

OSCE/ODIHR
Election Observation Mission
Republic of Armenia
Parliamentary Elections 2007

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INTERIM REPORT No. 2
29 March – 17 April 2007

I. EXECUTIVE SUMMARY

- Candidate registration has taken place in an inclusive manner. All twenty-four parties and one bloc that applied for registration in the proportional contest were registered by the Central Election Commission (CEC) on 4 April. In the majoritarian contests, 135 candidates were registered by the 41 Territorial Election Commissions (TECs).
- Many of the registered contestants in the proportional contest have exceeded the legal requirement of 15 per cent representation of women on their list.
- The CEC is generally working efficiently, appears to be technically well equipped and prepared for coordinating results tabulation and reporting on election day, and is proactive in informing the electorate about voter list checking and election day procedures. TECs are similarly working efficiently. The police, responsible for the voter list, are making efforts to correct inaccuracies in the list.
- The official election campaign opened on 8 April. Campaigning is very visible in Yerevan, but less so outside the capital. Airtime on public TV and radio was allocated by a CEC lottery, with broadcasts beginning on 10 April.
- Four incidents of damage to property of parties and candidates, including explosive devices detonating at two Yerevan neighbourhood offices of the Prosperous Armenia party, are under police investigation.
- Following the death of Prime Minister Andranik Margaryan on 25 March, President Robert Kocharyan appointed Serge Sargsyan as prime minister on 4 April. The president appointed a new cabinet on 11 April, largely unchanged from the outgoing government.

II. REGISTRATION OF CANDIDATES

A. PROPORTIONAL CONTEST

All twenty-four parties and one bloc that had applied were registered by the CEC on 4 April. No individual candidate from any list was refused registration. Withdrawals of names from some of the lists since they had first been submitted for nomination resulted in the largest lists being registered for Orinats Yerkir (120 names), the Armenian Revolutionary Federation (ARF) Dashnaktsutium (113), Prosperous Armenia (112) and the Republican Party (111).

B. MAJORITARIAN CONTEST

Of the 141 persons who had submitted documents for registration as candidates by 28 March, 135 were registered as candidates at TEC sessions on 3-4 April (well within the deadline of 7 April). Five withdrew before registration and there was one refusal of registration because of incomplete documentation.

A heated situation concerning candidate registration in TEC 19 (Vagharshapat) appeared to result from sharp local rivalries. Registration of two of the four applicants as candidates in the constituency took place only after argument at the TEC session on 3 April had necessitated postponement of the decision to the next day. On the night of 7-8 April a fire damaged a factory owned by the husband of candidate Susanna Haroutunyan in the town of Vagharshapat, and the unoccupied car of candidate Hakob Rafiki Hakobyan (the incumbent deputy, formerly of the Republican Party), was shot at several times by an unknown person or persons. The two incidents are under police investigation.

Hakob Rafiki Hakobyan and Susanna Haroutunyan were deregistered by decision of the Armavir region first instance court on 10 April, which found in favour of a complaint brought by a third candidate in that constituency against the TEC's registration decisions. The plaintiff, Hakob Varshami Hakobyan, argued that TEC 19 had registered Susanna Haroutunyan and Hakob Rafiki Hakobyan despite the two being in breach of the requirement, as "civic initiative" (non-party) nominees, for their applications to be supported by valid signatures of all 50 members of the initiative group that had nominated them.

Taking into account these two deregistrations, and one withdrawal after registration, there are 132 candidates in the majoritarian contests at this writing, an average of just over three per constituency. In seven constituencies there is only one registered candidate.

C. WOMEN'S PARTICIPATION IN THE ELECTORAL CONTEST

In fulfilling the amended provision in the Election Code relating to women's representation in a party/bloc proportional list,¹ some of the contestants have significantly exceeded the requirement for 15 per cent representation of women in their list and the allocation of at least every tenth position to a woman. Of the four parties with the largest proportional lists (exceeding 90 candidates, the number of proportional contest parliamentary seats), ARF Dashnaktsutiun has 25.6 per cent women (highest position No.4) and Orinats Yerkir 23.3 per cent (highest position No.3), Prosperous Armenia has 16 per cent (highest position No.3) and the Republican Party has 15.1 per cent (highest position No.7).² More than half of the registered parties and bloc have their highest-placed woman candidate within the top five positions on their list; four have their first woman candidate at position No.10.

In the majoritarian contest five out of the 132 candidates are women, competing in three constituencies.

Of the seven incumbent female deputies in the National Assembly, five are seeking re-election on their respective parties' list.

¹ Election Code, Art. 100.2, as amended 19 May 2005.

² ARF Dashnaktsutiun – 29 of 113 candidates; Orinats Yerkir – 28 of 120; Prosperous Armenia – 18 of 112; Republican Party – 17 of 111. The highest proportion of women is in the list of the United Liberal National Party (8 of 18, 44.4 per cent). The Social Democratic Hnchakyan Party is the only party with a woman in first position on its list (out of 6 women on a list of 18 candidates in total).

III. ELECTION ADMINISTRATION

A. ELECTION PREPARATIONS

In accordance with amendments to the Election Code concerning publicizing election results by precinct, on 12 April the CEC made a public presentation of a new networked computer system linking the CEC to the 41 TECs. The system is chiefly intended to increase the transparency of the electoral process, and tabulation of voting results in particular: notable features include the CEC's ability to remote view real-time input of election results into the tabulation system by a TEC, and the facilities for a live feed to up to 10 TV channels, as well as the internet.

The CEC with assistance from international donors has produced short cartoon films explaining election day procedures. These are being broadcast on seven national TV channels.

The CEC's fixed schedule of meetings is not strictly adhered to, but this appears to be explained (at least in part) by other election-related events conducted by the commission.³ The CEC conducted special sessions on 4 April to register party and bloc lists in the proportional contest, and on 8 April to conduct a lottery to allocate TV and radio airtime to the proportional list contestants (see below). Both these special sessions were publicly well announced in advance. However, the CEC discusses some issues at meetings that are not announced to the public (see below for the CEC's meeting on complaints related to pre-campaign activities).⁴

TECs appear to be well prepared for the elections and generally to be working in a collegial atmosphere. There are indications, however, that the spirit of collegiality may not have prevailed consistently in the selection of TEC leaderships: it has been directly acknowledged to the OSCE/ODIHR EOM by the chairperson of TEC 41 (Ijevan) that he was elected to replace an appointee of Orinats Yerkir after the latter was voted out of office in mid-March (he remained a TEC member) as a consequence of his party's leaving the governing coalition. The same reason was given by a member of TEC 12 (Shengavit) for the removal from office of the secretary, an Orinats Yerkir appointee, on 12 March. Countrywide, TEC leadership "troikas" (chairperson, deputy chairperson and secretary) are dominated by representatives of the Republican Party, ARF Dashnaktsutiu and appointees of the President.

The OSCE/ODIHR EOM has been informed that the membership composition of some TECs has also changed in recent months, mainly because of replacements made by Orinats Yerkir and apparently reflecting internal changes in that party since it went into opposition. An Orinats Yerkir representative (the chairwoman) was replaced as a member of TEC 31 after being confirmed as a proportional list and majoritarian candidate.

The OSCE/ODIHR EOM has confirmed that the closure of TEC 19 on 28 March (see Interim Report No.1), the day of the funeral of the late Prime Minister Andranik Margaryan, had no material impact on the electoral process in that TEC, all activities with a deadline falling that day having been already completed.

In accordance with the Election Code, precincts were created on 28 March. There are 1,923 precincts, higher than for the last parliamentary elections in 2003 (1,885), mainly because of Election Code

³ Election Code, Art. 39.4: "The schedule for regular sessions shall be established by the commission chairman." According to the CEC Chairman, the CEC's regular meetings are every Tuesday, Wednesday and Thursday at 1500 hrs.

⁴ An OSCE/ODIHR EOM observer was admitted to one such session, on 9 April 2007, after being made aware unofficially while at the CEC offices that the meeting was taking place.

amendments limiting the number of voters per precinct to 2,000. Precinct election commissions (PECs) should be formed in the period 23-26 April.

B. VOTER LISTS

The CEC received the national voter list from the Police on 1 April, and posted it on its website, with breakdown by precinct, the next day.⁵ The official announcement of the total number of voters was made on 9 April by the police: 2,313,482.

According to CEC information from 1 April, the average number of voters per constituency is 56,426. By law, deviation from the average number may not exceed 15 per cent,⁶ but there are two TECs where this is the case, TEC 14 (Ashtarak) and TEC 32 (Tashir).⁷ Six other TECs deviate by more than 10 per cent, which is permitted in “exceptional cases”.⁸ The CEC decision establishing the constituencies does not indicate what circumstances necessitated the deviation in these cases.

The police, through the Passport and Visa Office (commonly referred to by its Russian acronym OVIR), was charged with the compilation of the voter list under Election Code amendments enacted in 2005. Considerable effort has been undertaken in order to computerize the residential, passport and other registration records on which the voter list is based. For the 12 May elections, additional efforts are being made to correct inaccuracies (mainly surplus names and voters registered at incorrect addresses). On 9 April, the first deputy head of police and the OVIR director called through the media for public cooperation to help correct the voter list, including announcing that two telephone hotlines for people to report inaccuracies had been established by the OVIR. That call has been echoed by the CEC chairman. The Police are also carrying out checks of the accuracy of residency records, going door-to-door, as are some political parties.

Nearly all PEC premises visited by OSCE/ODIHR EOM observers were found to have their voter list on display for voters to check. The statutory period for this display began on 3 April.⁹

C. COMPLAINTS AND APPEALS

The OSCE/ODIHR EOM has been informed of seven complaints lodged with the Central Election Commission. One concerned alleged campaigning before the start of the official campaign (see Section IV.A, below). Two concerned allocation of places by community administrations for putting up election posters; the CEC directed these issues to the relevant community authorities (see below). Other complaints raised the issues of registration of political parties and legality of their regulations, as well as dissemination of false statements through mass media. The CEC rejected those complaints on jurisdictional grounds. There are 13 complaints lodged in court against actions or inactions of the CEC by the nongovernmental organization (NGO) “Supreme Council – Association of Former Parliamentarians”. The OSCE/ODIHR EOM is in the process of reviewing the relevant documentation.

IV. CAMPAIGN ENVIRONMENT

In addition to the two instances in Vagharshapat in which property of candidates was damaged on 7 April (see above), two Yerevan neighbourhood offices of Prosperous Armenia were damaged by explosive devices on 12 April. Police investigations are ongoing, and it presently remains unknown

⁵ www.elections.am

⁶ Election Code, Art. 17¹.

⁷ TEC 14 has 67,018 voters, and TEC 32 has 46,835.

⁸ Election Code, Art. 17^{1.4}.

⁹ As noted in Interim Report No.1, voter list entries can also be checked via the CEC website.

whether the perpetrators were political opponents of the targeted party. A more serious incident was an apparent attempt on the life of the mayor of Gyumri on 2 April, in which four of his bodyguards were killed and the mayor was seriously injured. While a connection between the incident and the elections is unclear, the mayor is from the Republican Party and a party spokesman reportedly told a press conference on 3 April that it was possible that the attack was “aimed against the party”.

Regarding the issue of demonstrations in Yerevan’s Liberty Square (see Interim Report No.1), further enquiries by the OSCE/ODIHR EOM, and developments during this reporting period, have shown that no official prohibition has in fact been imposed. The Yerevan city government has clarified that the refusal of permission to the civic organization “Alternative” that triggered a court complaint by the latter was on the basis that the times and places had already been allotted to another organization for an event in Liberty Square. The city government further stated to the OSCE/ODIHR EOM that Alternative had been offered another location for its meetings,¹⁰ although this is not evident from the written communications from the city government to Alternative that the OSCE/ODIHR EOM has reviewed. Other more recent applications by Alternative to hold events at Liberty Square have been approved.

The Election Code prohibits offering or giving material inducements (including goods and services, or promises thereof) to voters – commonly referred to as “vote buying” – during the campaign (no such restriction exists in the period before the official campaign).¹¹ At face value, the statutory provision does not appear to require a specific intent to influence a voter through these means in order to constitute a violation; instead it would appear to indicate that merely committing such an act during the election campaign is prohibited. The prosecutor-general has informed the OSCE/ODIHR EOM, however, that his office would apply this provision only in cases in which such an intent can be demonstrated.

Following the death of Prime Minister Andranik Margaryan on 25 March, President Robert Kocharyan appointed Serge Sargsyan as prime minister on 4 April. The president appointed a new cabinet on 11 April, unchanged from the outgoing government with the exception that Mr. Sargsyan’s former portfolio as defence minister is still pending appointment at this writing.

A. PRE-CAMPAIGN DEVELOPMENTS

The Election Code does not directly address whether campaign activities by election participants are permitted prior to the official campaign period.¹² The CEC has considered a complaint by the “Supreme Council” NGO against Orinats Yerkir alleging the illegal distribution of campaign materials before the start of the official campaign. At an internal advisory meeting on 9 April the CEC came to the conclusion that political parties’ dissemination of information prior to the official start of the campaign cannot be considered as illegal campaigning, based on the absence of a clear statutory prohibition and the constitutional protections for political expression and assembly. Contrary to the position of the CEC, however, the Office of the Prosecutor-General has given its opinion to the OSCE/ODIHR EOM that campaigning prior to the campaign period is in fact illegal, but specific

¹⁰ OSCE/ODIHR EOM meeting with chief of staff of the Yerevan mayor, 17 April 2007. “Alternative” is still pursuing the matter in court. After losing a first instance court challenge on 22 March 2007 it lodged a second complaint in the first instance court, which was heard on 29 March 2007. The court ruled again that the city authorities’ decision was in conformity with Articles 9 and 12 of the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations. On 6 April 2007, Alternative’s representatives appealed the decision to the Court of Appeals; the outcome is pending at this writing.

¹¹ Election Code, Art. 18.7: “During [the] pre-election campaign, it shall be prohibited for candidates (parties) to give (promise) – personally or through other means – any money, food securities, or goods to citizens free of charge or on favourable terms, or to render (promise) any services.”

¹² Article 23 prohibits campaigning after the end of the campaign period – on election day and the day before. Article 113 states: “During National Assembly elections, [the] pre-election campaign shall be conducted in accordance with procedures and the timetable defined in Articles 18-23 of this Code.” However, the only time specifically referred to in these provisions is that contained in Article 23.

violations would be difficult to differentiate from legitimate political activities in the pre-campaign period. Materials that explicitly constituted campaigning by Prosperous Armenia, in the form of large street billboards, were directly observed by the OSCE/ODIHR EOM in Yerevan on 7 April, the day before the election campaign officially started. The OSCE/ODIHR EOM is unaware, at this writing, whether a formal complaint has been made about this to the relevant authorities.

The OSCE/ODIHR EOM is looking into whether the absence of regulation and hence the apparently highly permissive conditions for campaigning in the period before the official campaign might subvert the intent of the restrictions in the legal regulations for the campaign period, specifically those related to campaign financing.¹³

B. START OF OFFICIAL CAMPAIGN

The Election Code required municipal and community authorities to designate, by 13 April, places for the display of campaign materials under conditions of equality. Outside the sphere of the officially designated spaces where equal opportunities must be protected, and advertising on commercially rented installations, a highly permissive environment appears to prevail, with various political parties and some majoritarian candidates engaging widely in the placing of street posters on public and private buildings and installations, especially in Yerevan. This has so far been without interference from the authorities but on the apparent understanding that this advertising is not protected in law, and may be removed by members of the public. Outside Yerevan, OSCE/ODIHR EOM observers describe the presence of campaign advertising as low.

Orinats Yerkir lodged a complaint with the CEC on 11 April about obstacles in obtaining permission from community leaders for poster advertising content. According to an information note specifying rules for the 2007 election consistent with the Yerevan mayor's decree of 27 April 2006, a sample of the visual presentation of a prospective billboard needs to be authorized by the local community leader. The CEC has referred the complaint to the city authorities, with a request for notification of the result. Two political parties have told the OSCE/ODIHR EOM that they had been unable to purchase billboard space in Yerevan city because all is sold out. At the same time, a poster campaign celebrating the 15th anniversary of the Armenian Army is highly visible throughout Yerevan. It is organized by the Ministry of Defence, began in early 2007, and is scheduled to run until at least 9 May (the Victory Day holiday).

According to the Election Code, municipal and community authorities should put premises for campaign meetings at the disposal of political parties and candidates on the basis of equality and free of charge. Orinats Yerkir has complained to the CEC that the party was refused halls in the towns of Spitak and Vanadzor without reasonable justification, and that the mayor of Spitak requested 100,000 AMD (€200) for provision of premises for a meeting. No other parties have indicated any difficulties in obtaining premises for meetings.

V. MEDIA ENVIRONMENT

From the beginning of the OSCE/ODIHR EOM media monitoring on 22 March until the start of the official campaign period on 8 April, the media only gradually showed interest in reflecting election developments. Coverage was partly overshadowed by the sudden death of the prime minister and subsequent developments. With the start of the official campaign there has been a discernible increase of media attention to campaign events and increasing visibility of election contestants, including debates organized by the *Yerkir Media* channel.

¹³ Election Code, Art. 112, "Pre-Election Funds of MP Candidates or Parties".

The absence of regulation for campaigning in the period before the start of the official election campaign (see above) was noticeable also in the media. *ALM TV*, *Kentron TV*, and *Hrazdan TV* aired political materials with promotional messages for, respectively, the People's Party,¹⁴ Prosperous Armenia and the United Labour Party, before the start of the official campaign.

The CEC on 8 April held a lottery to determine the sequence of appearances in free and paid airtime for proportional election contestants in the state-funded media. The Election Code provision to each registered party and bloc of up to 60 and 120 minutes of free airtime in public TV and public radio, respectively, means, in practice, two minutes of TV and four minutes of radio a day. Public television has interpreted the CEC regulation¹⁵ setting time periods for the broadcasting of free campaign slots to mean that it may air all slots daily as a single bloc. At present, this is taking place in the allocated time period, but outside what is considered to be primetime viewing. The CEC has received two requests to change the time periods.

While most of the country's leading private channels have decided to make themselves available for the election campaign by announcing their prices for paid political advertisements, some local TV stations decided either not to accept any advertisements (for example in Shirak region) or to limit advertising to the majoritarian contests. The nationwide TV channels' rates for campaign advertising appear high by local standards – *Armenia TV* has the highest, at 130,000 AMD (€260) per minute – especially when compared with commercial rates outside the campaign period. A considerable number of political forces have raised to the OSCE/ODIHR EOM their concern that such prohibitively high costs allow them only limited usage of this campaign method.

The OSCE/ODIHR EOM preliminary media monitoring results of the period before the official campaign started indicate that generally, the news coverage of the monitored broadcast media is characterized by an extensive coverage of government activities and a minimum of criticism directed at election contestants (with the exception of *RFE/Radio Liberty*), with positive statements prevailing. TV stations *Yerkir Media*, *Shant* and *Kentron TV* have offered viewers regular current affairs programmes with political guests (although these channels have only a limited coverage beyond Yerevan). *Kentron TV* showed clear preferential treatment of Prosperous Armenia. *ALM TV* promoted the People's Party and its leader in numerous talk shows.

Public television *H1* provided the government with 43 per cent of its political primetime news coverage and the president with 9 per cent, with an exclusively neutral and positive tone. As for the parties and blocs, most coverage was dedicated to the Republican Party, with 16 per cent of neutral and positive tone. As for other political forces, *Orinats Yerkir* and *ARF Dashnaktsutiun* have received 5 and 4 per cent respectively of mostly neutral and positive coverage. Most of the other monitored channels take a similar approach: for example *H2* devoted 57 per cent of its monitored coverage to the government, and *Armenia TV* devoted 41 per cent to the Republican Party, in both cases the coverage being overtly positive or neutral. *RFE/Radio Liberty* and *Yerkir Media* offered their audiences a more balanced approach.

Preliminary media monitoring results since the start of the official campaign will be reflected in the next Interim Report.

¹⁴ *ALM TV* is owned by the head of the People's Party.

¹⁵ Public television (*H1*) is obliged to air spots between 17:15 and 21:00 hrs, and public radio in two blocs, from 13:30-16:00 and from 21:40-23:50 hrs.

VI. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM core team, led by Head of Mission Ambassador Boris Frlec, has ongoing working contacts and good cooperation with the CEC. Similarly, the 14 long-term observer (LTO) teams mostly have good working contacts with the TECs; only in one, TEC 18 (Ararat-Vedi) has a lack of strong cooperation from the side of the TEC leadership been noted.

The OSCE/ODIHR EOM's contacts with political parties have proceeded generally well at the leadership and working levels. The notable exception is Prosperous Armenia: contacts from the side of the OSCE/ODIHR EOM with the objective of agreeing a meeting between the Head of Mission and the senior proportional list candidates of Prosperous Armenia have not, at this writing, resulted in the requested meeting taking place. OSCE/ODIHR EOM LTOs continue to pursue contacts with local party representatives and with majoritarian candidates, and to observe campaign activities around the country.

Preparations continue for the receipt and deployment of 300 short-term observers (STOs) being seconded to the OSCE/ODIHR by OSCE participating States as requested for election day observation. In addition, delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament will observe the 12 May elections. On 10 April, the OSCE Chairman-in-Office designated OSCE PA Vice-President Tone Tingsgaard as the Special Coordinator to lead the OSCE short-term observers. During the week of 9 April, the OSCE/ODIHR EOM met with visiting delegations from the OSCE PA and the PACE during their respective pre-election visits to Armenia.