violence broke out at a campaign rally on 4 February, including the stabbing of a member of parliament. Although the violence was strongly condemned from all quarters, it cast a shadow over the campaign. There were disturbances also at a rally for the incumbent in Yerevan on 13 February, with violence towards peaceful demonstrators who unfurled opposition banners. Earlier in the campaign there were also credible reports of the disruption of another opposition candidate's campaign rallies near Yerevan through intimidation. An opposition candidate's campaign office was vandalized in Abovyan, and a major campaign billboard was subject to apparent arson.

Observer investigations, interviews with witnesses, and credible first-hand accounts revealed certain patterns of intimidation. Several persons associated with opposition campaigns were dismissed from their jobs, while others were threatened with dismissal. There was a credible pattern of reports of opposition campaign staff or volunteers being threatened to give up their activities. A number of shop owners were threatened against displaying opposition campaign posters. There was a discernible pattern of alleged intimidation by village leaders and others to support the incumbent or face consequences such as the withdrawal of utilities. Family members and reputable non-governmental organizations reported threats of violence against conscripts. Observers received and verified other cases of intimidation and received further credible reports which could not be independently verified. Observers also received a large number of allegations that proved unfounded upon investigation or were spurious. The cumulative effect of various practices of intimidation was that the campaign took place in an atmosphere of insecurity.

The long-term observation mission received and investigated widespread reports of efforts to acquire individuals' passports in order to impersonate them on election day, and parallel reports of schemes to obtain passport numbers of persons who would not be voting (e.g., those not in the country) in order to fraudulently cast votes for them on election day. These reports followed consistent patterns in Yerevan and around the country. The EOM confirmed several accounts of passport acquisition, although observers did not report passport fraud to be a significant problem on election day.

The widespread availability of public resources in favour of the incumbent was confirmed by observers around the country. Some public officials at the local level were engaged full-time in running the incumbent's campaign while performing their official duties, or were observed to continue conducting public business from their campaign offices. Public buildings such as mayors' offices were commonly used for campaign purposes, overwhelmingly by the incumbent's team. A few such instances were corrected before the election.

Where the authorities provide office space to opposition parties, in general the quality of such space did not nearly match what was made available to the incumbent for the campaign. Some opposition candidates reported difficulties in securing premises for campaign offices; observers were credibly notified of two instances of campaigns abandoning plans to open

offices following intimidation, and two other cases of official orders to vacate premises suddenly declared unsafe.

Observers received and verified many allegations that public sector employees, factory workers, teachers, students and others were instructed to attend the incumbent's rallies in various parts of the country. For example, observers attended rallies in Lori, Gegharkunik and Yerevan, where they spoke to people so instructed. In several regions, including Shirak, Lori and Gegharkunik, schools were closed and pupils and teachers required to attend the incumbent's rallies.

Although under Armenian law some public officials may be involved in political campaigns and public buildings may be used for campaign purposes, the patterns of such practices in this election were sufficient to breach OSCE commitments that all candidates should be treated equally by the authorities.

The Media

The cases of two private TV broadcasters that remained off the air throughout the campaign period as a result of problematic tender processes negatively affected the electronic media environment, and contributed to a lack of balanced sources of information. TV *AI+*, in particular, was expected to offer an independent and diverse range of information about candidates. The December 2002 assassination of the head of the public television council – who was close to the President – and an October grenade attack on another journalist, both remain unsolved. The combination of lost licenses and incidents of violence, as well as credibly reported intimidation especially in the regions, cast a shadow over the media atmosphere and led some journalists and broadcasters to exercise self-censorship.

Publicly-funded media did not meet its obligation outlined in the Law on Radio and TV Broadcasting, as well as in a CEC decision of 15 January, to provide voters with information about the candidates free from prejudice or preference. While public TV adhered to the legal provisions relating to providing free advertising time for all political contestants, its news coverage was biased, as were its analytical and other programs. These clearly supported the incumbent, who received extensive coverage beyond what was reasonably proportionate to his role as head of state. The President received 41% of primetime coverage on public TV news and analytical programs, almost all of it (93%) in his capacity as a candidate rather than engaged in presidential duties. The next most covered candidates received 19% and 11%. Moreover, virtually all public TV coverage (93%) of the incumbent was positive or neutral, while opposition candidates received roughly equal proportions of negative and positive primetime news and analytical coverage.

Private broadcasters were even more biased in favour of the incumbent, largely ignoring opposition candidates. For example, the only private channel with nationwide outreach, *Prometevs*, allocated 61% of its prime-time news to the incumbent with an exclusively positive tone. In contrast, two candidates considered as opposition front-runners accounted for 5% and 3% respectively, with this coverage mainly negative.

The rate set for paid political advertising by private broadcasters, at U.S. \$120 per minute, was very high by local standards, limiting candidates' possibilities to campaign in the media. The rate emerged from an unusual price-fixing agreement among public television and five private television stations that offered air time for political advertising. This rate for political

advertising was approximately three times higher than comparable rates for commercial advertising on private television.

The National Commission on Radio and Television reported receiving and adjudicating 54 complaints. In two cases private broadcasters were fined for violating the Law on Radio and TV Broadcasting and the CEC decision of 15 January, by broadcasting paid advertisements that were not clearly designated as such.

The print media provided a plurality of views, but invariably showed strong bias either in favour of or against a candidate. Consequently, voters could form an objective view of the campaign only if they read several publications. The state-funded *Hayastani Hanrapetutyun* showed clear support for the incumbent by allocating him 66% of its candidate coverage, with an overwhelmingly (99%) positive or neutral slant. In comparison, two candidates considered as opposition front-runners received only 5% and 2% of the coverage, which was mainly negative in tone. Some private newspapers provided more coverage of opposition candidates, and were largely critical of the incumbent. The *Aravot* daily, for example, allocated 37% of its coverage to the incumbent, with an overwhelmingly negative tone.

Complaints and Appeals

By election day the CEC had registered just 34 complaints, all of which it had responded to. Even fewer complaints were filed by interested parties with the courts. The absence of substantive decisions in two cases were of concern because of their impact on the electoral process. One important case appealed a CEC decision limiting the right of proxies on election day. Although the Electoral Code provides for an expedited timeframe for hearing cases regarding actions of the CEC, in this instance the judge deemed the case to fall within the normal civil procedures and scheduled the hearing for after the election. The other case involved a CEC decision that public TV must broadcast free campaign spots as part of their out-of-country programming. The court dismissed the case on the grounds that the applicant had withdrawn from the race as a candidate.

The relatively low number of complaints reflects a general lack of confidence in the effectiveness and independence of the dispute resolution mechanisms available to candidates and voters.

Gender

There are no legal barriers to participation by women in the political process. Although there were no women candidates in this election, a number of women were active in the election process through participation in the election administration, political parties and NGOs. Women are seriously underrepresented in elected positions at all levels in Armenia; only 3% of elected officials at local and national levels are women. Only one of nine CEC members is a woman, but women were somewhat better represented in the TECs and PECs. Issues of particular concern to women were generally not effectively addressed during the election campaign.

Domestic Observers

Of 31 domestic groups that applied to observe the election, 29 were accredited by the CEC. The most substantial domestic observation was carried out by “It’s Your Choice”, which

observed the pre-election period and reportedly deployed observers to over 400 PECs throughout the country on election day. Other groups focused on specific elements of the election, such as media monitoring or legal issues.

Election Day, Vote Count and Tabulation

On election day observers reported that voting was generally calm and relatively well administered throughout the country. Voting procedures were correctly followed in most polling stations and PEC members appeared to be well trained. A significant number of candidate proxies were present in all polling stations visited and domestic observers were seen in almost 50% of polling stations. Observers assessed the voting process positively in 90% of polling stations.

However, international observers reported a number of serious irregularities during voting. These included six cases of ballot-box stuffing in Yerevan, Armavir and Kotayk (polling station numbers 1353, 1253, 0695, 0800, 0708, 0700), as well as an incident of “carousel” voting in Shirak (polling station number 1373), an incident of vote buying in a polling station in Ararat (polling station number 0586) and examples in Ararat, Yerevan and Gegharkunik of individuals voting more than once (polling stations number 0327, 0586, 0896). In Lori, a policeman was witnessed carrying a box of at least 50 passports out of a polling station. Intimidation of proxies was observed in a number of polling stations. The presence of unauthorized persons, including government officials, in polling stations (23%) remains a continuing concern, particularly as in a few cases they were seen acting in an intimidating manner.

While most observers reported that counting procedures were properly followed, a number of serious irregularities were observed. The counting process was negatively assessed by observers in 20% of polling stations where counting was observed. Clear evidence of ballot box stuffing was witnessed by international observers in five PECs (polling station numbers 0250, 0703, 0219, 0122 and 0133) as well as substantial falsification of results in polling station number 0390. In one polling station, two proxies were physically assaulted by PEC members. The chairperson of one PEC was witnessed stopping on the way to the TEC to give a copy of the results to the Police. The preliminary results reported from some polling stations showed a striking disparity both in voter turnout and outcome from the otherwise consistent pattern of results.

The voting, counting and tabulation processes were generally transparent. In a welcome development, the CEC promptly published preliminary polling station results and in most polling stations protocols were made available to proxies and observers. In more than 90% of polling stations proxies and domestic observers were able to observe all aspects of the voting process.

*This statement is also available in Armenian.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENT

The International Election Observation Mission (IEOM) for the presidential election in the Republic of Armenia is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Parliamentary Assembly of the Council of Europe (PACE). Mr. Peter Eicher (US) headed the OSCE/ODIHR Election Observation Mission. Lord Russell-Johnston (UK), headed the PACE delegation.

This statement is based on the observations of 26 election observers of the OSCE/ODIHR EOM, based in Yerevan and eight regional centers throughout the Republic, who have been deployed since 15 January. This statement also incorporates the election day findings of 233 short-term observers from 35 OSCE participating States, including 8 parliamentarians from the PACE, reporting from some 750 polling stations out of the 1,865 throughout the Republic.

The OSCE/ODIHR will issue a final report on the election approximately one month after the completion of the process.

The IEOM wishes to express appreciation to the Ministry of Foreign Affairs of the Republic of Armenia, the Central Election Commission, the National Assembly, and other authorities and interlocutors in Armenia, for their co-operation and assistance during the course of the observation. The IEOM is also grateful for the support from the OSCE Office in Yerevan and Embassies and Consular Offices of OSCE participating States.

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