

**INTERIM REPORT No. 1  
10–16 January 2013**

**23 January 2013**

**I. EXECUTIVE SUMMARY**

- A presidential election will be held in the Republic of Armenia on 18 February 2013, in line with constitutional provisions. If no candidate wins an absolute majority in the first round, a second round between the top two candidates will be held two weeks later.
- Eight candidates were registered for the election in an inclusive process. Another six nominees did not pay the required electoral deposit and one withdrew before the registration deadline.
- This election will be the first presidential election held under the Electoral Code adopted in May 2011. The new Code was previously assessed as comprehensive and generally providing a sound basis for the conduct of democratic elections. At the same time, there are still areas where it could benefit from improvement.
- The elections will be administered by the Central Election Commission (CEC), 41 Territorial Election Commissions, and 1,988 Precinct Election Commissions. The CEC is active in making preparations for the election, and met the legal deadlines to date.
- Around 2.5 million voters are currently registered. Preliminary voter lists have been posted on the internet and voters can request corrections or inclusions in the voter list.
- The official campaign period is between 21 January and midnight of 16 February. The Electoral Code establishes a set of rules aimed at ensuring equal campaign opportunities for all candidates. Campaign activities already took place in the period prior to the official start of the campaign, generally through online media and social networks.
- The Electoral Code is the main legal basis regulating media coverage of candidates during the official campaign period. It provides for free airtime on public broadcasters and obliges broadcasters to ensure non-discriminatory conditions for all candidates and to provide impartial and unbiased information in their news programs. The National Commission for Television and Radio is in charge of overseeing campaign coverage in the broadcast media.
- Election disputes are adjudicated by election commissions and the Administrative Court. The CEC and the Administrative Court have thus far received five complaints that were either denied consideration due to lack of jurisdiction or rejected in substance.
- The OSCE/ODIHR Election Observation Mission opened in Yerevan on 10 January and includes a 13-member core team and 24 long-term observers who are deployed to 10 locations throughout the country.

## II. INTRODUCTION

In line with constitutional provisions, on 8 December 2012 the Central Election Commission (CEC) announced that scheduled presidential election will be held on 18 February 2013. Following an invitation from the Prime Minister, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 10 January. The EOM, led by Ambassador Heidi Tagliavini, consists of a 13-member core team based in Yerevan and 24 long-term observers who were deployed on 16 January to ten locations across the country. The EOM members are drawn from 21 OSCE participating States. OSCE/ODIHR will request participating States to second 250 short-term observers to observe voting, counting, and tabulation of results on election day.

## III. BACKGROUND

The most recent parliamentary elections were held in May 2012. The ruling Republican Party of Armenia (RPA), led by incumbent President Serzh Sargsyan, won 69 of the 131 seats in parliament. Other parties represented in the parliament are Prosperous Armenia (PA, with 37 seats), Rule of Law (RoL, with 6 seats), the Armenian Revolutionary Federation – *Dashnaktsutyun* (ARF, with 6 seats), Heritage (with 5 seats), and the Armenian National Congress bloc (ANC, with 7 seats). The current government is a coalition of RPA and RoL.

The OSCE/ODIHR EOM observed the 2012 parliamentary elections and concluded in its final report that the elections “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.”<sup>1</sup>

Following the parliamentary elections, a working group composed of government and other state representatives was established by presidential decree.<sup>2</sup> The group was tasked to explore the recommendations offered in the OSCE/ODIHR EOM Final Report and by other observer organizations, and to put forward an action plan for their implementation. The results of the group’s work were presented to the OSCE/ODIHR in October 2012, which recommended that fundamental aspects of the legal framework should not be amended so close to the upcoming election.

## IV. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

The electoral legal framework underwent significant reform in May 2011, when a new Electoral Code was adopted. The upcoming election is the first presidential election that will be held under this Code. The OSCE/ODIHR and the Council of Europe’s European Commission for Democracy through Law (Venice Commission) have assessed the Code as comprehensive and providing a sound basis for the conduct of democratic elections.<sup>3</sup> At the same time, while the new Code

---

<sup>1</sup> All previous OSCE/ODIHR reports on Armenia are available at: <http://www.osce.org/odihr/elections/armenia>.

<sup>2</sup> The working group was chaired by the Head of the Presidential Administration and included the Minister of Justice, the Deputy Minister of Foreign Affairs, the Head of the Commission of State-Legal Issues of the National Assembly, the Legal Assistant to the President, the Head of the CEC, the Deputy Prosecutor General, the Deputy Head of Police and the Chairman of the Administrative Court.

<sup>3</sup> At the request of the National Assembly, the OSCE/ODIHR and the Venice Commission carried out a joint legal review and issued a Joint Final Opinion on the 2011 Electoral Code, which is available at: <http://www.osce.org/odihr/elections/84269>.

addresses a number of previous recommendations offered by the OSCE/ODIHR and the Venice Commission, there are still areas where it could benefit from improvement.<sup>4</sup>

Other relevant legislation includes the Constitution (2005), the Law on Political Parties (2002, last amended in 2012), a new Law on Freedom of Assemblies (2011), and supplementary regulations and legal interpretations of the CEC. The Administrative Offences Code and the Criminal Code were both amended in 2011, increasing fines and prison terms for electoral offences and establishing additional election-related offences. The Administrative Procedures Code, the Law on Fundamentals of Administration and Administrative Proceedings, and the Law on the Constitutional Court all regulate aspects of the electoral dispute resolution process.

Armenian citizens who are 18 or older on election day have the right to vote. Citizens deprived of their legal capacity by a court decision as well as prisoners do not have the right to vote.

The president is directly elected by popular vote for a five-year term. The same person may not serve more than two consecutive terms. To be elected in the first round, a candidate must win the absolute majority of votes cast. If no candidate receives an absolute majority, a second round is held two weeks later between the first and second-placed candidates. The candidate who receives the highest number of votes in the second round is elected.

## V. THE ELECTION ADMINISTRATION

The presidential election is administered by a three-tiered system of election commissions, comprising the CEC, 41 Territorial Election Commissions (TECs), and 1,988 Precinct Election Commissions (PECs).<sup>5</sup> Registered candidates are entitled to appoint proxies to each commission.

The CEC is composed of seven members. Its current members were appointed by the President in July 2011, based on nominations by the Human Rights Defender (3 members) and the Chairpersons of the Court of Cassation and the Chamber of Advocates of Armenia (2 members each). The 41 TECs are permanent bodies whose members were appointed in August 2011 by the CEC from among citizens nominating themselves for these positions. The Electoral Code establishes gender quotas for the composition of the CEC and TECs, requiring that at least two commission members are of the less represented gender. Three female members serve on the current CEC and 32 per cent of all TEC members are women.

PECs will administer voting and counting in 1,988 polling stations. Two PEC members are appointed by the respective TEC, while each party and bloc currently represented in parliament may appoint one of the remaining six PEC members. The deadline for PEC appointment is 24 January. Any vacancies remaining thereafter will be filled by the TEC chairpersons. PEC members must have passed a test and obtained a CEC qualification certificate in order to be appointed.

The chairpersons, deputy chairpersons and secretaries of the CEC and TECs are elected by commission members from among themselves. As provided by the Electoral Code, the CEC on 15 January distributed the positions of PEC chairpersons and secretaries among the party and bloc appointees, proportionally to their seats in parliament.

The CEC has approved the main procedural rules and standard forms of official documents for the election and made them available on its website well in advance of election day. The CEC informed

---

<sup>4</sup> See the OSCE/ODIHR and Venice Commission joint opinion on the Electoral Code and the OSCE/ODIHR EOM Final Report on the 2012 parliamentary elections.

<sup>5</sup> A precinct can have up to 2,000 voters.

the OSCE/ODIHR EOM that it will post the election results by polling station on its website immediately after TECs have processed the counting protocols in order to increase public confidence. The CEC also intends to provide more thorough training of election commissioners on counting and tabulation procedures, and plans to conduct a public-awareness campaign on election procedures, targeted at different categories of voters, such as students, military personnel and police. The CEC informed the EOM that it plans a public presentation and test of the special ink that will be used to stamp voters' passports on election day as a safeguard against multiple voting.<sup>6</sup>

## VI. VOTER REGISTRATION

Voter registration is passive and based on the state population register. The Passport and Visa Department of the police (PVD) is responsible for the permanent maintenance of a nationwide, electronic voter register.<sup>7</sup> A digital, searchable version of the voter register was posted on the CEC website on 8 January, as required by law. The CEC informed the OSCE/ODIHR EOM that the total number of voters as of 9 January was 2,510,897.

Voter lists are extracted from the voter register. Provisional voter lists by polling station have also been posted in a downloadable version on the PVD website. Citizens can apply to 61 PVD offices across the country for correction of discrepancies in the voter list (including in other voters' records). Voters who wish to vote in a different community than their place of registered residence can request the PVD to temporarily transfer their record.

Special voter lists are compiled for military units, pre-trial detention centers, police and National Security Service personnel stationed away from their place of residence. A total of 243 diplomatic service staff posted abroad and their family members can vote via the internet before 18 February.<sup>8</sup>

## VII. CANDIDATE NOMINATION AND REGISTRATION

To be eligible to run for president, citizens must have voting rights, be thirty-five years or older, not hold the citizenship of another country, and have been a citizen and have permanently resided in Armenia for the preceding 10 years.

Candidates can be nominated by political parties or through self-nomination. The nomination of candidates took place from 25 December 2012 to 4 January 2013, and was followed by a ten-day period for candidate registration. Prospective candidates had to submit an application to the CEC containing personal data and proof of paying a deposit of AMD 8 million (some EUR 15,000).<sup>9</sup> The Electoral Code grants prospective candidates an additional 48 hours to supplement documentation.

Candidate registration was inclusive. A total of 15 nominations were submitted to the CEC within the legal deadline. The CEC registered all eight nominees who had submitted complete documentation and paid the deposit.<sup>10</sup> One nominee withdrew and six were not registered for failure

---

<sup>6</sup> According to the Electoral Code, the stamp should remain visible at least 12 hours after a passport is stamped.

<sup>7</sup> The voter register is updated twice a year, in June and November. The PVD submits the updated voter register to the CEC.

<sup>8</sup> A CEC Decision 19 of 31 January 2012 defines the procedures for internet voting.

<sup>9</sup> In addition to the application, nominees had to submit the following supportive documentation: a decision of the party congress or the party's permanent executive body on nomination as a candidate, the party's statute, written consent to be a nominated by party, copy of ID, proof of residence and citizenship for the last 10 years, and personal details of the candidate's authorized representative. The first three documents had to be submitted by party-nominees only.

<sup>10</sup> The registered candidates are Hrant Baghratyan, Andrias Ghukasyan, Aram Harutyunyan, Paruyr Hayrikyan, Raffi Hovannisyan, Arman Melikyan, Serzh Sargsyan and Vardan Sedrakyan.

to pay the deposit, including the only woman among the prospective candidates.<sup>11</sup> The law also allows for a candidate's registration to be revoked by a court decision upon application of the CEC for a campaign or campaign finance violation.

## VIII. THE PRE-CAMPAIGN ENVIRONMENT

The official campaign period starts on 21 January and ends at midnight on 16 February. The Electoral Code establishes a set of rules aimed at ensuring equal opportunities for all candidates. State and local self-government bodies are obliged to provide contestants with premises for campaign events, under equal conditions and free of charge. The Electoral Code also states that campaigning is not restricted outside the official campaign period, apart from the 24-hour silence period preceding election day.

Only two of the presidential candidates were nominated by a political party: the incumbent, President Serzh Sargsyan, nominated by RPA, and Hrant Baghratyan, nominated by the Freedom Party. While this party is a member of the ANC bloc, the ANC did not endorse his candidacy. The remaining candidates will run as self-nominated, including the leader of the Heritage party, Raffi Hovannisyanyan. The other parliamentary parties (PA, ANC and ARF) decided to not nominate candidates.<sup>12</sup>

In the period before the official start of the campaign, campaign activities were mainly conducted through online media and social networks. Most candidates made public statements about the importance of the upcoming election, while two of them reportedly advocated the boycott of the election.<sup>13</sup>

## IX. THE MEDIA

There are 96 television channels, including 6 with nationwide coverage, 20 radio companies, some 90 print publications and numerous online media. Television is the most important source of information, especially outside of Yerevan. Public television, H1, has nationwide reach and is considered one of the most influential media outlets. While print media struggle with limited circulation and declining impact, the readership of online media, including a number of politics-oriented portals, is growing. Some international organizations dealing with freedom of expression continue to highlight several concerns including a lack of broadcast media diversity and persistent self-censorship.<sup>14</sup>

The Constitution provides for freedom of speech and freedom of information. In a positive development, libel and insult were decriminalized in May 2010. In November 2011, the Constitutional Court ruled that media cannot be held liable for "critical assessment of facts" and "evaluation judgments". This decision, welcomed by the OSCE Representative on Freedom of the Media,<sup>15</sup> significantly limited the high fines on media outlets in civil defamation lawsuits.

The Law on Television and Radio Broadcasting forbids censorship and sets a number of rules for

---

<sup>11</sup> By law, registration may be refused if the documents submitted are incomplete or have been falsified.

<sup>12</sup> Ruben Ayvazyan, a member of the PA, submitted his nomination to the CEC but subsequently withdrew.

<sup>13</sup> Andrias Ghukasyan sent a letter to the other presidential candidates calling on them to jointly withdraw from the election. He also announced a hunger strike, demanding the deregistration of the incumbent President. Aram Harutyunyan suggested that all candidates, bar the incumbent withdraw ten days before election day.

<sup>14</sup> See Reporters Without Borders, Press Freedom Index 2011-2012, available at: [http://en.rsf.org/IMG/CLASSEMENT\\_2012/C\\_GENERAL\\_ANG.pdf](http://en.rsf.org/IMG/CLASSEMENT_2012/C_GENERAL_ANG.pdf), amongst other reports.

<sup>15</sup> Regular Report to the OSCE Permanent Council, 24 November 2011, available at: <http://www.osce.org/fom/85336>.

campaign coverage in the broadcast media. The Electoral Code, however, remains the main legal basis for conducting an election campaign in the media. It governs the performance of the broadcast media: news programs on both public and private media are required to present impartial and unbiased information about contestants' election campaigns, and to ensure equal and fair conditions. Campaign broadcasts on television and radio have to be explicitly identified as such.

Each candidate is entitled to receive a maximum of 60 and 120 minutes of free airtime, respectively, on public television and public radio and may purchase up to 120 and 180 minutes of paid airtime, respectively. The schedule of free airtime was established by the CEC on 15 January, the day after the end of candidate registration, as provided for by the Electoral Code. The National Commission for Television and Radio is obliged to oversee media compliance with legal provisions, including through its own media monitoring.

On 11 January, the OSCE/ODIHR EOM commenced its media monitoring, with qualitative and quantitative analysis of six television channels, two radio stations, three daily newspapers and two online media.<sup>16</sup> From 1 October to 15 December 2012 the Yerevan Press Club, a local non-governmental organization, conducted media monitoring of seven television channels and two radio stations in a project funded by the EU and implemented by the OSCE Office in Yerevan. The organization also intends to monitor the official campaign period.

## X. COMPLAINTS AND APPEALS

Decisions, actions, and inactions of election commissions can be appealed to the superior election commission, while complaints against the CEC may be filed to the Administrative Court. The CEC may submit cases to the Administrative Court for de-registration of candidates for campaign and campaign financing violations. Decisions of the Administrative Court in electoral disputes are final. Complaints regarding voter lists are adjudicated by first-instance courts of general jurisdiction, with no right to appeal. In addition to assessing the constitutionality of legal provisions, the Constitutional Court adjudicates any complaints against the final election results.

The OSCE/ODIHR EOM has been informed of two complaints filed with the CEC by candidate nominees with regard to the electoral deposit.<sup>17</sup> The Administrative Court received three complaints, all of them related to candidate registration. All complaints were denied consideration due to lack of jurisdiction or rejected on substance.<sup>18</sup>

The OSCE/ODIHR EOM has been informed that the Prosecutor General will establish a working group to deal with election-related alleged violations and will operate a hotline for election day complaints. In addition, the Human Rights Defender has informed that they have established six regional offices throughout the country to receive election-related complaints during the campaign period and on election day and to facilitate handling of those complaints.

---

<sup>16</sup> H1 (public broadcaster), H2, Armenia TV, *Shant*, *Kentron* and *Yerkir Media* (nation-wide channels); Public Radio, *Radio Azatutyun* (radio stations); *Hayastani Hanrapetutyun* (state-funded newspaper), *Aravot*, *Haykakan Zhamanak* (newspapers); [www.news.am](http://www.news.am), [www.lin.am](http://www.lin.am) (online media).

<sup>17</sup> One presidential nominee requested the CEC to lower the registration deposit to AMD 50,000 (approximately EUR 100). The CEC dismissed the complaint on the grounds that the amount of the deposit was established by the Electoral Code and was thus outside of the CEC's competence. One complaint was denied consideration, as it had already been adjudicated by the Administrative Court.

<sup>18</sup> One complaint disputed the decision of the CEC on candidate registration and declared the electoral deposit requirement as an insurmountable obstacle for campaigning; it was forwarded to the Constitutional Court as the competent body. The other two complaints claimed that the PVD has improperly denied the claimants issuance of the ten-year permanent residence certificate. Both of these complaints were rejected in substance.

## **XI. INTERNATIONAL AND CITIZEN OBSERVERS**

The Electoral Code provides for international and citizen election observation. Citizen observers can be nominated by public associations engaged in issues related to protection of democracy and human rights. Individuals must pass a CEC-administered test to qualify as citizen observers. Certificates are valid for a three-year period. As of 16 January, six citizen organizations have nominated 958 observers. The accreditation deadline is 8 February.

Article 30.5 of the Electoral Code empowers the CEC to withdraw an organization's accreditation in case one of its observers supports an electoral contestant. However, the CEC has informed the OSCE/ODIHR EOM that it does not intend to enforce this provision, and will rather withdraw the accreditation of an individual observer who violates the Electoral Code to this extent.

## **XII. OSCE/ODIHR EOM ACTIVITIES**

The OSCE/ODIHR EOM opened in Yerevan on 10 January 2013 with a press conference held the following day. The Head of Mission has met with the CEC Chairperson, the Minister of Foreign Affairs, the Deputy Minister of Foreign Affairs, the Chief of Staff of the Presidential Administration, the Head of the OSCE Office in Yerevan, and the Pre-Electoral Mission of the Parliamentary Assembly of the Council of Europe (PACE). The EOM has also established or initiated contacts with the CEC, governmental institutions involved in the election process, candidates, political parties, civil society, and the media in the capital and at the regional level.

The OSCE Parliamentary Assembly (OSCE PA), PACE and European Parliament intend to deploy observer delegations for election day observation.

*The English version of this report is the only official document.  
An unofficial translation is available in Armenian.*