



Office for Democratic Institutions and Human Rights

REPUBLIC OF ARMENIA

CONSTITUTIONAL REFERENDUM

6 December 2015

OSCE/ODIHR REFERENDUM EXPERT TEAM
Final Report



Warsaw
5 February 2016

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OSCE/ODIHR Referendum Expert Team Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Government of the Republic of Armenia to observe the 6 December Constitutional Referendum, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 26 November deployed a Referendum Expert Team (RET) to observe the Constitutional Referendum. The OSCE/ODIHR RET focused on the legal framework, referendum administration, and the campaign and media. The OSCE/ODIHR RET did not assess the content of the constitutional amendments or observe proceedings on referendum day in a systematic manner.

The 6 December referendum took place on the basis of an 8 October presidential decree, following approval of the draft amendments by the overwhelming majority of members of parliament. The amendments called for changes to all but two articles of the current Constitution.

The legal framework generally provides a solid basis for the conduct of referenda, although the Referendum Law needs further aligning with international standards for democratic electoral processes. The conduct of the referendum reflected the absence of meaningful actions over the previous three years to address prior OSCE/ODIHR recommendations to improve confidence and public trust in the electoral process, including by improving accuracy of voter lists, preventing misuse of public resources in campaigns, and strengthening safeguards against voting day irregularities as well as the effectiveness of complaint mechanisms and accountability for electoral offences.

The referendum was administered by a three-tiered administration headed by the Central Election Commission (CEC). Despite efforts to work in a transparent and professional manner, the referendum administration suffered from lack of trust among stakeholders and the widespread perception that lower-level commissions were incapable of performing their duties in an impartial manner.

Armenia has a passive voter registration system based on the state population register maintained by the police. The final voter lists contained 2,566,998 eligible voters. The police made efforts to improve trust in the voter register but various stakeholders reported unresolved longstanding problems with accuracy of the voter lists, including an unduly high number of registrations at some addresses and deceased people on the voter lists. Particular concerns over potential for manipulation were raised by the fact that the voter lists include the names of many people living abroad who would only be eligible to vote if physically present in the country.

Basic freedoms of association, expression, assembly, and movement were largely respected during the campaign period. The campaign was highly polarized and focused on a few aspects of the proposed new constitutional framework. Proponents of the constitutional amendments highlighted benefits of changing the political system while opponents claimed that the amendments were designed for the incumbent President and ruling party to retain power. Following the recent lifting of legal restrictions on campaigning by public officials, state officials led the “Yes” campaign and the authorities mobilized extensive public resources to campaign in favour of constitutional amendments.

¹ The English version of this report is the only official document. Unofficial translation is also available in Armenian.

Any individuals or groups eligible to campaign were entitled to create a referendum fund to finance their campaign activities. The Referendum Law sets certain limitations on contributions to referendum funds and requires declaring campaign finance to the CEC; however it does not require these declarations or CEC audit results to be made public. The CEC, on its own initiative, published summaries of referendum funds' incomes and expenditures on its website.

The media environment is perceived to be politicized. A large number of media outlets operate in a limited advertisement market and television remains the main source of information. The safety and security of the work of journalists remains of serious concern. Campaign regulations for the media are defined by the Referendum Law and the Electoral Code, but lack clarity. Almost all parliamentary factions took advantage of the opportunity to receive free airtime. Paid advertising airtime was available only for parliamentary factions and was mainly purchased for the "Yes" campaign.

The legal framework for electoral complaints and appeals is sufficiently detailed and the system is characterized by formalized procedures. However, the Constitution grants the right to appeal referenda results only to the president and at least one-fifth of the members of parliament. This restricted legal standing to bring appeals raises questions about *de facto* availability of a judicial remedy for referendum stakeholders. Credibility of dispute resolution was undermined by the lack of trust and confidence in the referendum administration and courts.

The legal framework provides for international and citizen observation and entitles party proxies to be present at all polling stations. While there are no corresponding requirements in the law, the CEC obliged the citizen observers to pass a qualification test to be accredited.

At polling stations where the OSCE/ODIHR RET observed the counting procedure, serious problems included interference and intimidation by proxies of supporters of the "Yes" campaign leading to alteration of the actual vote results. Citizen observers, opposition groups, and media reported allegations of widespread irregularities, interference and intimidation in the voting and counting process throughout the country. The authorities pledged that all allegations were being investigated by the CEC and law enforcement bodies while denying that irregularities were systematic and suggesting that leading civil society groups were biased because they were known to oppose the referendum.

The CEC rejected a detailed complaint by one opposition party seeking invalidation of the results on the basis that legal and procedural violations were systematic and widespread. A subsequent request for the Constitutional Court to declare the referendum invalid on the same grounds was not supported by the required one fifth of the members of parliament.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Government of the Republic of Armenia, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Referendum Expert Team (RET) from 26 November to 13 December to observe the 6 December Constitutional Referendum. The OSCE/ODIHR RET consisted of four experts from four OSCE participating States. The OSCE/ODIHR has previously observed nine elections in Armenia including the last 2012 parliamentary and the 2013 presidential elections.²

The OSCE/ODIHR RET focused on aspects related to the legal framework, referendum administration, and the campaign and media. In line with OSCE/ODIHR methodology, the RET did not assess the content of the proposed constitutional amendments and did not observe proceedings on

² See all [previous OSCE/ODIHR reports on the Republic of Armenia](#).

the referendum day in a systematic manner. This report is therefore limited in scope and does not offer an overall assessment of the referendum process. The specific areas under review were assessed for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. This final report should be read in conjunction with the previous OSCE/ODIHR reports on the electoral processes in Armenia.

The OSCE/ODIHR RET wishes to thank the Government of the Republic of Armenia for its invitation to observe the referendum, the Central Election Commission (CEC) for its co-operation and for accreditation documents, and the Ministry of Foreign Affairs as well as other state institutions and the Ombudsperson for their co-operation. The OSCE/ODIHR RET also wishes to express appreciation to representatives of political parties, media, and civil society for sharing their views. The OSCE/ODIHR RET wishes to express its gratitude to the OSCE Office in Yerevan and other international organizations and diplomatic representations for their co-operation.

III. BACKGROUND

The Republic of Armenia has a semi-presidential system with a directly elected president limited to two five-year terms and a 131-seat unicameral parliament. Mr. Serzh Sargsyan of the Republican Party of Armenia (RPA) was re-elected to a second five-year term as president in February 2013. In the last 2012 parliamentary elections, the ruling RPA won 69 seats. Other contestants elected were Prosperous Armenia (PA, with 37 seats), Rule of Law (RoL, with 6 seats), the Armenian Revolutionary Federation – *Dashnaktsutyun* (ARF, with 6 seats), Heritage (with 5 seats), and the Armenian National Congress bloc (ANC, with 7 seats). Formally the RPA is in coalition with RoL while the other parties form opposition factions.

The development of constitutional amendments began in 2013 with the appointment of a Specialized Commission for Constitutional Reforms under the President's Administration, made up of experts including the Chairman of the Constitutional Court. The commission produced a draft concept and ultimately draft amendments that called for changes to all but two articles of the current Constitution. The draft provided for a transition to a fully parliamentary republic with a parliament elected on a proportional basis with special provisions to ensure a "stable majority" in the parliament and a president with quite limited powers, to be elected indirectly after the incumbent president's second term ends in 2018.

The draft concept and draft amendments were reviewed by Council of Europe's European Commission for Democracy through Law (Venice Commission), whose opinions were largely positive.³ Some OSCE/ODIHR RET interlocutors argued that the Presidential Administration and ruling party rushed the amendments through the parliament and presented them hastily to voters, limiting voters' ability to make an informed choice. Supporters of the amendments, on the other hand, stressed that constitutional reform has constantly been on the agenda in Armenia since the 1990s, that active discussion of the proposed changes was launched more than two years before, and that interested voters had adequate time to familiarize themselves with the choice before them.

The leader of the PA, the largest opposition party in the parliament, Mr. Gagik Tsarukyan, spoke out in 2014 against the constitutional reform process initiated by the president. However, Mr. Tsarukyan announced in February 2015 that he would withdraw from politics to focus on his business interests. While the PA's new faction leader described this as a purely personal choice, other OSCE/ODIHR RET interlocutors attributed this decision to political pressure and a threat of tax cases against Mr. Tsarukyan's businesses. In the run-up to the referendum, both the PA and ARF supported the

³ See [the Venice Commission's opinions on the Draft Amendments to the Constitution of the Republic of Armenia](#).

proposed constitutional amendments and limited their opposition activity. They explained that they favoured a parliamentary system in Armenia and that their input had helped shape the final package of amendments adopted by the parliament on 5 October.

IV. LEGAL FRAMEWORK

A. GENERAL OVERVIEW

Conduct of referenda is regulated primarily by the 1995 Constitution (last amended in 2005), the 1991 Law “On Referendum” (hereinafter – Referendum Law) and the 2011 Electoral Code. Other relevant legislation includes the Law on Freedom of Assembly, the Law on Political Parties, the Law on the Constitutional Court, the Code of Administrative Offences, and the Criminal Code. The legal framework generally provides a solid basis for the conduct of referenda.

Prior OSCE/ODIHR recommendations have repeatedly highlighted the need to take further measures to improve confidence and public trust in electoral processes, including improving accuracy of voter lists, preventing misuse of public resources in electoral campaigns, strengthening safeguards against voting day irregularities, as well as raising effectiveness of complaint mechanisms and accountability for electoral offenses. Armenian authorities informed OSCE/ODIHR RET that consideration of prior recommendations and reform of electoral legislation had been put on hold until the adoption of constitutional amendments.

The Referendum Law was extensively amended in July 2015 with the declared aim to harmonize it with the Constitution and the Electoral Code. The last amendments, *inter alia*, amended powers of referendum commissions; incorporated more detailed rules on campaigning, access to the media, and campaign financing; updated procedures for voting, counting, establishment of referendum results, as well as complaints and appeals procedures. Changing the key provisions in the referendum law shortly before voting is, however, not considered to be in line with good practice.⁴ While the Referendum Law frequently refers to the Electoral Code, they are not fully harmonized.⁵

The Electoral Code was amended in November 2015 to allow voter identification at polling stations with biometric identity cards, which had recently been introduced on a large scale. This amendment stirred controversy and some OSCE/ODIHR RET interlocutors expressed concerns about it being a potential avenue for electoral malpractice due to lifting adequate safeguards against multiple voting.⁶

Reform of electoral legislation should be carried out in an inclusive manner and all stakeholders are encouraged to make every reasonable effort to build broad consensus over the reform, taking into account all relevant previous OSCE/ODIHR recommendations. Regulations on referenda should be further aligned with international standards for democratic electoral processes and consideration should be given to incorporating them into the Electoral Code.

⁴ Section II.2.b of the 2007 Venice Commission Code of Good Practice on Referendums states: “The fundamental aspects of referendum law should not be open to amendment less than one year before a referendum”.

⁵ For example, it is unclear which provisions of the Electoral Code apply to broadcasters’ obligations in the referendum campaign (see *Media*); the Referendum Law does not contain provisions requiring publication of declarations on campaign funds found in the Electoral Code (see *Campaign Finance*).

⁶ Prior to these amendments, voters could be identified at polling stations with passports, as well as military cards and certificates – for military servicemen. These documents had to be stamped to indicate that their holders have cast their ballots as a safeguard against multiple voting, but biometric identity cards cannot be stamped.

B. REFERENDA (ELECTORAL) SYSTEM

According to the Referendum Law, referenda are held based on the right to universal, equal, and direct suffrage by secret ballot. The right to vote is granted to citizens who have attained the age of 18, except for those who are serving prison sentence or have been declared legally incapable by a court judgement. The blanket denial of voting rights to all those imprisoned, regardless of the severity of the crime, is at odds with OSCE commitments and other international obligations and standards.⁷ Denial of voting rights to the mentally disabled is contrary to Armenia's international obligations.⁸ The law provides for arrangements to enable military servicemen as well as arrested and detained persons to exercise their right to vote.

A referendum on constitutional amendments may be initiated by the president or the parliament. The present referendum was initiated by the president's decree of 8 October, after the parliament gave its consent to the amendments on 5 October. Constitutional amendments submitted to a referendum are adopted if they receive more than 50 per cent of the votes cast, but not less than one fourth of the number of registered voters.

C. COMPLAINTS AND APPEALS FRAMEWORK

The legal framework for electoral complaints and appeals is sufficiently detailed and the system is characterized by formalized procedures. In addition to the Referendum Law and the Electoral Code, complaints and appeals are regulated by the Law on Fundamentals of Administration and Administrative Proceedings, and the Administrative Procedures Code. The system overall has previously been commented by the OSCE/ODIHR for its undue complexity, and its effectiveness is of concern.

Complaints against decisions and actions (or inaction) of referendum commissions are appealed to higher-level commissions. These complaints may be filed by: observers and proxies, with respect to violations of their rights; commission members, with respect to violations of their rights or rights of another person; and any person whose individual suffrage rights have been violated. These rules on the legal standing to bring complaints have been previously criticized by the OSCE/ODIHR as too narrow and not allowing for an effective redress against violations of law.⁹ In the present referendum process, for example, complaints about irregularities on voting day were accepted from individual observers but not from the accredited NGO that deployed them. Where such complaints were submitted by lawyers on behalf of individual observers, the CEC required duly formalized powers of attorney from these lawyers to represent the observers.

Decisions, actions or inaction of the CEC are appealed to the Administrative Court. The Administrative Procedures Code also allows appeal against decisions of all administrative bodies, including lower-level referendum commissions, directly to the Administrative Court. While this creates a theoretical possibility for the same complaint to be filed with a higher-level election commission and the Administrative Court, OSCE/ODIHR RET interlocutors did not express any

⁷ Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that participating States will “guarantee universal and equal suffrage to adult citizens”, while Paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law”. See also judgment of the European Court of Human Rights (ECtHR) in *Hirst v. The United Kingdom (No. 2)* and other cases.

⁸ Article 29 of the UN Convention on the Rights of Persons with Disabilities requires States to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”.

⁹ Section 99 of the 2002 Venice Commission Code of Good Practice in Electoral Matters provides that “Standing in [electoral] appeals must be granted as widely as possible. It must be open to every elector in the constituency ... to lodge an appeal”.

concerns about potentially conflicting decisions, due to the effective communication between these bodies.

Timelines for filing complaints and for their consideration by referendum commissions prior to voting day are adequate (two and five days, respectively) and the OSCE/ODIHR RET interlocutors did not express any concerns in that respect.

Complaints against decisions of precinct referendum commissions (PECs) on voting day, as well as applications to declare precinct results invalid may be filed with territorial referendum commissions (TECs) only between 12:00 and 18:00 on the day following voting day. This deadline appears to be too restrictive, considering that ballot counts in many polling stations extend into early morning hours and complainants may not have sufficient time to prepare properly reasoned and documented complaints. A citizen observer organization filed some 40 complaints with the TECs and CEC before the legal deadline on 7 December, and submitted several more the following day. The CEC described these complaints to the OSCE/ODIHR RET as poorly substantiated and documented and rejected most of them without consideration on the merits. The CEC also rejected subsequent applications with requests to postpone the announcement of results and investigate alleged violations on procedural grounds or due to the lack of sufficient evidence of irregularities.

Decisions of the CEC on the results of referenda can be appealed to the Constitutional Court only by the president or at least one fifth of members of parliament (MP). This restricted legal standing to bring appeals (see *Referendum Day and Announcement of Results*) raises questions about availability of a judicial remedy for electoral stakeholders.¹⁰ The Constitutional Court has 50 days to decide on referendum results, extendable by another month – far in excess of a reasonable timeframe for electoral disputes.¹¹

The credibility of electoral dispute resolution is undermined by the lack of trust and confidence in the election/referendum administration and courts. The skeptical attitude of a few complainants could therefore be alleviated through concerted efforts to improve the integrity of election administration at all levels.

The legal framework for complaints and appeals should be reviewed to guarantee more effective remedy. In particular, the legal standing to bring complaints in the electoral process should be granted more widely. Timelines for the submission and review of challenges to election and referenda results should allow complainants to prepare applications and ensure timely remedy.

V. REFERENDUM ADMINISTRATION

A. REFERENDUM COMMISSIONS

The referendum was administered by a three-tiered administration headed by the CEC exercising the functions of Referendum Central Commission, 41 TECs and 1,997 PECs established following the procedures defined in the Electoral Code.

¹⁰ According to Section 3.3.f of the 2007 Venice Commission Code of Good Practice on Referendums “All voters must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters against the results of a referendum”. See also paragraphs 82-83 in *Petkov and others v. Bulgaria* judgment, ECtHR, 2009.

¹¹ According to Section 95 of the 2002 Venice Commission Code of Good Practice in Electoral Matters “time limit of three to five days at first instance (both for lodging appeals and making rulings) seems reasonable for decisions to be taken before the elections. It is, however, permissible to grant a little more time to Supreme and Constitutional Courts for their rulings”.

The CEC, last convoked in 2011, has seven members appointed by the president upon nominations by the Ombudsperson (three members) and the Chairpersons of the Chamber of Cassation and the Chamber of Advocates (two members each). The TECs are permanent bodies composed of seven members appointed by the CEC through an open application process for a period of six years. The Electoral Code contains provisions for gender quotas at CEC and TEC level. Three CEC members are women, as are 34 per cent of all TEC members and 10 per cent of TEC chairpersons.

The CEC reported that all PECs were formed by the TECs by the 14 November deadline. Each political party and bloc represented in the parliament had the right to nominate one commission member to each PEC, while two PEC members should have been nominated by TEC members. All eligible political parties with the exception of the ANC and Heritage filled their quotas.¹² On 4 December, civil society groups announced that 203 municipal councilors were employed to work as PEC members in violation of the law. The CEC informed the OSCE/ODIHR RET that this issue was verified by TECs and people not eligible to work as PEC members were replaced before voting day.

Despite the efforts to work in a transparent and professional manner, the referendum commissions suffered from lack of trust among stakeholders and the widespread perception that lower-level commissions were incapable of performing their duties in an impartial manner. This perception was largely based on practices from previous elections.

The voter information campaign of the CEC consisted of two video spots (with sign language translation) aired on public and private broadcasters with national coverage. In addition, the CEC produced one poster with information related to the use of ID cards for voting purposes which was posted at the polling stations.

The CEC provided two copies of the draft amendments to the constitution for voters' consultation at all 1,997 polling stations on the voting day. The draft was also published in a special edition of the official bulletin, in the daily newspaper *Hayastani Hanrapetutyun*, on an official website for public notices and the CEC website, as well as distributed through state institutions.

The CEC also prepared Braille voter information materials and ballot template for visually impaired voters. However, the longstanding challenge of accessibility to polling stations for voters with disabilities was not effectively addressed. Mobile voting is limited to voters in healthcare institution while voters confined to bed at home are not given such an option and are, in practice, disenfranchised. Most OSCE/ODIHR RET interlocutors reported that the vast majority of the polling stations were not accessible for persons with reduced mobility and there are no reasonable voting options available for this category of voters.¹³

The authorities should consider options for improving accessibility to the polling stations and providing additional mechanisms to allow voters with reduced mobility to exercise their right to vote, so as to further promote universal suffrage.

The legal framework provides for international and citizen observation and entitles party proxies to be present at all polling stations. For the referendum, representatives of international organizations as

¹² The CEC reported that the ANC did not appoint their members in 205 PECs and Heritage – in 118 PECs.

¹³ CEC decision No 19 from 2011 provides for assistance for voters with disabilities not being able to access a polling station. This decision does not guarantee the secrecy and participation on an equal basis with other voters.

well as foreign Central Election Commissions and diplomatic missions were accredited.¹⁴ Although the Electoral Code does require citizen observers to obtain “certificates”, there are no requirements in the law for a mandatory qualification test. However, CEC decision No 36 from 2011 obliges the citizen observers to pass a qualification test to get an observer certificate, which is a *de facto* accreditation document. Some OSCE/ODIHR RET interlocutors from civil society organizations described the testing and certification requirements as an onerous bureaucratic obstacle.

As previously recommended by the OSCE/ODIHR, the CEC testing of observers should not be mandatory or a prerequisite for accreditation of citizen observers.

B. VOTER REGISTRATION

Armenia has a passive voter registration system. The voter register is based on the state population register and is maintained by the Passport and Visa Department (PVD) of the police. The police have also the duty to extract and compile the voter lists for each precinct. Preliminary voter lists were posted for public scrutiny at the polling stations and on the PVD and CEC websites from 27 October until 1 December. The final voter lists published by the PVD on 4 December contained 2,550,323 citizens eligible to vote in country and 265 voters registered to vote electronically from abroad.¹⁵ The CEC final results protocol indicates 2,566,998 eligible voters.

The PVD made efforts to improve the confidence in the voter register, including via reported door-to-door verifications and introduction of a nationwide intranet-based system to transfer data from the Civil Status Registry Offices to the state population and voter register. However, many OSCE/ODIHR RET interlocutors reported unresolved longstanding problems with the accuracy of the voter lists, including cases of unduly high number of people registered at the same address or deceased people being on the voter lists.

Most of the OSCE/ODIHR RET interlocutors expressed their concerns regarding potential large-scale manipulations with the voter lists on voting day including through voting on behalf of those being abroad. Voicing these concerns, many interlocutors considered reflecting the information of voters being abroad in the voter lists as an effective measure to prevent possible fraud. Political parties and civil society reiterated their longstanding recommendation to make the lists of people who voted available for public verification, as a safeguard against electoral fraud.¹⁶ Continued reluctance by the authorities to discuss this and other possible safeguards against manipulations undermines public trust in the electoral process.¹⁷

¹⁴ The Ministry of Foreign Affairs advised the OSCE/ODIHR RET that Armenia’s practice is to accredit a maximum of two observers per diplomatic mission and that no formal application was received from any foreign civil society organization. Interlocutors representing some international civil society organizations informed the OSCE/ODIHR RET that they were unable to obtain clear information about how to apply for CEC accreditation but that they were able to observe the referendum as journalists in partnership with domestic citizen observers.

¹⁵ The total number includes special voter lists for the people without address registration, police officers on duty, and voters in health care institutions.

¹⁶ While the Venice Commission does not regard this measure as a good practice because abstention from voting may indicate a political choice, it should be noted that making marked voter lists available for public verification is not prohibited by international law. In Paragraph 18 of its 2011 General Comment No. 34 to Article 19 of the 1966 International Covenant on Civil and Political Rights, the UN Human Rights Committee stated that the right to freedom of expression “embraces a right of access to information ... held by a public body, regardless of the form in which the information is stored. [T]he right of access to information includes a right whereby the media has access to information on public affairs and the right of the general public to receive media output”. Providing public access to marked voter lists is practiced in some countries, e.g. in the United Kingdom.

¹⁷ Approaches to addressing this issue could also include the introduction of more stringent safeguards on voting procedures, inclusion of voters outside the country on special voter lists, introduction of an active component of voter registration open to all citizens outside Armenia, or making the signed voter lists available to parties and observers during a limited period when complaints could be filed.

As outlined in previous OSCE/ODIHR recommendations, the relevant authorities should improve the accuracy of the voter register and seek consensus on effective solutions to address persistent perceptions that the presence on voter lists of citizens not present in Armenia may be abused to facilitate voting on behalf of those absent or other irregularities.

C. REFERENDUM DAY AND ANNOUNCEMENT OF RESULTS

The OSCE/ODIHR RET did not conduct a comprehensive and systematic observation of referendum day proceedings; however, OSCE/ODIHR RET visited a limited number of polling stations on referendum day and observed the voting, counting, and tabulation procedures.

The voting process at the polling stations observed by the OSCE/ODIHR RET was generally quiet and voting procedures were mostly followed. However, as a consequence of the newly introduced provision in the law, the voters' ID cards were not stamped, which led to inconsistent application of safeguards against multiple voting.

The relevant authorities should introduce effective and consistent safeguards against multiple voting, applied to all voters independently of the type of document used for voter identification purposes.

The counting process observed by the OSCE/ODIHR RET at two polling stations, in TEC 6 and TEC 10 respectively, was marked by significant interference by RPA proxies.

While proxies for political parties should in no way be constrained from exercising all functions provided for by law, they must not act in an intimidating manner or interfere with voting day activities. Political parties should provide appropriate guidance and training, and must bear legal and political responsibility for the conduct of their proxies.

At the polling station in TEC 6, the OSCE/ODIHR RET observed manipulation of the results by PEC members and RPA proxies in favour of "Yes" vote. In particular, some valid "No" ballots were removed in an unauthorized manner and then returned as invalid ballots or placed in the wrong piles. At the polling station in TEC 10 observed by the OSCE/ODIHR RET, the counting procedures ensuring the transparency of the process were not followed and inconsistency with determination of the ballots' validity was observed. Procedural mistakes led to invalidation of many valid "No" votes. The OSCE/ODIHR RET observed counting at two polling stations and not in a position to determine whether the identified shortcomings represent more than isolated cases of malpractice.

Citizen observers, opposition groups, and media reported allegations of widespread irregularities, interference and intimidation in the voting and counting process in the whole country. On 10 December, the Ombudsperson sent a letter to law enforcement bodies regarding 67 emergency calls his office had received along with alleged violations, including ballot box stuffing, irregularities during counting, bribery of commission members, abuse of administrative resources, multiple and proxy voting, undue voter influence, and interference with observation. Many cases were supplemented with video materials. State authorities pledged that all allegations were being investigated by the CEC and appropriate law enforcement bodies while denying that irregularities were systematic and suggesting that leading civil society groups were biased because they were known to oppose the referendum.

Several civil society groups noted a lack of meaningful steps to address longstanding shortcomings in voting, counting, and tabulation procedures, which undermined confidence in the integrity of the announced results. By the 7 December deadline, 12 TECs received 79 requests for recount of results and granted 53 of those. The final results differed only slightly from the preliminary results, and the

CEC indicated that the recounts did not reveal any major discrepancies. The ANC claimed that the CEC deliberately prioritized recounts requested by the “Yes” campaign and/or “illegally denied” recounts that the “No” campaign had requested. The OSCE/ODIHR RET was not in a position to verify the validity of these claims. All three requests for invalidation of the results in three polling stations were declined by the referendum administration on procedural grounds.¹⁸ On 13 December, the CEC announced the final results and certified that the constitutional amendments had been adopted. A parliamentary appeal to the Constitutional Court to challenge the referendum results fell short of the required signatures.¹⁹

On 14 December, the police announced that they had received 427 reports of violations and opened 17 criminal cases. On 25 December, the Prosecutor General’s office reported that it had investigated 499 reports concerning cases of voting on someone’s behalf and multiple voting as well as obstruction of the work of commissions, observers, and proxies, and that it had opened 52 criminal cases. One person, an RPA PEC member, had been detained during the week before the referendum as he was allegedly caught on videotape offering to bribe an ANC PEC member in order to remain silent about referendum violations. His criminal case was reportedly transferred to the court.

Prosecutors’ offices and other law enforcement bodies, and the CEC should follow up vigorously and transparently on all allegations of irregularities associated with the referendum process in a timely fashion, initiating and pursuing criminal or administrative action against alleged perpetrators as appropriate. Prosecutors, police, and the CEC should react promptly to reported electoral violations during all phases of the electoral process to identify and prevent possible abuses.

VI. CAMPAIGN, CAMPAIGN FINANCE, AND MEDIA

A. LEGAL FRAMEWORK FOR REFERENDA CAMPAIGN

The right to campaign is granted to citizens, the initiator of the referendum, parliamentary factions, political parties, and civil society organizations. The law prohibits campaigning by judges, law enforcement officials and prosecutors, the military, members of referendum commissions, charitable and religious organizations, as well as foreign citizens and organizations. Considering the importance of an inclusive public debate on issues submitted to referenda, the restrictions on participation in this debate of influential civil society institutions such as charitable and religious organizations are disproportionate.²⁰

The 2015 amendments to the Referendum Law changed the rules on campaigning for public officials. Under the amended law, state and local self-government officials who occupy political and discretionary positions are allowed to campaign.²¹ Other officials, as well as pedagogical staff of

¹⁸ The requests were submitted by an ANC PEC member, a Heritage PEC member, and a Heritage party member.

¹⁹ On 19 December, the head of ANC faction in the parliament Levon Zourabian announced that 19 MPs signed a petition to the Constitutional Court, supported with evidence that questions the validity of some 500,000 votes. On 21 December, the Constitutional Court confirmed that at least 27 MPs are needed to submit such an appeal.

²⁰ Paragraph 24 of the 1990 OSCE Copenhagen Document states: “Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law”. According to Section II.1.b of the 2007 Venice Commission Code of Good Practice on Referendums “Restrictions on [freedom of expression, freedom of assembly, and freedom of association for political purposes] must have a basis in law, be in the public interest and comply with the principle of proportionality”.

²¹ According to the Law on Public Service, political officials include the president, MPs, prime minister, secretary of the National Security Council, ministers, and heads of municipalities. Discretionary positions include the president’s chief of staff and his deputies; ambassadors; deputies, advisors, press-secretaries, and secretaries of: the president, prime minister, ministers, MPs, heads of various inspectorates, Prosecutor General, head of Investigative Committee, governors, heads of municipalities, and the chief architect of Yerevan.

educational institutions, may campaign when not performing their official duties. In this referendum, extensive public resources were mobilized by the authorities for the “Yes” campaign. The “Yes” campaign headquarters was led by the prime minister and included the President’s chief of staff, Minister of Territorial Administration and Emergency Situations, Deputy Chairman of the Audit Chamber, and Head of the President’s Control Service. Regional governors reportedly led “Yes” campaigns in their regions. Since all these officials are paid from the state and local budgets, considerable public funds were used for “Yes” campaign, challenging paragraphs 7.6 and 7.7 of the 1990 OSCE Copenhagen Document and other international obligations.²²

The legal framework for elections and referenda should regulate the use of public funds for campaigning to guarantee equality of opportunity and freedom of voters to form an opinion. The Referendum Law should be amended to impose stricter limits on campaigning by public officials.

The “No” position was championed by the ANC and Heritage operating in a broadly parallel but not necessarily co-ordinated fashion, in co-operation with the extra-parliamentary “New Armenia” movement. The ANC campaign focused on encouraging “No” votes and documenting alleged malfeasance, while the “New Armenia” largely discouraged participation in the referendum and concentrated most of its attention on organizing public protests.

The Referendum Law guarantees freedom of campaigning, including through mass media, public campaign events, dissemination of printed publications, as well as audio and video materials. In this referendum, basic freedoms of association, expression, assembly, and movement were largely respected during the campaign period. Isolated scuffles with the police and detentions of assembly participants were reported during assemblies organized by the ‘No’ campaigns in Yerevan between 1 and 6 December.²³ The police accused the protesters of diverting from the announced routes and disobeying police orders. On 11 December, the Ombudsman requested the chief of police to reverse earlier police decisions restricting protesters in erecting tents at Yerevan’s Freedom Square.

The campaign began on the day of announcement of the referendum through the president’s decree and ended one day prior to voting day. Another 2015 amendment to the Referendum Law allows campaigning outside the official campaign period, except the campaign silence period. Several OSCE/ODIHR RET interlocutors pointed out that this amendment benefitted the “Yes” campaign, which in effect started before the official announcement of the referendum.

B. CAMPAIGN FINANCE

Any individuals or groups eligible to campaign in a referendum are entitled to create a referendum fund to finance their referendum campaign by opening a special account in the Central Bank. Referendum campaigns may be funded from personal means, as well as voluntary payments of private individuals and legal entities. The law prohibits donations to referendum campaign funds from state and local self-government bodies, fiscal institutions, foreign citizens and legal entities with a

²² Paragraph 7.7 of the 1990 OSCE Copenhagen Document requires participating States to “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere”, while Paragraph 7.6 requires participating States to “provide ... political parties ... with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities”. Paragraph 19 of the 1996 UN Human Rights Committee’s General Comment No. 25 to Article 25 of the ICCPR emphasized that voters must be free to vote “for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector’s will... Voters should be able to form opinions independently, free of ... compulsion, inducement or manipulative interference of any kind”.

²³ The “No” campaign also announced that some of their supporters were prevented from traveling to attend the assembly in Yerevan on 1 December and two other occasions through the authorities’ interference with transportation companies. This allegation was denied by the police.

significant share of foreign capital (above 30 per cent), stateless persons, as well as charitable, religious, foreign, and international organizations.

The law sets AMD 25 million limit on contributions to referendum funds from political parties, NGOs, and parliamentary coalitions,²⁴ who may contribute to only one referendum fund. Individuals may contribute up to AMD 100,000 to different funds. The law does not set any limits on contributions by legal entities. The total amount of contributions obtained by one referendum fund may not exceed AMD 100 million.

The Referendum law requires referendum fund owners to declare contributions and expenses from the referendum fund to the Audit Service of the CEC 20 and 10 days prior to the referendum day, as well as 3 days after the voting day, but does not require these declarations or CEC audit results to be made public.²⁵ The CEC, on its own initiative, compiled summaries of referendum funds' incomes and expenditures and posted them on its website.²⁶ This is a welcome step; however, further measures should be taken to improve transparency of referendum campaign financing.

To enhance transparency, campaign finance regulations for referenda should be amended to provide that detailed financial reports on referendum funds and the results of CEC audit of fund transactions are made publicly available and posted on the CEC website.

C. MEDIA

The media environment is perceived to be heavily politicized. A large number of media outlets operate in a limited advertisement market, reduced even further due to economic stagnation. Television (TV) is perceived to remain the main source of information, while the Internet is rapidly gaining popularity as the source of the alternative information, especially in Yerevan. A number of OSCE/ODIHR RET interlocutors expressed concern regarding control of the nationwide broadcasters by prominent political parties. The OSCE/ODIHR RET was not able to verify this claim due to the lack of transparency of media ownership, as the majority of private TV stations with nationwide coverage are registered as Closed Joint-Stock Companies, and thus are not listed in the public register. The public broadcaster, comprising Public Television of Armenia (*HI*) and Public Radio of Armenia (*ArmRadio*), is managed by the Public Television and Radio Council, which comprises five members appointed by the president. The National Commission for Television and Radio (NCTR) is the key regulatory body for the broadcast media. It is composed of eight members, half of whom are nominated by the president and another half by the parliament.

Measures should be taken to ensure full transparency of media ownership by requiring and enabling the NCTR to clearly identify the ultimate and benefiting owners of media houses. Additional controls and sanctions could be imposed as to ensure that media outlets provide the required ownership and funding information in a comprehensive and timely manner to the competent bodies. The information on media ownership and funding sources should be available to the public.

The safety and security of the work of journalists remains of serious concern, as journalists that cover public events often become subjects of physical or verbal assaults both by the police and party

²⁴ Equal to some EUR 47,400 (at the time of writing, EUR 1 equaled some 527 Armenian *Dram*, AMD).

²⁵ However, the requirement for publishing such information in electoral campaigns is contained in Electoral Code.

²⁶ According to the CEC, between 10 October and 6 December: the RPA's fund received AMD 80,899,527 and spent AMD 66,729,098; ARF's fund received AMD 7,113,367 and spent AMD 6,403,608; ANC's fund received AMD 5,198,826.8 and spent AMD 5,188,000; PA's fund received AMD 2,726,833 and spent AMD 2,662,624; Heritage received AMD 2,501,990 and spent AMD 2,337,880. RoL did not raise any funds.

representatives and such cases are rarely thoroughly investigated.²⁷ In particular, on 9 December, OSCE Representative on the Freedom of the Media expressed concern over a number of cases of obstruction and threats against journalists covering the referendum.

The campaign regulations for the media are partly defined by the Referendum Law and refer to the Electoral Code. Since the general media provisions of the Electoral Code are focused on the coverage of the campaigns of electoral contestants, there was a lack of understanding among the OSCE/ODIHR RET media interlocutors as for which provisions apply specifically to the referendum, in particular regarding the requirements for the media to provide impartial coverage in the news and guarantee non-discriminatory conditions during the campaign.

The Electoral Code should be amended to provide general guidelines for the media regarding the coverage of campaigns, taking into the account the professional standards, equitable coverage, impartiality, and balance, supplementing general requirements with more detailed ones, which should be applicable by the type of the elections and referenda. Such provisions, however, should not limit nor prevent independent editorial coverage of the campaigns.

Free and paid airtime was made available only to the political factions present in the parliament. The law did not establish a minimal amount of the airtime to be allotted for free or reserved for paid advertisements, only indicating the upper limit. Each parliamentary faction was entitled to receive up to 60 minutes on *H1* and up to 120 minutes on *ArmRadio* respectively. *H1* and *ArmRadio* complied with the legal obligation by providing a small portion of time on a daily basis, and with one exception, all parties took advantage of it.²⁸ The schedule and the order of appearance of contesting groups were decided by the CEC after drawing lots on 29 October. Both *H1* and *ArmRadio* aired free and paid spots in large bulk blocks, outside of the prime-time, thus potentially limiting their audience.²⁹

Any broadcast media outlet that decided to sell time to the parliamentary political party is obliged to publish the prices within 10 days after announcement of the referendum.³⁰ According to the law, one party could purchase up to 120 and 180 minutes of airtime on public TV and public radio channels respectively. The NCTR informed the OSCE/ODIHR RET that the vast majority of the time was purchased by the RPA.

The OSCE/ODIHR RET interlocutors indicated that, while the campaign was visible in the media, there was limited information on the substance of the proposed constitutional changes, except the transformation from a semi-presidential to a parliamentary republic. The coverage of the campaign was mainly focused on the statements and activities of the supporters and opponents of the referendum, but did not touch much on the substance of the changes. This potentially limited the voters' opportunity to make an informed choice. A number of state officials and supporters of the constitution amendments noted as a feature of this campaign that the private TV *ArmNews* was running a daily reality show that was following a selected number of campaigners that were supporting and opposing the constitutional amendments. However, the show failed to attract significant audience, possibly due to the chosen format.³¹

²⁷ See statements by the OSCE Representative on Freedom of the Media at <http://www.osce.org/fom/124611>, <http://www.osce.org/fom/166106>, <http://www.osce.org/fom/173311>, and <http://www.osce.org/fom/208361>.

²⁸ The RoL chose not to use free airtime on Public Radio.

²⁹ Free and paid spots were aired in a bulk block starting from 18:00 on *H1* and from 13:00 and 21:40 on *ArmRadio*.

³⁰ According to the NCTR, 24 TV and 6 radio stations published the prices for political advertisements.

³¹ Each program lasted from 9 to 12 hours every day. According to the rating measurements conducted by Telemediacontroll (the local partner of German GfK) office, between 13 and 23 November the program "Yes and No" had average countrywide rating of 0.168 per cent and average share of 1.335 per cent of audience.

On 3 December, six main TV channels (*HI*, Armenia, *Kentron*, *H2*, *Shant*, and *Yerkir Media*) broadcast an interview of President Sargsyan, promoting the necessity of the constitutional changes. This interview was presented both within news lasting from 2 minutes on *Yerkir Media* up to 26 minutes on *HI*, and as a separate program on four TV channels (Armenia, *H2*, *Kentron*, and *Yerkir Media*) in the prime-time lasting from 51 to 80 minutes on each channel. This coverage went beyond the need and necessity of the media to report about the activities of the president, and was provided free of charge, giving undue advantage to the supporters of the constitutional changes.

Starting from 6 November, *HI* aired only one weekly current affairs talk-show (“Triangle”); two out of five programs broadcast in the campaign period were devoted to the referendum. The program was hosted by the Minister of Education Armen Ashotyan, who is a vice-president of the RPA and a member of the “Yes” campaign headquarters.³² Such a practice, although not forbidden by law, created perception of a conflict of interest and undermined the impartiality of the public broadcaster. The NCTR, at their own initiative, assessed the “Triangle” talk-show, and did not find any indications of biased coverage or unequal treatment of the participants. As for the public and party positions of the host of the show, the NCTR informed that officials are entitled to be involved in creative activity outside of their working hours and that hosting the show as a creative activity does not violate any laws.

During the election and referenda campaigns the NCTR is obliged to monitor media for the provision of equal conditions to the contestants. The NCTR informed the OSCE/ODIHR RET, that continuous media monitoring was not conducted due to the lack of the resources, instead the institution obliged media outlets to provide the NCTR with the statistics of the coverage of the supporters and opponents of the constitutional changes, performing only random verification of the submitted data. The published media monitoring results focused only on the quantitative amount of time devoted to the supporters and the opponents of the constitutional changes, without any further separation of the data by the contesting groups or by the tone of the coverage.

While the Electoral Code requires the NCTR to present interim monitoring reports not later than on the tenth and the twentieth day of the campaign, the relatively long duration of the official campaign period resulted in a situation where reports were published at the beginning of the campaign, while the bulk of the campaign, including the allocation of the free airtime and paid advertisements (starting from 28 October), was covered only by the report issued after the voting day. The NCTR received one referendum-related complaint from the ANC regarding a lack of balanced coverage in the media. According to the NCTR, the complaint was dismissed, as it was submitted at the very beginning of the campaign period, when any coverage trends could not be determined.

Consideration could be given to enhance the oversight role of the NCTR during and outside of the campaign period. The NCTR could publish detailed campaign coverage guidelines and media monitoring methodology which could include assessing the tone of coverage. Rather than relying on the data submitted by media outlets, the NCTR should conduct media monitoring fully and independently in a continuous and consistent manner. Media monitoring reports could be published on a regular basis throughout the whole campaign period, regardless of its duration.

VII. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of referenda and elections in Armenia and to support efforts to bring them fully in line with

³² The representative of *HI* informed the OSCE/ODIHR RET that for the public broadcaster there was no difference whether the talk show is hosted by a politician, state official, or a citizen, as everybody is biased to some extent.

OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of Armenia to further improve referenda and electoral processes and to address the recommendations contained in this and previous reports.³³

A. PRIORITY RECOMMENDATIONS

1. Reform of electoral legislation should be carried out in an inclusive manner and all stakeholders are encouraged to make every reasonable effort to build broad consensus over the reform, taking into account all relevant previous OSCE/ODIHR recommendations. Regulations on referenda should be further aligned with international standards for democratic electoral processes and consideration should be given to incorporating them into the Electoral Code.
2. The legal framework for complaints and appeals should be reviewed to guarantee more effective remedy. In particular, the legal standing to bring complaints in the electoral process should be granted more widely. Timelines for the submission and review of challenges to election and referenda results should allow complainants to prepare applications and ensure timely remedy.
3. Prosecutors' offices and other law enforcement bodies, and the CEC should follow up vigorously and transparently on all allegations of irregularities associated with the referendum process in a timely fashion, initiating and pursuing criminal or administrative action against alleged perpetrators as appropriate. Prosecutors, police, and the CEC should react promptly to reported electoral violations during all phases of the electoral process to identify and prevent possible abuses.
4. As outlined in previous OSCE/ODIHR recommendations, the relevant authorities should improve the accuracy of the voter register and seek consensus on effective solutions to address persistent perceptions that the presence on voter lists of citizens not present in Armenia may be abused to facilitate voting on behalf of those absent or other irregularities.
5. The relevant authorities should introduce effective and consistent safeguards against multiple voting, applied to all voters independently of the type of document used for voter identification purposes.

B. OTHER RECOMMENDATIONS

6. The authorities should consider options for improving accessibility to the polling stations and providing additional mechanisms to allow voters with reduced mobility to exercise their right to vote, so as to further promote universal suffrage.
7. While proxies for political parties should in no way be constrained from exercising all functions provided for by law, they must not act in an intimidating manner or interfere with voting day activities. Political parties should provide appropriate guidance and training, and must bear legal and political responsibility for the conduct of their proxies

³³ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

8. As previously recommended by the OSCE/ODIHR, the CEC testing of observers should not be mandatory or prerequisite for accreditation of citizen observers.
9. The legal framework for elections and referenda should regulate the use of public funds for campaigning to guarantee equality of opportunity and freedom of voters to form an opinion. The Referendum Law should be amended to impose stricter limits on campaigning by public officials.
10. To enhance transparency, campaign finance regulations for referenda should be amended to provide that detailed financial reports on referendum funds and the results of CEC audit of fund transactions are made publicly available and posted on the CEC website.
11. Measures should be taken to ensure full transparency of media ownership by requiring and enabling the NCTR to clearly identify the ultimate and benefiting owners of media houses. Additional controls and sanctions could be imposed as to ensure that media outlets provide the required ownership and funding information in a comprehensive and timely manner to the competent bodies. The information on media ownership and funding sources should be available to the public.
12. The Electoral Code should be amended to provide general guidelines for the media regarding the coverage of campaigns, taking into the account the professional standards, equitable coverage, impartiality, and balance, supplementing general requirements with more detailed ones, which should be applicable by the type of the elections and referenda. Such provisions, however, should not limit nor prevent independent editorial coverage of the campaigns.
13. Consideration could be given to enhance the oversight role of the NCTR during and outside of the campaign period. The NCTR could publish detailed campaign coverage guidelines and media monitoring methodology which could include assessing the tone of coverage. Rather than relying on the data submitted by media outlets, the NCTR should conduct media monitoring fully and independently in a continuous and consistent manner. Media monitoring reports could be published on a regular basis throughout the whole campaign period, regardless of its duration.

VIII. ANNEX: REFERENDUM RESULTS

Data in CEC Results Protocol	Total number
Total number of voters in all voter lists	2,566,998
Total number of voters who participated in voting	1,302,613
including number of voters who voted with ID cards	189,197
Number of “Yes” votes	825,521
Number of “No” votes	421,568
Number of invalid ballots	53,435

[Source: CEC website, <http://www.elections.am/referendum/election-26015/>]

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal 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 Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/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.

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

More information is available on the ODIHR website (www.osce.org/odihr).