



Office for Democratic Institutions and Human Rights

## REPUBLIC OF ARMENIA

### PRESIDENTIAL ELECTION 19 February 2008

#### OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

4 - 5 December 2007



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**REPUBLIC OF ARMENIA  
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**OSCE/ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

In anticipation of an invitation to observe the upcoming presidential election, scheduled for 19 February 2008, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Armenia on 4 and 5 December 2007. The NAM was composed of Gerald Mitchell, Head of the OSCE/ODIHR Election Department, and Nicola Schmidt, OSCE/ODIHR Election Adviser.

The purpose of the OSCE/ODIHR NAM was to assess the conditions and level of preparation for the election in line with OSCE commitments, and to advise on the establishment of an Election Observation Mission (EOM). The OSCE/ODIHR NAM held meetings in Yerevan with representatives of the authorities, election administration, political parties and candidates, media, civil society and international community (see annex for list of meetings).

The OSCE/ODIHR expresses its appreciation to the Ministry of Foreign Affairs for its expeditious cooperation in facilitating the NAM, and also the Central Election Commission, representatives of other state institutions, political parties and candidates, civil society and media for their co-operation. The OSCE/ODIHR would also like to thank the OSCE Office in Yerevan for the assistance provided to the NAM.

**II. EXECUTIVE SUMMARY**

The 19 February 2008 presidential election will be an important indicator for the further consolidation of democratic progress, as indicated by the parliamentary elections of 12 May 2007. The President of the Republic of Armenia will be elected directly by eligible citizens for a five year term. The incumbent President Robert Kocharian will not be eligible to run in this election having completed two consecutive terms as prescribed by the constitution.

Nine candidates provided their nomination documentation to the Central Election Commission (CEC) by the 6 December 2007 deadline. The CEC will conduct registration of candidates between 31 December 2007 and 20 January 2008. Among those nominated as candidates for the presidency are current Prime Minister and Chairman of the governing Republican Party of Armenia, Serzh Sargsyan, and former President of Armenia, Levon Ter-Petrossian.

The 19 February election will be held under a recently amended election code. The amendments include enabling voters to vote according to their actual place of residence, stamping of voters' identification documents to minimize possible multiple voting, changes to reporting on campaign expenditure, and abolishment of the possibility to nominate candidates by civic initiative or coalitions but introducing self-nomination of

candidates. In addition, changes have been introduced aiming at simplifying the counting and tabulation procedures. These latest amendments take into account a number of recommendations made by the OSCE/ODIHR in its final report on the observation of the 12 May 2007 parliamentary elections. However, some OSCE/ODIHR NAM interlocutors called these changes “cosmetic” and expressed a lack of confidence in their effective contribution to the conduct of democratic elections.

Administrative preparations for the upcoming election appear to be well under way and training is planned for members of Precinct Election Commissions (PECs). It is expected that the changes to the counting and tabulation procedures will improve the process and help to prevent miscalculations or possible manipulations. As in the 12 May 2007 parliamentary elections, results will be tabulated through direct online summarization of PEC results at the level of Territorial Election Commissions (TECs) through a computer network connected to the CEC. The results for PECs in Yerevan, where about half of the electorate resides, will be tabulated at the CEC as the Yerevan TECs are not included in the computer network.

Access to media remains a major issue of concern for many OSCE/ODIHR NAM interlocutors, especially those in opposition to the current government. Equal access to public and private media is guaranteed by law during the official campaign period, and with recent changes to the Law on Television and Radio Broadcasting, also before the beginning of the campaign period. However, some interlocutors claimed very limited media access in the current period before the official campaign is to begin on 21 January 2008.

According to a number of OSCE/ODIHR NAM interlocutors, public confidence in the integrity of the election process in Armenia remains low. Different fraud schemes suggestive of multiple voting or vote buying have been alleged, such as printing of large numbers of fake passports or the usage of different colour pens to mark the ballots. Some interlocutors expressed their suspicions that vote-buying will take place on a large scale. However, no detailed information or supporting documentation were provided to support such claims. Furthermore, the OSCE/ODIHR NAM has received reassurances by the authorities that the upcoming election will be well organized and its conduct further improved. The Armenian authorities stated that they intend to hold the upcoming presidential election in line with OSCE commitments and other international standards.

The OSCE/ODIHR recommends that an Election Observation Mission be established in early January 2008, according to the standard OSCE/ODIHR methodology, contingent upon the receipt of an early official invitation from the Armenian authorities. The OSCE/ODIHR has already received indications from the authorities that a timely invitation will be forthcoming.

### **III. FINDINGS**

#### **A. BACKGROUND**

The presidential election in Armenia, scheduled for 19 February 2008, will be an important test for the consolidation of democratic progress in Armenia. This election

follows parliamentary elections that were held on 12 May 2007. The OSCE/ODIHR assessed the 12 May parliamentary elections as having demonstrated improvement and conducted largely in accordance with OSCE commitments and other international standards for democratic elections<sup>1</sup>. However, the stated intention by the Armenian authorities to conduct an election in line with OSCE commitments and international standards was not fully realized. While the authorities acted to address a number of previous shortcomings, other issues are yet to be sufficiently addressed. Most notably, these related to campaign regulation and performance of election commissions particularly during the vote count and tabulation.

Previous elections in Armenia (1996 to 2003) were assessed by the OSCE/ODIHR as falling short of OSCE commitments and other international standards.

During its visit to Armenia, the OSCE/ODIHR NAM received reassurances that the Armenian authorities will build upon their performance during the parliamentary elections, and will strive to further improve the conduct of their elections during the upcoming presidential election.

## **B. POLITICAL CONTEXT**

The 12 May parliamentary election resulted in a governing coalition of the Republican Party (RPA), the Prosperous Armenia Party and the Armenian Revolutionary Federation Dashnaksutiun (ARF Dashnaksutiun). Other parties represented in Parliament are: Orinats Yerkir (Law-based State Party), Heritage Party, and Alliance Party. In addition, a People's Deputy Group comprises several members of parliament elected as non-partisan, majoritarian candidates.

The upcoming presidential election will be the fifth since the declaration of independence by Armenia in September 1991. The President of the Republic will be directly elected by citizens of Armenia for a five-year term of office. Under Armenia's constitution, a presidential candidate must win over 50 per cent of the votes cast for all candidates to be elected in the first round; otherwise the two leading candidates take part in a second round two weeks later, in which the winner is decided by simple majority. The incumbent President, Robert Kocharian, will not be able to run again as the constitution limits eligibility to two consecutive terms.

The deadline for nomination of candidates passed on 6 December 2007; in total, nine nominees applied to the CEC to be registered as candidates for the election: Artur Bagdasaryan, chairman of Orinats Yerkir and former speaker of the National Assembly (until May 2006); Artashes Geghamyan, leader of the opposition National Unity Party (AMK) and third placed candidate of the 2003 presidential election; Aram Harutunyan, leader of the National Accord Party; Vahan Hovhannisyan, vice-speaker of the Armenian National Assembly and a member of the board of the ARF Dashnaksutiun; Tigran Karapetyan, head of ALM TV and leader of the People's Party; Vazgen Manoukyan, leader of the opposition National Democratic Union and first post-communist prime minister from 1990 to 1991; Armen Melikyan, a former adviser to the former president of the unrecognized republic of Nagorno-Karabakh; Serzh Sargsyan, prime minister of Armenia and leader of the Republican Party; and Levon Ter-

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<sup>1</sup> See OSCE/ODIHR *Final Report on the Parliamentary Elections in the Republic of Armenia 12 May 2007*: [http://osce.org/documents/odihr/2007/09/26169\\_en.pdf](http://osce.org/documents/odihr/2007/09/26169_en.pdf)

Petrosian, the first President of independent Armenia from 1991 to 1998. The CEC will review their documents and decide on their registration in the period between 31 December 2007 and 20 January 2008.

The nomination of presidential candidates requires these persons to have Armenian citizenship and have been permanently residing in Armenia for the last ten years. The election code was amended to include the requirement that candidates do not hold dual citizenship, even though dual citizens are now allowed to vote, provided they are registered in Armenia. These requirements affected the nomination of two potential candidates: Aram Karapetyan, who was a presidential candidate in 2003, and Raffi Hovhannisyanyan whose nomination had not been accepted on the same grounds in 2003.

Despite some recent discussions and public speculations about possible joint candidates of the opposition, there is no nominated unified opposition candidate, nor have parties that have not nominated a candidate expressed their support for one of the nominees.

Some interlocutors expressed concerns to the OSCE/ODIHR NAM about the supposed lack of confidence of the electorate in the integrity of the election process in Armenia. They were also concerned about the possible negative influence of business circles on the conduct of the upcoming election, especially with regard to potential vote-buying and other financial and political incentives to influence the choice of the voters. The OSCE/ODIHR NAM was also told by some interlocutors that they expect administrative resources to be abused during the election period and that they are worried about the possibilities of multiple voting.

### C. LEGAL FRAMEWORK

The legal framework for the election has changed since the last presidential election in February 2003. The election code has been amended several times over the past years. The OSCE/ODIHR and the Venice Commission of the Council of Europe contributed to this process, at the request of the National Assembly, through the provision of expert assessments<sup>2</sup> and participation in related discussions. The most recent amendments were made in November 2007, without participation of the OSCE/ODIHR or the Venice Commission, but addressing a number of recommendations of the OSCE/ODIHR Final Report on the 12 May 2007 parliamentary elections.

The most recent amendments to the election code include changes that affect the upcoming presidential election. The deposit of presidential candidates has been increased from 5 to 8 million Armenian drams (AMD), from approximately EUR 10,000 to EUR 17,000, but the requirement for support signatures has been abolished. Presidential candidates can no longer be nominated by civic initiatives or coalitions. However, self-nomination of candidates has been introduced. The amended election code also enables citizens to vote at their actual place of residence provided that they apply for a change of their entry in the voter list seven days prior to the election. They would then be taken off the voter list at the place of their official registration and entered on the voter list at the place of their actual residency. In order to limit the

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<sup>2</sup> See <http://194.8.63.155/odihr-elections/13444.html> for expert assessments of electoral legislation in Armenia

possibilities of multiple voting, the stamping of voters' passports or identification documents has been introduced.

Provisions for campaigning through the broadcast media have been clarified by amendments to the Law on Television and Radio Broadcasting. Despite proposals by some factions in the National Assembly, the ceiling for campaign expenditure has not been increased but reporting on campaign expenditure is now required twice, once ten days after the start of the official campaign and once six days after election day.

Other amendments aim at simplifying the procedure of vote counting and vote tabulation by eliminating the counting of ballot envelopes and the total number of voters included on the voter list. Discrepancies are now calculated at the level of TECs through specific software when entering results from Precinct Election Commissions (PECs) into networked computers. The legal definition of 'initial data' which shall not be modified has been clarified as comprising the results of calculations produced by the PECs.

Some interlocutors expressed concerns to the OSCE/ODIHR NAM that the recent amendments to the election code are of a "cosmetic" and not a substantial nature. In particular, some had requested the inking of voters' fingers to avoid possible multiple voting and the printing of ballot papers outside of Armenia. It was explained to the OSCE/ODIHR NAM, however, that those concerns are addressed by the possibility of observing the process of ballot printing through candidate proxies and observers and introducing the stamping of voters' identification documents. Other interlocutors expressed a lack of confidence in the judiciary despite recent public statements by President Kocharian about the importance of judicial independence.

#### **D. ELECTION ADMINISTRATION**

The presidential election will be administered by a three-tiered structure headed by the CEC and including 41 TECs and about 2,000 PECs. Electoral precincts, not including more than 2,000 voters, will have to be formed until 45 days before election day, while PECs will now be established up to one week earlier than before, i.e. no later than 23 days before election day.

Appointments for election commissions are made in a hierarchical manner, in which each member of the CEC nominates one member to each TEC, who in turn nominates a member to each PEC under that TEC. One member of the CEC is nominated by the President, one member each by respective parliamentary factions, and one member by the 'people's deputy' group in the National Assembly, and one member from among the judicial servants. The composition of the CEC and the TECs changed after the May 2007 parliamentary elections. Amendments to the election code stipulate that vacant positions on TECs and the CEC are now filled by the President from among the judicial servants if the vacancy occurs 15 days before election day, and if the number of vacant positions is higher than one-third of the total number of commission members.

While opposition parties are represented in election commissions and candidates can nominate proxies to observe the work of election commissions, some interlocutors expressed concern about pressure being applied to their commission members.

The CEC considers itself well prepared for the upcoming election and has received support from international organizations to prepare the election. One of the main shortcomings of previous elections, problems during the vote count at the PECs, is being addressed by forming PECs earlier and providing training. The simplification of the counting process, especially regarding the filling out of protocols, is expected to contribute to a better performance of PECs on election day.

As in the parliamentary elections, a computerized network will link the TECs outside Yerevan directly to the CEC to allow for online transmission and tabulation of results. PEC data is immediately inputted into a computer at TEC level and transferred to the CEC where observers will be able to follow the process on monitors in real time. The software that will be used for the tabulation does not allow changes from the CEC. In addition, proxies and observers are entitled to receive copies of the results protocols at PEC and TEC levels throughout the country.

However, the computerized system does not apply to the 13 TECs in Yerevan itself, where about half of the electorate resides. From those TECs in Yerevan, PEC protocols will be collected by cars and input directly at the CEC into the networked computer system. It seems that a parallel tabulation will take place for those Yerevan TECs, at the level of the TEC and at the CEC, but that the tabulation at the CEC will be the one included in the preliminary results.

In the morning after the election, all protocols have to be delivered to the CEC. Data from PECs will then be input again at the CEC for comparison and to confirm results. In the case of discrepancies, these will be checked. Final results will have to be announced no later than seven days after the election.

The CEC Chairman informed the OSCE/ODIHR NAM that despite the long gap provided for by the election code between the deadline for nomination of candidates (6 December 2007) and the end of actual candidate registration (until 20 January 2008), no problems are expected with the registration process.

## **E. MEDIA**

There are about 60 television channels and about 20 radio companies, as well as more than 100 print media publications (including two state-funded newspapers) in Armenia. However, television is the most important and influential source of information. The public service broadcaster *HI* is regarded as the most influential media outlet in Armenia and reaches the whole country. Some other private channels cover large parts of the country. Print media has a limited circulation outside Yerevan.

Despite the relatively high number of media outlets in Armenia, a lack of diversity in viewpoints presented by broadcast media has been criticized by international organizations dealing with freedom of expression, including the OSCE Representative on Freedom of the Media.<sup>3</sup> Factors affecting the media situation include a high level of influence over editorial lines by political and business interests, financial weakness of

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<sup>3</sup> OSCE Representative on Freedom of the Media, "The State of Media Freedom in Armenia", 26 July 2006, [http://www.osce.org/documents/oy/2007/05/24699\\_en.pdf](http://www.osce.org/documents/oy/2007/05/24699_en.pdf)



media outlets because of low advertising profitability, and legal actions taken against journalists in recent years.

By law, all broadcast media have to provide equal airtime to contestants during the official campaign period. Recent amendments to the Law on Television and Radio Broadcasting extended this obligation to the period before the start of the election campaign. The amendments also included the obligation to provide impartial and non-judgmental information about the pre-election campaigns of candidates in their information programmes. Campaign broadcasts on TV and radio have now to be explicitly identified as such. The amended law has also clarified the role of the National Commission for Television and Radio (NCTR) which monitors the broadcast media's compliance with legal procedures. The NCTR is now entitled to file a court case against TV or radio companies that violate legal provisions.

The CEC is obliged to ensure equal access for contestants by random selection of broadcast slots and order of appearance for both free and paid airtime. The relevant lottery will be held on 22 January 2008. Each presidential candidate is entitled to use up to 60 minutes of free airtime on public television and up to 120 minutes of free airtime on public radio. In addition, each candidate may use paid airtime on public television and public radio: up to 120 minutes and up to 180 minutes respectively. Rates for political advertisements must be publicly announced, consistently offered to all contestants and may not be changed during the election period. Rates were set in November 2007 and range from 100,000 AMD (approx EUR 210) to 130,000 AMD (approx EUR 280), as in the May 2007 parliamentary elections.

Some OSCE/ODIHR NAM interlocutors expressed concerns about access to the media before the official start of the campaign on 21 January 2008. Some alleged that obstacles exist for certain opposition representatives to gain access to media and that an unofficial blockade against their presence on the media, especially on the public broadcaster *HI*, is being enforced. The example of Gyumri-based TV station *Gala* was cited which has come under scrutiny from tax authorities, allegedly because it screened a speech by Levon Ter-Petrossian at the end of September in which he announced his intention to run in the presidential election. However, the Chairman of the NCTR as well as the Executive Director of *HI* dispute these allegations and explicitly stated their aim to provide equitable access to candidates, particularly once it is known who the nominated candidates are. Especially *HI* vows to fulfil its role as public broadcaster and to thoroughly cover the presidential election including possible debates between candidates and a focus on tabulation and transmission of results on election day.

A local non-governmental organization, the Yerevan Press Club, is conducting media monitoring of the broadcasts of seven television channels, including *HI*, and the public radio from 1 October until 15 December, and also plans to monitor the official campaign period. The Office of the Press Secretary of the President is conducting monitoring of the political broadcasts of six private television channels.

## **F. INTERNATIONAL AND DOMESTIC OBSERVERS**

All OSCE/ODIHR NAM interlocutors welcomed the presence of an OSCE/ODIHR Election Observation Mission for the 19 February 2008 presidential election. Some called for early deployment of observers and urged for comprehensive long-term

observation and media monitoring. Other international observers are expected for the upcoming election, including delegations from the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe.

A number of domestic observer groups also plan to observe the election. “It’s Your Choice”, which has observed elections in Armenia since 1996, plans to have observers in every polling station on election day. All political parties and representatives of nominated candidates that the OSCE/ODIHR NAM met plan to deploy proxies in polling stations on election day.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

The OSCE/ODIHR recommends that an Election Observation Mission be deployed in early January 2008, according to the standard OSCE/ODIHR methodology, contingent upon the receipt of an early official invitation from the Armenian authorities. The OSCE/ODIHR has already received indications from the authorities that a timely invitation will be forthcoming. The OSCE/ODIHR requests from OSCE participating States the secondment of 24 long-term observers, to be deployed in early January. The OSCE/ODIHR EOM, with the assistance of long-term observers, will follow the pre-election campaign, access to media, candidate registration, complaints and appeals and election preparations. In addition, the OSCE/ODIHR will request 250 short-term observers for the observation of election day proceedings.

## **ANNEX – LIST OF MEETINGS**

**Yerevan, 4 and 5 December 2007**

### **AUTHORITIES**

#### **Ministry of Foreign Affairs**

H.E. Armen BAIBOURTIAN, Deputy Foreign Minister

Ms. Djunik AGHADJANIAN, Director of International Organizations Department

Ms. Anna AGHADJANIAN, Head of Human Rights and Humanitarian Issues Division

#### **Central Election Commission**

Mr. Garegin AZARYAN, Chairman

Mr. Abram BAKHCHAGULYAN, Deputy Chairman

### **POLITICAL PARTIES**

#### **Armenian Republican Party**

Mr. Davit HARUTYUNYAN, Member of National Assembly, Member of Board of Republican Party

#### **“National Unity “Party**

Mr. Alexan KARAPETYAN, Vice Chair Person of "National Unity" Political Party

Mr. Korun ARAKELYAN, Vice Chair Person of "National Unity" Political Party

Mr. Sarkis MUKHATKHANYAN, Vice Chair Person of "National Unity" Political Party

Mr. Gagik TATEVOSYAN, Vice Chair Person of "National Unity" Political Party

#### **Orinats Yerkir (Law-based State Party)**

Ms. Hermine BISHARYAN, Vice-Chairperson

#### **Heritage Party**

Mr. Gevorg KALENCHIAN, Director of Central Headquarters

Mr. Hovsep KHURSHUDYAN, Spokesperson

Ms. Zoya TADEVODYAN, member of CEC

Mr. Armen MARTIROSYAN, Member of National Assembly

Prof. Rafik HAKOBYAN, member of the Board

#### **National Democratic Union**

Mr. Vazgen MANUKYAN, Chairman

Mr. Alexander BUTAEV, deputy

Mr. Vardan VARDANYAN, board member

Ms. Gohar VERZINYAN, Spokesperson

Ms. Anahit AGHAYAN, board member

#### **Armenian National Movement**

Mr. Alexander ARZUMANYAN, Director of the Civil Initiative Office for Nomination of Levon Ter-Petrossian for President

## **MEDIA**

### **National Commission for Radio and TV**

Mr. Grigor AMALYAN, Chairman

### **Public Television Company of Armenia *HI***

Mr. Armen ARZUMANYAN, Executive Director

## **CIVIL SOCIETY**

### **Democracy NGO**

Mr. Hrair TOVMASYAN, Board Member

### **It's Your Choice**

Mr. Harutyun HAMBARDZUMYAN, Chairman

### **Transparency International**

Mr. Varuzhan HOQTANYAN, Deputy Chairman

## **INTERNATIONAL COMMUNITY**

### **OSCE Office in Yerevan**

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Mr. Marc BOJANIC, Deputy Head of Office

Ms. Ruzanna BAGHDASARYAN, National Associate Programme Officer

### **International Working Group on Elections**