



Office for Democratic Institutions and Human Rights

REPUBLIC OF ARMENIA

PARLIAMENTARY ELECTIONS

2 April 2017

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

30 November – 2 December 2016



Warsaw
12 January 2017

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REPUBLIC OF ARMENIA
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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an invitation from the authorities of the Republic of Armenia to observe the 2 April 2017 parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) from 30 November to 2 December 2016. The NAM included Dr. Richard Lappin, Deputy Head of the OSCE/ODIHR Election Department, and Mr. Alexey Gromov, OSCE/ODIHR Election Adviser. The OSCE/ODIHR NAM was joined by Mr. Loïc Poulain, OSCE Parliamentary Assembly Programme Officer.

The purpose of the mission was to assess the pre-election environment and the preparations for the elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as representatives of political parties, media, civil society, and the international community. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs, including its Delegation to the OSCE, and the OSCE Office in Yerevan for their assistance in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

Following constitutional amendments, endorsed by voters in a referendum in December 2015, Armenia is transitioning from a semi-presidential to a parliamentary political system. The changes considerably reduce the powers of the president in favour of the prime minister and the parliament. On 2 April 2017, for the first time, voters will elect members of parliament (MPs) under the revised political system.

The new electoral system is complex with 101 MPs elected through a two-tier proportional system that includes national and district candidates. An additional four seats are reserved for national minorities. With a view to ensuring a stable parliamentary majority, the winning list may be assigned additional seats. If a stable majority is not formed as a result of the elections or by subsequently building a political coalition, a second round is held between the two top candidate lists in 28 days.

Elections are primarily regulated by the Constitution and the newly adopted Electoral Code. Importantly, the electoral reform was the result of a largely inclusive public discussion and broad political support. Most OSCE/ODIHR NAM interlocutors largely welcomed the legal amendments, viewing it as a positive development in building public confidence ahead of the elections. The new Code addressed many previous OSCE/ODIHR recommendations, including those related to voter lists and identification, women's representation as candidates, complaints and appeals, and rules on campaign and campaign finance. However, some recommendations remain unaddressed, particularly related to constitutional restrictions on candidacy and electoral thresholds.

The Central Election Commission (CEC), 38 Territorial Election Commissions, and some 2,000 Precinct Election Commissions will administer the elections. The CEC was re-appointed in October 2016 by a qualified majority of MPs. Despite provisions to enhance the independence of the CEC, most OSCE/ODIHR NAM interlocutors expressed a lack of confidence in the election administration's impartiality and ability to efficiently administer new procedures. In light of the recent legal changes, concerns were also voiced about the need for extensive training of election staff and voter education.

Citizens over 18 years of age have the right to vote, except those recognized as incapable by a court decision or imprisoned for serious crimes. Voter registration is passive and the police maintain a nationwide electronic voter register. No OSCE/ODIHR NAM interlocutors raised concerns regarding the accuracy of voter lists. On election day, for the first time, all voters will have their fingerprints and identification cards scanned and electronically stored as a means to check against potential multiple voting. The equipment and procedures are yet to be publicly tested.

To address longstanding concerns of the opposition and civil society about potential impersonation of voters *de facto* abroad, the Electoral Code now provides for the publication of signed voter lists after election day. Most OSCE/ODIHR NAM interlocutors deemed this a valuable confidence-building measure and tool to check against potential fraud. However, a number of concerns were voiced about the criminalization of intentional misreporting on voter impersonation.

Eligible voters who have attained the age of 25, have resided in and been a citizen of (only) Armenia for the preceding four years, and have a command of the Armenian language may be elected. Independent candidates may only be nominated within party lists. The law provides for an increased 25 per cent quota for women in every candidate list.

The official campaign period starts on 5 March and ends 24 hours before election day. Although no OSCE/ODIHR NAM interlocutors anticipated obstacles with organizing campaign activities, widespread concerns were voiced about potential abuse of state resources, vote-buying, and pressure on candidates.

Numerous media outlets operate in Armenia and freedom of expression is guaranteed by the Constitution. However, despite strong legal protections, several OSCE/ODIHR NAM interlocutors stated that journalists face threats, intimidation, and harassment. Broadcasters are obliged to present impartial coverage of the campaign and the public broadcaster should provide free and paid airtime on an equal basis. While OSCE/ODIHR NAM interlocutors generally assessed Internet freedom positively, concerns were expressed about the political affiliation of private broadcasters and disproportionate coverage of incumbents during the campaign.

Decisions of election commissions can be challenged at the higher commission and, ultimately, to the Administrative Court. New timelines for resolving electoral disputes are reasonable but several OSCE/ODIHR NAM interlocutors expressed concern about a formalistic approach in handling complaints and a lack of confidence in the impartiality of the election administration and courts.

The law provides for international and citizen observation. Mandatory training and testing for citizen observers have been lifted, thus addressing previous OSCE/ODIHR recommendations. To address potential overcrowding certain limitations were introduced on the number of citizen observers and media representatives at polling stations. These groups expressed concerns about the potential arbitrary implementation of these rules. Parties and civil society plan to observe the elections in large numbers.

All OSCE/ODIHR NAM interlocutors underscored the need for a large-scale OSCE/ODIHR election observation mission. While many previous OSCE/ODIHR recommendations have been addressed, concerns were expressed about the effective implementation of the new Electoral Code and the

impartiality of the election administration, including on election day. A number of aspects would merit specific attention by an OSCE/ODIHR election observation activity, including the conduct of the campaign and potential abuse of state resources, media coverage, functioning of the new voter identification system and web-cameras, access for citizen observers, publication and handling of signed voter lists, and resolution of possible complaints and appeals.

Based on the findings of this report, the OSCE/ODIHR NAM recommends the deployment of an Election Observation Mission for the 2 April parliamentary elections, contingent upon the receipt of an official invitation from the Armenian authorities. In addition to a core team of experts, the OSCE/ODIHR NAM recommends the secondment of 24 long-term observers from OSCE participating States to follow the electoral process countrywide, and 250 short-term observers to follow election day proceedings.

III. FINDINGS

A. BACKGROUND

Following constitutional amendments, endorsed by voters in a referendum on 6 December 2015, Armenia is embarking on a two-year transition from a semi-presidential to a parliamentary political system. The changes considerably reduce the powers of the president in favour of the prime minister and the parliament.¹ While the president will remain Head of State, executive power is to be primarily exercised by a government led by a prime minister nominated by the parliamentary majority. The amendments will also reduce the number of parliamentary seats and shift the electoral system from a mixed to a largely proportional one. On 2 April 2017, for the first time, voters will elect members of parliament (MPs) under the revised political system.

The last parliamentary elections were held in 2012. The current government is led by the Republican Party of Armenia in coalition with the Armenian Revolutionary Federation – *Dashnaktsutyun*. The parliamentary opposition comprises Prosperous Armenia, Armenian National Congress, Rule of Law Party (RLP), and Heritage.² Women are underrepresented in public office, holding some nine per cent of seats in the outgoing parliament, 2 of the 26 ministerial posts, and none of the 10 governor posts.³

The OSCE/ODIHR has previously observed nine elections and one referendum in Armenia, including the 2012 parliamentary elections.⁴ The OSCE/ODIHR Election Observation Mission concluded that these “elections, which were held under an improved legal framework, were characterized by a competitive, vibrant and largely peaceful campaign, which was, however, marked by a low level of confidence in the integrity of the process. Some violations of campaign provisions by electoral contestants, including the use of administrative resources and attempts to limit voters’ freedom of choice, created an unequal playing field and ran counter to OSCE commitments. The elections were administered in an overall professional and transparent manner prior to election day. Election day was generally calm and peaceful, although organizational problems and undue interference in the process, mostly by party representatives, were observed. Deficiencies in the complaints and appeals process were cause for concern”.

¹ See the Council of Europe Venice Commission [Opinion on the Draft Amendments to the Constitution](#). After the expiry of the current mandate in 2018, the president will be indirectly elected by parliament for a seven-year term.

² In 2015, the RLP was renamed ‘Armenian Renaissance’, but its parliamentary faction retains the former name.

³ See also, UN Committee on the Discrimination against Women “[Concluding Observations on Armenia](#)” (18 November 2016), CEDAW/C/ARM/CO/5-6, paragraph 20.

⁴ See all [previous OSCE/ODIHR reports on Armenia](#).

B. LEGAL FRAMEWORK

Parliamentary elections are primarily regulated by the Constitution (last amended in 2015) and the 2016 Electoral Code. The legal framework encompasses a number of other laws, including the Law on Political Parties, Law on Freedom of Assembly, Civil Code, Criminal Code, and Administrative Code, as well as decisions of the Central Election Commission (CEC). Armenia is a party to major international and regional instruments related to the holding of democratic elections.⁵

In line with the revised Constitution, a new Electoral Code was adopted by parliament on 25 May with further amendments agreed on 30 June and 20 October. Importantly, the reform process was open and inclusive, with changes approved by a significant majority of governing and opposition MPs.⁶ In 2016, the OSCE/ODIHR and Venice Commission published two joint opinions on the Electoral Code, concluding that many previous recommendations had been addressed.⁷ The new Code provides for improved voter identification, publication of the signed voter lists, measures to enhance the independence of election authorities, removal of the mandatory test for citizen observers, and an increased quota for women on candidate lists. Amendments also clarify important provisions related to the campaign, campaign finance, candidate registration, and complaints and appeals.

However, some prior OSCE/ODIHR and Venice Commission recommendations remain unaddressed. This includes recommendations related to citizenship and residency requirements for candidates, which are set by the Constitution; electoral thresholds applied for alliances to enter parliament; formation of candidate lists for national minority representatives; and the nomination of candidate lists by groups of citizens.

Most OSCE/ODIHR NAM interlocutors largely welcomed the legal amendments, viewing the scope of public consultation and spirit of co-operation between political forces as a positive development in building public confidence ahead of the elections. However, some opposition parties and civil society representatives expressed caution about how the Code would be implemented, including new limitations on the number of citizen observers and journalists allowed in polling stations and criminal sanctions for intentional misreporting of information from the signed voter lists. In light of the comprehensive legal changes, concerns were also voiced regarding the need for extensive training of electoral staff and voter education in the run-up to the elections.

On 13 September, an additional political agreement was signed between the governing and opposition parties on further measures to enhance the conditions for democratic elections, including the installation of web-cameras inside and outside of polling stations to live-stream election activities online.⁸ Civil society organizations were also involved in these negotiations, although they did not sign the final agreement as their calls to ease restrictions on citizen observers were not addressed.

C. ELECTORAL SYSTEM

The new electoral system is complex. A total of 101 MPs are elected through a two-tier proportional

⁵ Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 UN Convention on the Elimination of All Forms of Discrimination against Women, 2003 UN Convention against Corruption, and 2006 Convention on the Rights of Persons with Disabilities (CRPD). Armenia is also a member of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO).

⁶ The 25 May Electoral Code was adopted with 102 of 131 MPs voting in favour, the 30 June amendments were voted adopted with by 101 votes in favour, and the 20 October amendments with 103 votes in favour.

⁷ See [Joint Opinions of the OSCE/ODIHR and Venice Commission](#) related to Armenian electoral legislation.

⁸ The installation of web-cameras is contingent on financial support from the international community.

system, with candidates elected from a single national list and 13 district lists.⁹ The ballot paper includes one part with the closed national list and one part with the open district list. The district candidates have to appear on the national list. The voter can, in addition to choosing a national list, also give a preference vote to one district candidate.

To qualify for the distribution of seats, single political parties must pass a threshold of five per cent and alliances of parties must pass seven per cent. Seats are firstly distributed among the contestants according to the number of votes received for the national list. Then, half of the seats are distributed to the national list according to the order of candidates and half to the district list according to the number of preferences received. Candidates who obtain a district seat are struck off the national list.

The system, for the first time, also provides a total of up to four reserved seats for the largest national minorities (Yezidis, Russians, Assyrians, and Kurds). Each contestant is permitted to include a sub-part on the national list, with up to four candidates from each of the four minorities. These seats are distributed separately using the d'Hondt method. If a contestant does not have a minority candidate, the seat passes to the party with the next largest number of votes that does have a minority candidate.

In line with the constitution, a “stable parliamentary majority” (defined as 54 per cent of seats) must be achieved to form a government. If no party or alliance obtains a stable majority, six days are permitted after the announcement of preliminary results to form a coalition government that reaches this majority. Should the winning list or coalition obtain a simple majority but less than 54 per cent of seats it will be assigned additional seats in order to provide the required stable majority.¹⁰

If a stable majority is not formed as a result of the elections or by subsequently building a coalition, a second round is held between the top two candidate lists 28 days after election day. These contestants can form new alliances, which may include other parties that ran in the first round.

Many OSCE/ODIHR NAM interlocutors criticized the complexity of the electoral system and its significant deviations from a purely proportional system. In addition, some opposition parties and civil society groups expressed concerns that the open lists at the district level could potentially exacerbate the abuse of state resources and vote-buying at the local level.

D. ELECTION ADMINISTRATION

The elections will be administered by a three-tiered system, comprising the CEC, 38 Territorial Election Commissions (TECs), and some 2,000 Precinct Election Commissions (PECs). The CEC is a permanent and professional body, composed of seven members elected by parliament with at least three fifths of the MPs for six-year terms. The CEC was previously appointed by the president. All CEC members, including three women, were re-appointed in October 2016.¹¹ This raised concern among some opposition parties and civil society about the independence of the CEC.¹²

The CEC is responsible for the overall conduct of elections and has extensive powers and responsibilities, including issuing binding instructions, registering candidate lists, training lower-level commissioners, accrediting observers and media representatives, and monitoring campaign finance. All CEC sessions are public and streamed online. The CEC informed the OSCE/ODIHR NAM that it

⁹ There are 9 electoral districts for 10 provinces (two provinces are combined into a single district) and 4 electoral districts in Yerevan city.

¹⁰ Also, should the winning contestant or coalition receive more than two-thirds of the total seats, smaller parties will be assigned additional seats.

¹¹ All CEC members were supported by at least 91 MPs in a secret vote.

¹² Seventeen civil society organizations issued a joint [statement](#) criticizing the appointment of the CEC on the grounds of alleged poor performance in previous elections.

has started preparations for the upcoming elections and is adopting new instructions, elaborating public awareness campaigns, training election officials, and internally testing the voter identification equipment. The CEC acknowledged a lack of clear understanding of the new procedures among election officials, parties, and voters.

The TECs were last formed in 2011 and are professional bodies composed of seven members appointed by the CEC for six-year terms.¹³ At least two members in each TEC should be women. The TECs supervise PECs, handle complaints against PECs and any recounts, and tabulate and transfer the results to the CEC. The PECs are formed by TECs at least 25 days before elections and are primarily composed of members nominated by parliamentary parties. The chairs and secretaries of PECs are distributed according to the strength of the parties in parliament. The PECs organise voting, counting, and transfer of results to the TECs. Several OSCE/ODIHR NAM interlocutors voiced concerns about how PECs are formed and their ability to impartially and efficiently administer the new procedures.

On 10 November, in line with the 13 September political agreement, an *ad hoc* Commission was established, comprising representatives of the ruling and opposition parties.¹⁴ The Commission is tasked to procure and oversee the use of web-cameras for polling stations and to monitor the preparation of the new voter identification equipment.

E. VOTER REGISTRATION

All Armenian citizens over the age of 18 on election day are eligible to vote. In line with a prior OSCE/ODIHR and Venice Commission recommendation, prisoners convicted for lesser offences are no longer disenfranchised. Citizens declared incompetent by a court are not entitled to vote.¹⁵

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 PVD is tasked to extract and compile the voter lists for each precinct. Preliminary voter lists are posted for public scrutiny at the polling stations and on the PVD and CEC websites 40 days before the elections. Special voter lists are prepared by heads of prisons and pre-trial detention facilities, commanders of police and military units, and heads of in-patient healthcare facilities. Voters who expect to be away from their polling station on election day can request inclusion in a voter list according to place of temporary stay. Internet voting is provided for diplomatic and military staff posted abroad and their family members. As of 30 December, some 2.6 million citizens are eligible to vote in these elections.

Voters can file applications with the PVD to correct inaccuracies in the voter lists (including those relating to other individuals) until 10 days before election day. The PECs are provided with the final voter lists no later than three days before elections. In case of an omission, and following a PVD or court decision, a PEC may add voters to supplementary voter lists before and on election day. The PVD informed the OSCE/ODIHR NAM about continuous efforts to update the voter lists, including by means of a nationwide exchange of data with all Civil Status Registry Offices. No OSCE/ODIHR NAM interlocutors raised concerns regarding the accuracy of voter lists.

On election day, for the first time, all voters will have their fingerprints and identification card scanned and electronically stored prior to receiving a ballot. The data collected will be checked for

¹³ The TEC members are drawn from among voters nominating themselves for these positions, provided they comply with higher education and other administrative requirements.

¹⁴ The opposition parties refused to chair the Commission, while civil society refused to nominate representatives, despite being invited to join.

¹⁵ Article 29 of the CRPD requires States to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”.

cases of potential multiple voting. The equipment and process are yet to be publicly tested, but a limited pilot is expected to take place at local elections in February 2017.

To address longstanding concerns of the opposition and civil society about potential impersonation of voters *de facto* abroad, the Electoral Code now provides for the publication of signed voter lists after election day. The majority of OSCE/ODIHR NAM interlocutors deemed this a valuable confidence-building measure and a tool to check against potential fraud. Few concerns were noted about the privacy of voter data. However, a number of OSCE/ODIHR NAM interlocutors voiced concerns that the introduction of criminal sanctions for intentional misreporting on voter impersonation, stating that this undermines the effectiveness of publishing signed voter lists.¹⁶ Government officials stated that such sanctions were necessary to deter widespread false statements on impersonation, which could block the finalizing of election results.

F. CANDIDATE REGISTRATION

Eligible voters who have attained the age of 25, have resided in and been a citizen of (only) Armenia for the preceding four years, and have a command of the Armenian language may be elected.¹⁷ In addition, judges, prosecutors, military personnel, police officers, other categories of civil servants, and election commissioners may not stand as candidates. The OSCE/ODIHR previously recommended that the residency restriction and prohibition on dual citizens to stand for election be removed.¹⁸

Candidate lists can be nominated by political parties and party alliances. While a list may include non-party members, the law does not provide a possibility for candidates to stand individually in parliamentary elections. Contestants must submit a financial deposit, which is returned if the list receives more than four per cent of the valid votes.¹⁹ In line with previous OSCE/ODIHR recommendations, the grounds for de-registration of candidates have been limited and clarified.

In a positive development, the new Electoral Code increased the quota for each gender on candidate lists from 20 to 25 per cent with a requirement for each gender be represented in each integer group of four candidates in the list.²⁰ If a candidate from the underrepresented gender does not assume or vacates their seat, it is awarded to the next candidate on the list from the same gender.

G. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The official campaign period starts on 5 March and ends 24 hours before election day, although parties are not prevented from campaigning before this period. During the official campaign, contestants are provided with equal access to public resources, including free and paid airtime, poster space, and premises for meeting voters. As a means to safeguard against abuse of state resources, the new Electoral Code prohibits campaigning by incumbents during official activities, the location of campaign offices in state buildings, and the placement of campaign posters on state buildings.

¹⁶ Article 154.8 of the Criminal Code introduced sanctions of up to five years of imprisonment for intentional false statement regarding voting on behalf of another person.

¹⁷ In line with previous OSCE/ODIHR recommendations, the law sets rules for defining the residency period and establishing reasonable and objective criteria for evaluating language proficiency.

¹⁸ The Constitution reduced the citizenship and residency requirements from five to four years. Paragraph 15 of the 1996 UN Human Rights Committee General Comment No. 25 to the ICCPR states that “persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”. In *Tănase v. Moldova* (2010), the European Court of Human Rights held that “where multiple nationalities are permitted, the holding of more than one nationality should not be a ground for ineligibility to sit as an MP”, paragraph 172.

¹⁹ The deposit was increased from AMD 8 million to AMD 10 million (some EUR 19,450). EUR 1 is approximately AMD 514 (Armenian Dram).

²⁰ From 2021, the quota will be increased to 30 per cent in each list and each integer group of three candidates.

The campaign is expected to be active with a focus on social and economic issues. Traditional campaign methods are expected, including rallies, door-to-door canvassing, posters, and media advertisements, as well as increased use of social media. Although no OSCE/ODIHR NAM interlocutors anticipated obstacles with organizing campaign activities, widespread concerns were voiced about potential abuse of state resources, vote-buying, and pressure on candidates.

Contestants must open a special bank account for all campaign finance transactions, which may include contributions from voters, as well as from funds of candidates and parties.²¹ Contributions from legal entities, as well as from foreign and anonymous sources, are not allowed. The law limits campaign expenses to AMD 500 million per contestant for the first round and an additional AMD 200 million for a potential second round.

Following recommendations made by the OSCE/ODIHR and GRECO, campaign finance oversight has been strengthened.²² The Electoral Code now guarantees the independent status of the CEC's Oversight and Audit Service (OAS) and requires contestants to submit regular detailed campaign finance reports to the OAS for audit. The campaign finance and audit reports are published on the CEC website, including before election day. However, despite a prior OSCE/ODIHR recommendation, so-called organizational expenditures, such as for campaign offices, transport, and communication, are excluded from reporting, thus decreasing transparency. The CEC may fine contestants that breach campaign finance rules or apply to the court for de-registration of a list.²³ Some OSCE/ODIHR NAM interlocutors expressed concerns about the proportionality of sanctions for campaign finance violations and the timeframe for conducting meaningful audits of reports.

H. MEDIA

Despite a limited advertisement market, numerous media outlets operate in Armenia, including 8 television and 20 radio stations with nationwide coverage, as well as 10 regional television channels. Several OSCE/ODIHR NAM interlocutors expect the number of regional channels to reduce as a result of the ongoing transition to digital broadcasting. Television remains the most influential news source but the Internet, and especially social media, is increasingly used as an alternative source of political information. While OSCE/ODIHR NAM interlocutors generally assessed Internet freedom positively, concerns were expressed about the political and commercial affiliation of private broadcasters.

Freedom of expression is guaranteed by the Constitution and defamation is decriminalized. In 2015, the Constitutional Court confirmed the primacy of the confidentiality of journalistic sources and limited the need for disclosure to cases that involve the protection of human life, prevention of grave crimes, and trial proceedings.²⁴ Despite legal protections, several OSCE/ODIHR NAM interlocutors stated that press freedom remains hampered by threats, intimidation, and harassment. The OSCE Representative on Freedom of the Media (RFoM) has urged the authorities to ensure restraint on the part of law enforcement representatives toward members of the media.²⁵

²¹ Respectively, AMD 500,000, AMD 5 million, and AMD 100 million.

²² See [the 2014 GRECO Second Compliance Report on Transparency of Party Funding in Armenia](#).

²³ If the campaign expenses exceed 20 per cent of the spending limit, the court is entitled to cancel registration.

²⁴ See the 20 October 2015 [Decision of the Constitutional Court](#) (in Armenian only).

²⁵ See, for example, the 2016 [statement](#) by the OSCE RFoM. See also, UN Human Rights Committee "[Concluding Observations on Armenia](#)" (31 August 2012), CCPR/C/ARM/CO/2, paragraph 26.

Public and private broadcasters are legally obliged to present impartial coverage of the campaign, including in their news programmes.²⁶ The public broadcaster is also obliged to provide each candidate list with 60 minutes of free airtime on public television and 120 minutes on public radio. In addition, each party can buy up to 120 minutes of paid airtime on public television and 180 minutes on public radio, as well as purchase airtime on private broadcasters.²⁷ Political advertisement is required to be clearly labelled. Several OSCE/ODIHR NAM interlocutors anticipated disproportionate coverage of incumbent candidates due to their institutional appearances.

The National Commission for Television and Radio (NCTR) is tasked to supervise the implementation of the media-related provisions during the campaign and to monitor the broadcasters. The NCTR will publish its monitoring methodology within 10 days after the call of elections and is required to publish three monitoring reports during the elections. In case of violations, the NCTR can issue warnings or apply sanctions.

I. COMPLAINTS AND APPEALS

Under the Electoral Code, decisions, actions, and inactions of election commissions can be appealed to the superior commission, while complaints against the CEC are under jurisdiction of the Administrative Court. Complaints regarding inaccuracies in the voter lists can be filed to the PVD, the decision of which can be further appealed to a district court. All election-related complaints can also be applied to the courts, but, in line with previous OSCE/ODIHR and Venice Commission recommendations, the Electoral Code now provides for the exclusion of parallel handling of complaints at election commissions and courts.

Complaints may be filed by voters, media representatives, and observers with respect to violations of their individual rights; by proxies and commission members with respect to violations of their rights and those of other parties, candidates, and stakeholders. The rules on legal standing have previously been criticized by the OSCE/ODIHR as too narrow and not allowing for effective redress against decisions and actions of election commissions and unlawful campaigning. New provisions extend rights to observers and proxies to file complaints related to voter impersonation. Overall, the new timelines for filing and resolving complaints are reasonable; however, several OSCE/ODIHR NAM interlocutors expressed concerns about an overly formalistic approach in handling complaints and a lack of confidence in the impartiality of the election administration and courts.²⁸

Contestants, candidates, proxies (if they were present during the vote count), and members of the PEC in question may challenge precinct voting results at the TEC and further appeal TEC decisions to the Administrative Court. Following requests from the opposition, and in line with previous OSCE/ODIHR recommendations, deadlines for appealing the results and initiating recounts were extended. However, contrary to another prior OSCE/ODIHR recommendation, only contestants, but not voters, can appeal the final election results.²⁹ Such an appeal may be filed within seven days of promulgation of the final results to the Constitutional Court, which has 15 days to decide on it.

²⁶ State-funded print media are obliged to ensure non-discriminatory and impartial conditions for electoral contestants during the campaign period.

²⁷ The price of airtime is to be published and may not exceed the average cost of commercial advertising.

²⁸ See also, UN Human Rights Committee "[Concluding Observations on Armenia](#)" (31 August 2012), CCPR/C/ARM/CO/2, paragraph 21.

²⁹ Section II.3.3.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections".

J. ELECTION OBSERVATION

The legal framework provides for international and citizen observation and entitles party proxies to be present at polling stations. In a welcome development, the Electoral Code removed the requirement for citizen observers to be trained by the CEC and pass a test to receive accreditation. Instead, citizen observer groups are required to adopt an internal code of conduct for their observers and to hold their own trainings. However, a new requirement that citizen observer groups include in their charter explicit aims related to democracy and human rights for at least one year preceding elections can deprive new organisations of the possibility to observe elections.

Another long-standing OSCE/ODIHR recommendation to avoid the possibility of arbitrary withdrawal of accreditation of an entire observer organisation in case of a violation by an individual observer has been addressed. However, the law now provides for cancelling accreditation if the organization supports an electoral contestant, which lacks clarity and may lead to arbitrary decisions.

A new provision of the Electoral Code limits the number of citizen observers to one per polling station per organization and provides that the PEC may limit the total number of citizen observers and media representatives at a polling station (but not less than 15) where their number may hinder the voting process. Such a decision must be adopted by a two-thirds majority of PEC members. Civil society and media interlocutors expressed strong reservations to the OSCE/ODIHR NAM about its potential arbitrary implementation on election day, while the authorities affirmed that this provision would be used in only rare cases when overcrowding occurs at small voting premises.

Civil society is active and largely able to operate freely. It played an important role in the electoral reform process, although not always in agreement with the final reforms. Civil society representatives and political parties informed the OSCE/ODIHR NAM that they plan to deploy large numbers of observers for the elections.

IV. CONCLUSIONS AND RECOMMENDATION

All OSCE/ODIHR NAM interlocutors underscored the need for a large-scale OSCE/ODIHR election observation mission. While many previous OSCE/ODIHR recommendations have been addressed, concerns were expressed about the effective implementation of the new Electoral Code and the impartiality of the election administration, including on election day. A number of aspects would merit specific attention by an OSCE/ODIHR election observation activity, including the conduct of the campaign and potential abuse of state resources, media coverage, functioning of the new voter identification system and web-cameras, access for citizen observers, publication and handling of signed voter lists, and resolution of possible complaints and appeals.

Based on the findings of this report, the OSCE/ODIHR NAM recommends the deployment of an Election Observation Mission for the 2 April parliamentary elections, contingent upon the receipt of an official invitation from the Armenian authorities. In addition to a core team of experts, the OSCE/ODIHR NAM recommends the secondment of 24 long-term observers from OSCE participating States to follow the electoral process countrywide, and 250 short-term observers to follow election day proceedings. In line with the OSCE/ODIHR's standard methodology, the mission would include a media monitoring element.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Ashot Hovakimyan, Deputy Minister
Artak Kalachyan, First Secretary, Consular Department
Karine Soudjian, Head, Division of Human Rights and Humanitarian Issues
Anna Poghosyan, Attaché, Division of Human Rights and Humanitarian Issues

Ministry of Justice

Arpine Hovhannisyan, Minister
Vigen Kocharyan, Deputy Minister
Lusine Martirosyan, Head of Public Relations Department
Kristinne Grigoryan, Head of the Department on International Legal Co-operation

Ministry of Interior

Vardan Yeghiazaryan, Deputy Head of Police
Anubagh Hambaryan, Deputy Head of Police
Aghasi Kirakosyan, Head, Department of Public Order Protection
Mnatsakan Bichakhchyan, Head, Passport and Visa Department
Andranik Ghazaryan, Deputy Head of Headquarters

Presidential Administration

Armen Gevorgyan, Head
Hovhannes Ghazaryan, Adviser
Tsovinar Hambardzumyan, Head of the Department of External Relations

Central Election Commission

Tigran Mukuchyan, Chairperson
Tatev Gevorgyan, Foreign Relations Department

Parliamentary Standing Committee on State and Legal Affairs

Hovhannes Sahakyan, MP, Chairperson
Anna Khachikyan, Assistant to the Chairperson
Anna Karapetyan, Assistant to the Chairperson
Gevorg Tonoyan, Specialist of the Committee
Marine Kirakosyan, Specialist of the Press Section

Administrative Court

Karen Matevosyan, Chairperson
Karen Zarikyan, Judge

National Commission on Television and Radio

Gagik Buniatyan, Chairperson
Tigran Hakobyan, Member of Commission
Davit Margaryan, Head of the Legal and Licencing Department
Alla Tumanyan, Expert, International Affairs, Information, and Development Department

Political Parties

Levon Zurabyan, MP, Armenian National Congress
Aghvan Vardanyan, MP, Secretary of Parliamentary Faction, Armenian Revolutionary Federation
Narek Ayvazyan, Board Member, Free Democrats Party
Armen Martirosyan, Board Member, Heritage

Andranik Grigoryan, Board Member, Heritage
Naira Zohrabyan, MP, Leader, Prosperous Party
Artak Zejnalyan, Board Member, Republic Party
Vahram Baghdasaryan, MP, Head of Parliamentary Faction, Republican Party
Artak Zakaryan, MP, Chair of the Standing Committee on Foreign Relations, Republican Party
Khosrov Harutyunyan, MP, Republican Party
Vahram Mkrtchyan, MP, Republican Party
Gohar Tepoyan, Expert, Republican Party
Mher Shahgeldyan, MP, Secretary, Rule of Law Party Parliamentary Faction
Elinar Vardanyan, MP, Vice-President, Unity Party

Media

Ruben Jaghinyan, Chairperson, Council of Public Television and Radio
Margarita Grigoryan, Executive Director, Council of Public Television and Radio
Armen Saghatelyan, Executive Director, Council of Public Television and Radio
Boris Navasardyan, Yerevan Press Club

Civil Society

Avetik Ishkhanyan, Chairperson, Armenian Helsinki Committee
Tigran Yegoryan, Senior Legal Advisor, Europe in Law Association
Artur Sakunts, Chairperson, Helsinki Citizens Assembly-Vanadzor
Larisa Minasyan, Executive Director, Open Society Foundations-Armenia
Tamara Hovnatanyan, Pro-Media Gender NGO
Heriknaz Tigranyan, Legal Adviser, Transparency International Anti-Corruption Center
Daniel Ioannisyantsyan, Program Co-ordinator, Union of Informed Citizens

International Community

Argo Avakov, Ambassador, Head, OSCE Office in Yerevan
Barbara Davis, Deputy Head, OSCE Office in Yerevan
Ruzanna Bagdasaryan, Senior Political Officer, OSCE Office in Yerevan
Judith Margaret Farnworth, Ambassador, British Embassy
Nicolas Faye, Deputy Head of Mission, French Embassy
Bernhard Matthias Kiesler, Ambassador, German Embassy
Lucas Jablonski, Consul, Polish Embassy
Ewa Polak, Consular Officer, Polish Embassy
Lukas Gasser, Ambassador, Swiss Embassy
Rouben Harutyunyan, Political/Economic Section, US Embassy
Lilit Ohanyan, Political/Economic Section, US Embassy
Dirk Lorenz, Head, Political, Press, and Information Section, European Union Delegation
Loreta Vioiu, Deputy Head, Council of Europe Office in Yerevan
Constanza Lucangeli, Chief Technical Advisor, Support to Electoral Process in Armenia, UNDP