



**INTERNATIONAL ELECTION OBSERVATION MISSION**  
**Parliamentary Elections**  
**Republic of Armenia**  
**25 May 2003**

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**STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**Yerevan, 26 May 2003** – The International Election Observation Mission (IEOM) for the 25 May parliamentary elections is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE).

This statement of preliminary findings and conclusions is issued before the announcement and final certification of results, the completion of election day complaints and appeals procedures and a thorough analysis of election day findings.

The statement does not refer to the referendum on Constitutional amendments, which also took place on 25 May, and was not observed by the IEOM.

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**PRELIMINARY CONCLUSIONS**

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While the 25 May parliamentary elections marked improvement over the past presidential election in the campaign and media coverage, they fell short of international standards for democratic elections in a number of key respects, including falsification of vote counts, intimidation of observers and proxies and violation of secrecy of the ballot during military voting.

The improvements mirrored a similar development during the previous succession of presidential and parliamentary elections in 1998 and 1999, which also failed to comply with international standards. More determination is required from the leadership of the country for future elections to meet international standards.

Regrettably, a fatal shooting marred a relatively calm election day. The incident took place in the presence of international observers.

Positive aspects of the election included:

- A diverse choice was offered in the proportional contest;
- Parties, blocs and candidates, by and large, enjoyed equal campaign opportunities;
- Public TV generally provided contestants with balanced coverage under equal conditions;
- Statements by state officials calling for tolerance and condemning electoral violations contributed to an active and essentially peaceful campaign;
- Voter registers were improved in a number of communities;
- For the first time the Central Election Commission (CEC) instructed Territorial Election Commissions (TECs) to publish, by polling station, the preliminary results of both the proportional and majoritarian contests as required by the law;
- The Central Election Commission (CEC) also announced preliminary results broken down by polling station, fulfilling an important IEOM recommendation;
- Government officials and political party leaders demonstrated a constructive attitude towards the IEOM; and
- Domestic observers and proxies were present in large numbers in polling stations.

However, shortcomings in a number of key areas remained, including:

- Disillusionment and lack of confidence in the electoral process reflected in a significant drop in turnout;
- Non-existent competition in a number of constituencies;

- Persisting non-uniformity and lack of appropriate communication between institutions in the compilation of voter lists;
- Failure to ensure uniform and consistent application of electoral legislation;
- Selective enforcement of candidate registration procedures;
- Late and imprecise decision making by the CEC;
- Arbitrary appointment of members of Precinct Election Commissions (PECs);
- Isolated incidents of violence resulting from tension in some constituencies;
- Giving and promising of goods and services to voters by some parties and candidates;
- Serious under representation of women as candidates and in campaign structures;
- Compromised secrecy of the vote, in particular of conscripts;
- Failure to provide access for disabled voters in over half of polling stations observed; and
- Withdrawal of a prominent candidate on election day alleging intimidation.

The Electoral Code generally provided a basis for the conduct of democratic elections. However, implementation of the formula for the composition of election commissions did not meet expectations for proper administration of the elections. It was open to abuse and resulted in an overall lack of confidence. This was aggravated by undue restrictions on the activities of party and candidate proxies in polling stations.

On election day, voting was assessed positively by observers in most polling stations. However problems, including intimidation, the presence of unauthorised persons and compromised secrecy of voting by the military continued to be observed. Significant problems connected with the vote count included falsification of protocols, ballot box stuffing, stealing of ballots and intimidation of international observers.

While detailed recommendations will be included in the final report, the following key issues should be addressed:

- Accountability for persons committing electoral violations;
- Composition and powers of election commissions;
- Undue restrictions on party and candidate representatives in polling stations;
- Ambiguous and ineffective procedures for complaints and appeals;
- Lack of legal requirement that both preliminary and final results be published by polling station at the CEC level.

A legislative review would be an important component in implementing these recommendations.

The final assessment of the parliamentary elections will depend, in part, on the assessment of the tabulation, resolution of complaints and the announcement of results, as well as the way the authorities follow-up on the violent incident in Shahumian (Ararat region) and allegations of electoral fraud. The IEOM will continue to monitor the process and intends to return to the country for further consultations before reaching a final conclusion on the elections.

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

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## **PRELIMINARY FINDINGS**

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### **Background**

The 25 May parliamentary elections were the fourth since independence was declared in September 1991 and the first since Armenia joined the Council of Europe in January 2001. Previous elections in Armenia have fallen short of international standards for democratic elections.

Since the last parliamentary elections in May 1999, the political landscape in Armenia has undergone major realignment. A key reason for this was the 27 October 1999 attack on the parliament building in which the Speaker of Parliament, the Prime Minister and six other ministers or parliamentarians were assassinated. This led to a split between the partners in the governing "Unity" bloc - the Republican Party and the Armenian People's Party – and resulted in the latter going into opposition.

Other changes included an end to cooperation between parties that formed “Right and Accord” bloc and splits in two of the four parties that won proportional list parliamentary representation in 1999. A further realignment, resulting from the 2003 presidential election, saw parties that supported candidate Stepan Demirchyan in the 5 March run-off against incumbent and ultimate victor Robert Kocharyan joining forces as the Justice Alliance bloc for the parliamentary elections.

### **Legislative Framework**

The 131 members of the National Assembly are elected according to a mixed election system. Seventy-five seats are allocated on a proportional basis to parties or blocs that gain more than 5% of the votes cast in a single national constituency. Fifty-six deputies are elected from single-member constituencies through a one-round majoritarian system. As a result of changes to the Electoral Code in July 2002, this composition is an exact reversal of the outgoing parliament, which had 75 majoritarian and 56 proportional seats.

While numbers of registered voters per constituency cannot differ by more than 15%, the law fails to specify the procedure to calculate factual differences.

Electoral legislation provides a basis for the conduct of democratic elections. However, the Electoral Code requires further improvement, in particular to ensure an effective balance of party political interests and greater transparency for election commissions. Also, a number of ambiguous provisions need to be addressed. A primary weakness relates to the procedures for complaints and appeals, which are both unclear and inconsistent with the Civil Procedure Code. Further aspects of the Electoral Code cannot be practically implemented, including the requirement for state officials to withdraw from office if they are a candidate or otherwise active during a campaign.

### **Election Administration**

The election was administered by a three-tier election administration: the CEC, 56 TECs, and some 1,885 PECs.

The CEC, TECs and PECs all consist of nine members. In the CEC and TECs, three members are directly appointed by the President and one by each of the six parliamentary factions as established following the 1999 parliamentary elections. Of these, only two have remained intact throughout the mandate of the outgoing parliament. PEC members are appointed as the representatives of each individual TEC member.

Although the formula for commission membership is not necessarily problematic, it did not provide sufficient political balance for these elections and resulted in most candidates and parties expressing a lack of confidence in the objectivity, impartiality and transparency of the election administration. Indeed, as a consequence of manipulations, the composition of many PECs did not reflect the political representation intended by the law. Most of the three executive positions (Chair, Deputy Chair and Secretary) in commissions were presidential appointees.

In general, CEC decisions were insufficiently detailed. In some instances, the CEC failed to ensure consistent and transparent implementation of the law, including to outline the exact obligations to be met for candidate registration. The CEC was also inconsistent in its interpretation of the Electoral Code, for example allowing more than one transparent ballot box in a polling station.

The CEC was required to address shortcomings in the electoral process identified in recent findings of the Constitutional Court. However, the relevant new CEC decisions on procedures for complaints and appeals do not adequately ensure fair, effective and transparent resolution of disputes.

Three days before the elections, the CEC Chairman instructed TECs to comply with their legal requirement to publish preliminary results by polling station. On 26 May, the CEC announced preliminary results broken down by polling station, fulfilling an important recommendation of previous IEOMs. In a positive development, the CEC decided to continue to use transparent ballot boxes. However, these and other key CEC decisions and instructions were taken late or delivered

to TECs orally rather than in writing, for example the instruction on procedures for the counting of ballot papers.

Although the Electoral Code prohibits restrictions on the rights of proxies and accredited observers, a CEC decision of August 2002 limits their freedom of movement inside a polling station. This compromises the ability of proxies to observe the voting and counting procedures, and reduces transparency.

In general the CEC and most TECs completed preparations for the elections on time. Reflecting a general lack of openness in the decision-making process, administrative decisions were mostly determined outside of CEC meetings. The legal requirement for CEC decisions to be published within three days was inconsistently applied. However, all CEC sessions were open to proxies and observers and were widely covered in the media.

There was a widespread replacement and rotation of PEC members who administered the presidential election. No election official, however, appears to have been held legally accountable for violations acknowledged to have taken place during that election.

The extensive change in PEC membership meant that many were inexperienced in election administration, and this affected performance in many polling stations.

### **Voter Registers**

As in previous elections, the accuracy of voter lists remained a concern. Voter lists are locally compiled and there is no centralized civil or voter register to check for potential multiple entries across community borders. The IEOM received reports of imperfect co-operation between Armenian institutions to ensure that records of deceased are efficiently deleted. Imprecise data on voters' dates of birth result in allegations that voter registers are used to manipulate results. Where voter lists were on display in the PECs, voters could correct individual data. Persons unable to find their names on the voter lists were again able to apply to a court for permission to vote. Useful efforts by civil society, supported by international donors, resulted in significant improvements in a number of communities.

Voter lists also included the names of a large number of citizens living abroad. While it is the right of such citizens to remain registered as permanent residents and voters, there were widespread allegations of abuse on election day. Some thirty-five polling stations in Armenian embassies and consulates provided the opportunity for some Armenians to vote out-of-country.

According to official information, there were 2,317,945 voters registered for the proportional contest and 2,280,557 for the majoritarian contest.

### **Registration of Parties and Candidates**

Seventeen political parties and four electoral blocs, involving over 1,000 candidates were registered to take part in the national proportional list election by the CEC. Some 380 candidates were registered by TECs for the majoritarian contests. Subsequent withdrawals up to the deadline of 15 May, and a limited number of de-registrations, left a total of 272 majoritarian candidates on election day.

No majoritarian constituency contest reflected the national proportional list contest. Non-partisan candidates outnumbered the combined total of party candidates but it was clear that some of the

former had a party connection. Many candidates were locally-renowned figures, often from the business community, and some contests reflected local rivalries.

A number of potential majoritarian candidates were denied registration by TECs or were de-registered, for failing to meet legal requirements, although these were inconsistently applied. In a number of instances, candidacy requirements were applied selectively to prevent candidates from taking part. The EOM followed twenty-two appeals to Courts of First Instance, seven of which resulted in the registration or reinstatement of candidates.

The CEC denied registration to only one candidate in the proportional contest. The denial was appealed and overturned by the court, which reinstated the candidate. The case reflected the lack of consistency in the registration process: the same person had been denied registration as a majoritarian candidate by a TEC in a decision that was upheld by another court.

One potential candidate in both contests, Aram Karapetyan, was removed from the lists of registered candidates on the basis of failing to meet a five-year residency requirement. Supporting information was supplied to the CEC and TEC by the Armenian Police. Mr. Karapetyan previously met the ten-year residency requirement to be registered as a presidential candidate. While the details remain unclear, the IEOM notes inconsistency between relevant provisions of the Electoral Code and the Civil Code.

### **The Campaign**

The election campaign took place in a generally calm environment, and proceeded, particularly in the proportional contest, without any significant inequalities of opportunities for campaigning being reported. Active campaigning took place throughout the country, featuring posters and public meetings. There were isolated instances of public resources being used to the advantage of certain parties or candidates. Interest in the election was relatively low, due at least in part to disillusionment at the conduct of the recent presidential election.

Almost a quarter of the majoritarian contests had two or even one candidate. While one-candidate “elections” deprive voters of a choice, two-candidate contests may narrow voter choice to an unacceptable degree. In certain localities, this appeared to derive from reluctance to challenge the interests of dominant community leaders. In addition to difficulties with registration, some 30% of registered majoritarian candidates withdrew. The withdrawals came from across the political spectrum. Reasons included deals between parties and candidates; allegations that some were due to bribery or intimidation were not confirmed.

Pre-election tensions were high in some majoritarian constituencies, reflecting local rivalries. Allegations of coercion of voters to support particular candidates in Alaverdi (Lori region) and in Syunik were made to observers, although no formal complaints were filed. There were attacks on candidates’ campaign offices in three constituencies, Ararat, Abovyan and Sevan; in Sevan, rival candidate campaign offices were both attacked at different times. There was also an assault on a TEC member in Syunik region. The CEC issued a public statement strongly condemning all acts of election-related violence and called for participants in the election to show tolerance.

Some parties violated provisions in the Electoral Code which prohibit providing or promising goods or services free of charge to citizens during the pre-election period. Complaints received by the EOM included the distribution of “gifts” of fuel, food and computers, the asphaltting of roads and repairs to apartment buildings. While few such complaints were made formally to the electoral authorities, the CEC and TECs generally failed to take steps to investigate compliance with the law.

The Electoral Code prohibits the involvement of charities in the electoral campaign. In Hrazdan, there was an overlap between a local charitable organization and a candidate’s campaign, as well as acquisition of citizens’ passports by charity officials. Allegations of vote buying before election day were widespread but not substantiated.

### **The Media**

In a welcome development in comparison to the 2003 presidential election, public television generally fulfilled its legal obligation to provide all parties and blocs contesting the proportional election with free time under equal conditions. It also provided largely unbiased coverage of the campaign in its primetime news and analytical programmes. However, in the two weeks prior to the election, coverage of the two government parties became more favorable. Public television varied its broadcasting to enable cross-party debates and discussions between leading candidates.

Private broadcasters monitored by the EOM offered most of their coverage to parties supporting President Kocharyan. For example, the only two private channels with nationwide outreach, *Prometevs* and *Armenia TV*, allocated up to 60% of primetime news coverage, with a significant positive slant, to Orinats Yerkir, Ramkavar Azatakan, the Democratic Liberal Union, ARF Dashnaksutiun and the Republican Party. In contrast, the Justice Alliance and National Unity Party each received just 1% of roughly neutral and positive primetime news coverage. Another private channel, *ALM TV*, provided preferential treatment both in quantity (33%) and quality to the People's Party, headed by the owner of the channel who is also a candidate in both the proportional and majoritarian contests. In a positive development, a number of televised candidate debates took place.

The major State-funded newspaper, *Hayastani Haranpetutyun*, showed clear support to the Republican Party, allocating it 21% of its campaign coverage, with an overwhelmingly positive slant. In contrast, it provided the Justice Alliance with roughly equal proportion of neutral and negative references. Private print media offered a diverse range of views, but generally supported specific political parties, blocs and candidates, depending on their political slant. The 24-hour silence period before election day was breached by "Hayots Askharh" through the publication of two interviews with candidates.

### **Complaints and Appeals**

Complaints on election related issues may be filed with election commissions by candidates, proxies or voters. Decisions on complaints may also be appealed to a superior commission or a Court of First Instance. While few substantive complaints were filed with election commissions in the pre-election period, the courts played a more active role than in previous elections, specifically in regard to disputes on candidate registration. Despite requests, the IEOM was not provided with a detailed list of complaints received by the CEC in advance of election day.

### **Participation of Women**

Women are seriously underrepresented in government, elected bodies and political party leadership. Further, their presence on party lists has declined steadily since Armenia's independence. In this election, only 4% of majoritarian candidates and 15% of the party proportional lists were women. All political parties met their obligation to include 5% of women in their candidate list but most placed them in unwinnable positions. Only three political parties either have women among the first ten names, and only one placed women evenly throughout the list. Most political party leaders, particularly outside Yerevan, express no interest in encouraging greater participation of women in political life.

Given the low number of registered women candidates, it is unlikely that the number of women elected to parliament will significantly increase from the current level of 3%. Some political parties have women's sections and during the campaign a number of parties made efforts to address women's concerns, including through the organization of women's forums. However many women object to the concept of targets or quotas for women's participation as a reversion to the Communist period when women were represented more widely in the legislature and executive.

### **Domestic Observers**

Twenty eight domestic observer groups were accredited by the CEC to observe the elections. The most substantial domestic observation effort was carried out by "Its Your Choice", which observed the pre-election period and deployed observers to around 700 polling stations throughout the country on election day. Other groups focused on specific elements of the election, such as media monitoring or disabled persons access.

### **Election Day and Vote Count**

Election day was generally calm, but was marred by a fatal shooting at a polling station in Shahumian (Ararat region) which also resulted in the injury of others. IEOM observers were present at the incident. Isolated incidents of violence were also reported in a number of other polling stations, including a fight in PEC 0272. The Chairman of the Parliament's Foreign Affairs Committee withdrew as a majority candidate in TEC 45 on election day alleging intimidation. Observers verified one instance of vote-buying in TEC 43. The low level of public interest in the election campaign seems to have caused a significant drop in voter turnout.

Nevertheless, in around 90% of polling stations visited by observers, voting was assessed as either positive or with minor problems. On average 10 proxies were present in each polling station and domestic observers were present in more than half of polling stations visited. Continuing problems included intimidation (3%), the presence of unauthorized persons (10%) and compromised secrecy of voting by the military in PEC 0256.

Significant problems were observed during the counting process in over 30% of polling stations observed. These included the falsification of protocols (PEC 0378, 0347), ballot stuffing (PEC 0272, 0385), stealing of ballots (PEC 0272) and the removal of uncounted ballot papers by a PEC member (PEC 0266). Unauthorised persons were present in almost 20% of polling stations observed. At many counts procedures were poorly followed, criteria for invalidation of ballots were inconsistently applied, and proxies and observers were denied a clear view of the process.

Observers also noted unexplained delays before the start of counts. In some polling stations, counting procedures were observed to be confused, even chaotic. PEC Chairpersons refused to provide result protocols to international observers in several cases.

International observers experienced serious intimidation in their work and threats to their security in TEC 29, despite warnings given to the authorities by the IEOM that violence and intimidation could be expected in the area. Intimidation of proxies was observed in a number of polling stations, including a serious incident in PEC 0813.

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

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**MISSION INFORMATION & ACKNOWLEDGEMENT**

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The International Election Observation Mission (IEOM) for the parliamentary elections in the Republic of Armenia is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). Ambassador Robert L. Barry (US) headed the OSCE/ODIHR Election Observation Mission, Mr. Giovanni Kessler MP (Italy) headed the OSCE PA delegation and Lord Russell-Johnston (UK) headed the PACE delegation.

This statement is based on the findings of 28 observers of the OSCE/ODIHR EOM, based in Yerevan and seven regional centers throughout Armenia, deployed since 25 April, and 180 observers from 25 OSCE participating States reporting on election day from some 700 out of approximately 1,885 polling stations. The OSCE PA delegation consisted of 9 parliamentary observers from 5 OSCE participating States. The PACE delegation consisted of 16 parliamentary observers from 9 member States of the Council of Europe.

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

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

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