

INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Armenia – Early Parliamentary Elections, 20 June 2021

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 20 June 2021 early parliamentary elections in the Republic of Armenia were competitive and generally well-managed within a short timeframe. However, they were characterized by intense polarization and marred by increasingly inflammatory rhetoric among key contestants. The legal framework is generally comprehensive, but the fact that amendments were adopted so close to the elections caused some legal uncertainty. The election administration conducted its work in a transparent, collegial and professional manner and enjoyed electoral stakeholders' confidence. Voters were provided with a broad range of options, and fundamental rights and freedoms were generally respected, with contestants being able to campaign freely. However, the negative tone and the personality driven nature of the campaign hindered a policy-focused debate. Generally, women were sidelined throughout the campaign. Election day, including the vote count, was assessed positively overall.

The decision to hold early elections arose in the aftermath of anti-government protests following the signing of a ceasefire statement with Azerbaijan. The ceasefire statement followed a 44-day war in and around Nagorno-Karabakh. The elections took place in the context of continuing tension between Armenia and Azerbaijan. National security issues dominated the political discourse, overshadowing debate on other policy issues, and harsh rhetoric exacerbated an already polarized political environment.

The legal framework is broadly conducive to the conduct of democratic elections and provided comprehensive regulation of most components of the electoral process despite some shortcomings. The Electoral Code, adopted in 2016, was amended in April and May 2021, shortly before elections were called. The changes had been publicly debated and advocated and were supported by most political parties and civil society groups and public outreach on the proposed electoral reforms was largely perceived as inclusive. However, the late adoption by parliament and the decision by the president not to sign the amendments affected legal certainty and left limited time for implementing regulations and informing voters on new procedures.

Following the elimination of open territorial lists in April, voters will elect a minimum of 101 MPs for a five-year term, through a closed-list proportional system within a single nationwide constituency. In order to qualify for the distribution of mandates, political parties had to obtain at least five per cent of votes cast, with alliances of political parties required to obtain at least seven per cent of the vote. These thresholds remain high for the stated aim of a purely proportional system. The law provides for up to four additional reserved seats in parliament, one for each of the four largest national minorities (Yezidis, Russians, Assyrians and Kurds).

Elections are administered by a three-tiered system comprising the Central Election Commission (CEC), 38 Territorial Election Commissions (TECs), and 2,008 Precinct Election Commissions (PECs). The CEC conducted its work in a transparent, collegial and professional manner, meeting all legal deadlines, despite a short time frame for preparations. Most IEOM interlocutors expressed confidence in the capacity of the CEC to deliver on its mandate professionally. Some voiced apprehensions over the election administration's ability to maintain its independence. While TECs were assessed as generally professional and open by ODIHR EOM observers, TEC decisions were not published online, nor were they uniformly posted for public display, contrary to legal requirements. In keeping with the law, the PEC management

positions were distributed among the alliances in the outgoing parliament in proportion to their current representation, hence providing a large majority of the positions to the ruling party. Women were well represented in the PECs when compared to the CEC and the TECs where they represented only approximately a third of the membership.

The voter register as of 13 June, included around 2.6 million eligible citizens, including a significant number of voters residing abroad who remain on the voter register because they maintain an official residence in Armenia. All citizens who are at least 18 years old on election day are eligible to vote, unless convicted of a serious crime or declared mentally incompetent by a court decision. Deprivation of the right to vote on the basis of a mental disability is inconsistent with international standards. In line with the law, voter lists were made available for public scrutiny, and voters were able to request corrections. IEOM interlocutors were satisfied with the level of transparency and expressed no concerns with the accuracy of the voter register. The CEC is required to publish scanned copies of the signed voter lists from all polling stations by 22 June. While international standards and best practices recommend the protection of data privacy and the maintenance of secrecy when it comes to the participation of individual voters, all ODIHR EOM interlocutors expressed support for this measure as an effective way to enhance transparency and prevent electoral fraud.

In an inclusive process, the CEC registered the candidate lists of 22 political parties and 4 alliances, with a total of 2,623 candidates, including 965 women (37 per cent), providing voters with a broad range of options of political parties and alliances. Following the withdrawal of one political party, a total of 21 political parties and 4 alliances contested in these elections. All lists fully complied with the 30-per cent gender requirement. The law does not provide the possibility for candidates to stand individually, which is contrary to paragraph 7.5 of the 1990 OSCE Copenhagen Document.

Fundamental rights and freedoms were generally respected, and contestants were able to campaign freely. The official campaign period lasted only 12 days, in line with the law. However, in the absence of regulation for the pre-campaign period, some parties began campaigning before this date. Some contestants voiced concerns to the ODIHR EOM that the short official campaign period privileged more established parties in these elections. The campaign was characterized by a high level of polarization, and was often confrontational. Harsh and inflammatory language tainted the debate. The ODIHR EOM observed incidents of pressure by political actors and employers on private-sector and public employees to attend campaign events. Allegations of vote-buying were also made to the IEOM.

Campaign financing rules allow for both public and private sources of funding. The law sets maximum amounts for campaign incomes and expenditures. While the rules are detailed, a number of shortcomings allow for circumvention of the legal provisions. Notably, the legal definition of campaign expenditures does not cover organizational expenses, despite repeated and longstanding ODIHR and Venice Commission recommendations. The CEC's Oversight and Audit Service (OAS) is in charge of overseeing whether contesting parties and alliances comply with campaign finance legislation. The OAS published summarized data on total amounts of contributions and expenditures per contestant and posted their pre-election financial reports online, which contributed to financial transparency.

Freedom of expression, which is guaranteed by the Constitution, was respected. The media environment is diverse, though many broadcasters have strong political affiliations. Television is the primary source of political information, and the use of social networks is very significant. ODIHR EOM media monitoring showed that major broadcasters made a visible effort to cover a broad range of electoral contestants, contributing to the information available for voters to make an informed choice. Public television provided generally balanced coverage of contestants, however, the channel edited an advertising spot of an opposition party due to alleged defamatory language. Several newly established parties claimed a lack of coverage by traditional media and opted to use social networks instead. A number of media outlets organized debates, including the public television. However more than half of the leaders of the contesting

parties and alliances declined to participate in the final two public television debates, which negatively affected their informational value.

Under the Electoral Code, decisions, actions, and inactions of election commissions can be appealed to the higher-level commission, while complaints against the CEC are adjudicated by the Administrative Court. Despite previous ODIHR and Venice Commission recommendations, the rules on legal standing to file complaints remain narrow. The CEC received 22 complaints, and 21 appeals were addressed to the Administrative Court before election day. Furthermore, despite previous recommendations, the law limits the legal standing to bring appeals against voting results.

By the 5 June deadline, the CEC accredited 19 citizen observer organizations with a total of 8,748 observers, eight international organizations, and twenty diplomatic and foreign delegations to observe the elections. Some citizen observer groups expressed concerns that the early deadline for submitting applications for accreditation, 15 days before election day, made it difficult to recruit observers.

Election day was generally peaceful, with a voter turnout of 49.4 per cent announced by the CEC. IEOM observers assessed the opening and voting processes positively in the overwhelming majority of polling stations observed. However, IEOM observers reported some incidents of party or alliance proxies interfering in the process, frequent overcrowding, as well as a general disregard for COVID-19 protection measures. The majority of polling stations were not accessible for persons with physical disabilities. IEOM observers reported some cases of tension or unrest, as well as isolated indications of vote buying and pressure on voters. IEOM observers reported only a few cases of procedural violations. The vote count was assessed positively in most polling stations where it was observed and was characterized by a high level of transparency. Reconciliation and counting procedures were followed overall, and IEOM observers noted very few significant procedural errors or serious violations. In a number of TECs, poor organization, insufficient space and overcrowding negatively affected the process and transparency.

PRELIMINARY FINDINGS

Background and Political Context

On 18 March 2021, Prime Minister Nikol Pashinyan announced that early parliamentary elections would be held on 20 June. In compliance with relevant legal deadlines, he resigned on 25 April, and the elections were called via presidential decree on 10 May. The decision to hold early elections arose in the aftermath of anti-government protests following the signing of a ceasefire statement with Azerbaijan, brokered by the Russian Federation in November 2020. The ceasefire statement followed a 44-day war in and around Nagorno-Karabakh.

The elections took place in an atmosphere of continuing tension between Armenia and Azerbaijan. The national security situation dominated political discourse during these elections. The COVID-19 pandemic aggravated the economic downturn resulting from the war, further impacting the electoral environment. The political environment leading up to the elections was highly polarized¹, often personality-driven, and characterized by aggressive accusations and inflammatory rhetoric.

The most recent parliamentary elections were early elections held in 2018. They resulted in the My Step alliance led by Mr. Pashinyan's Civil Contract party receiving 70.4 per cent of votes cast and 88 of the

¹ Criminal law proceedings were initiated against former President Robert Kocharyan in July 2018 on charges of overthrowing the constitutional order. These proceedings ended in March 2021 following a decision by the constitutional court finding the article with which he was charged unconstitutional because it was not in line with the principles of certainty and proportionality (See Complaints and Appeals).

132 seats. Prosperous Armenia and Bright Armenia were the only other parties to pass the 5 per cent threshold, with 8.3 per cent (26 seats) and 6.4 per cent (18 seats), respectively.

Legal Framework and Electoral System

Parliamentary elections are regulated by the 1995 Constitution (last amended by referendum in 2015), the 2016 Electoral Code, and other legislation.² Armenia is a party to the main international treaties related to democratic elections.³ Overall, the legal framework is conducive to the conduct of democratic elections.

The electoral legal framework provides comprehensive regulation of issues related to election administration, voter lists and voter identification. While the rules on candidate registration, campaigning and campaign financing are detailed, certain shortcomings, previously noted by ODIHR and the Council of Europe's European Commission for Democracy through Law (the Venice Commission), remain unaddressed.⁴ These include restrictions on the rights of persons with dual citizenship to stand for election,⁵ the short timeframe for reviewing campaign-finance reporting, as well as the narrow definition of campaign expenditures. The legal framework regulating the handling of complaints and appeals and addressing electoral violations, while adequate, could also benefit from review (See Campaign Finance and Complaint and Appeals).

The Electoral Code was adopted in 2016 and has been amended several times since then.⁶ In April and May 2021, shortly before elections were called, parliament adopted two sets of amendments.⁷ The 1 April amendments eliminated open territorial lists of candidates with corresponding procedural changes, among others, to candidate registration, the distribution of mandates, and election-day procedures. These amendments were adopted by a majority of 82 out of 132 members of parliament (MPs); notably Prosperous Armenia and Bright Armenia did not participate in the vote.⁸ While the move to a single nationwide constituency had long been debated and advocated by many political parties and civil society actors, some IEOM interlocutors suggested that the change was made too close to the elections. The President of the Republic opted not to sign the amendments, citing their timing and lack of consensus in the parliament.⁹ A second, more comprehensive, package of amendments that are not applicable to this election was adopted on 7 May 2021. Until both sets of amendments were adopted and signed, electoral

² Including the Law on Political Parties, the Law on Peaceful Assemblies, the Law on Administrative Procedures, the Law on Administrative Offences, the Civil Code and the Criminal Code.

³ Including the 1950 European Convention on Human Rights (ECHR), the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 2003 UN Convention against Corruption (UNCAC), and the 2006 Convention on the Rights of Persons with Disabilities (CRPD). Armenia is also a member of the Council of Europe's European Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO).

⁴ See the [April 2016](#) and [June 2016](#) ODIHR and the Venice Commission Joint Opinions on Reform of the Electoral Code of Armenia.

⁵ Recent amendments to the Criminal Code went further and criminalized concealment of dual citizenship, including in order to stand for elections, making it punishable by up to 5 years of imprisonment. The Venice Commission previously stated that this amendment 'should be considered in the light of Article 3 of the First Protocol of the ECHR. As long as Armenia accepts dual citizenship, holding two citizenships should not be ground for ineligibility to be elected to the parliament and thus not criminalized.' See ECtHR, *Tănase v. Moldova*, 27 April 2010, Application No. 7/08.

⁶ The 2018 amendments to the Electoral Code and other legislation in relation to parliamentary elections introduced, among others, measures against abuse of state resources, lifted restrictions on accreditation of media representatives for elections and set greater sanctions for electoral violations.

⁷ Public outreach on the proposed reforms began in 2020 and the proposed reforms were reviewed. See the ODIHR and Venice Commission [Urgent Joint Opinion on Draft Amendments to the Electoral Code and Related Legislation](#).

⁸ Bright Armenia mainly objected to the timing of changes; Prosperous Armenia had been boycotting most parliamentary votes since January 2021.

⁹ Following the expiration of the constitutionally mandated 21-day deadline for the president's signature, the amendments were signed into law by the Speaker of Parliament and entered into legal force on 27 April 2021.

stakeholders were uncertain which amendments would apply to these elections thereby affecting legal certainty and leaving limited time for implementing regulations and informing voters on new procedures.¹⁰

In these parliamentary elections, voters will elect a minimum of 101 MPs, through a closed-list proportional system within a single nationwide constituency. MPs are elected for a five-year term. In order to qualify for the distribution of mandates, political parties must obtain at least five per cent of votes cast, while alliances of two or more political parties are required to obtain at least seven per cent.¹¹ The amendment to reduce the five per cent threshold did not take effect for these elections. These thresholds remain high for the stated aim of a purely proportional system.¹² The Electoral Code stipulates that if less than three parties and/or alliances pass the threshold, the three parties or alliances with the highest number of votes gain parliamentary representation. In addition to the MPs elected under the proportional system, the law provides for up to four reserved seats in parliament, one for each of the four largest national minorities (Yezidis, Russians, Assyrians and Kurds).¹³

The constitution requires a proportional electoral contest and a multiparty system. The Constitution also requires a “stable parliamentary majority” (which the Electoral Code defines as 54 per cent of seats in parliament) in order to form a government. In the event that the winning party or alliance list obtains at least 50 per cent of seats plus one, but falls short of 54 per cent, that party or alliance will be assigned additional seats in order for it to reach the required stable majority.¹⁴ If no single party or alliance wins a 50 per cent plus one majority, and no political parties or alliances are able to form a coalition within 6 days of the finalization of the results, a second round between the top two candidate lists is held 28 days after first election day. In the second round, these two remaining contesting parties or alliances are permitted to form new alliances with other parties that ran in the first round.

Election Administration

Elections are administered by a three-tiered system comprising the Central Election Commission (CEC), 38 Territorial Election Commissions (TECs), and 2,008 Precinct Election Commissions (PECs). The CEC is a permanent and professional body composed of seven members who are elected for a six-year term, for a maximum of two consecutive terms. The CEC, in its current composition, was appointed in October 2016.¹⁵ Most IEOM interlocutors expressed confidence in the capacity of the CEC to deliver on its mandate professionally. Some IEOM interlocutors voiced apprehensions over the election administration’s ability to maintain its independence.

The CEC conducted its work in a transparent, collegial and efficient manner, meeting all legal deadlines despite a short timeframe for preparations. Its sessions were livestreamed and attended by party and alliance proxies, observers and the media. Meeting agendas and decisions were published in a timely

¹⁰ The Central Election Commission (CEC) informed the ODIHR EOM that in order to update its instructions in time, it started the process based on the draft law, without knowing which provisions would ultimately be adopted.

¹¹ [ODIHR and the Venice Commission](#) previously noted that “alliances might provide more cooperation and stable government. Therefore, the threshold for alliances could be the same as for political parties.”

¹² See April 2016 ODIHR and Venice Commission [Joint Opinion on the Draft Electoral Code](#).

¹³ Based on the most recent census, conducted in 2011, Yezidis accounted for 1.1 per cent of the population, Russians for 0.3 per cent, and Assyrians and Kurds for less than 0.1 per cent each. [ODIHR and the Venice Commission](#) previously noted that “the arrangement of extra seats for national minorities may change the political balance among the parties.” In the outgoing parliament, the My Step alliance held all four reserved seats.

¹⁴ The Electoral Code also foresees that if the winning party or coalition wins more than two thirds of the total number of seats in parliament, smaller parties and alliances that passed the threshold will be assigned additional seats so that the opposition parties combined reach one third of the total number of seats.

¹⁵ CEC members were nominated by a parliamentary vote of at least three-fifths of all MPs. Prior to 2016, CEC members were nominated by the president. Five members, including the chairperson, deputy chairperson and secretary, were first nominated in 2011. Two other members were first nominated in 2014 and 2015.

manner on the CEC website. The CEC developed election-day procedures and guidelines for PEC members, Voter Authentication Device (VAD) specialists, as well as for observers and proxies.

While the CEC has the regulatory power to issue instructions, a significant proportion of clarifications on election-day procedures were not adopted in CEC sessions, nor were they the subject of formal CEC decisions. Importantly, the determination of ballot validity was not adequately regulated. Limited COVID-related procedures for polling operations were adopted, though these did not address possible overcrowding. ODIHR EOM observers assessed the trainings of PEC members positively.

The CEC's voter-education campaign was launched 20 days before election day. It included posters, brochures, as well as TV and radio advertisements on new voting procedures, including in the languages of the four main national minorities, for persons with visual and hearing impairments and with the help of civil society for persons with intellectual disabilities. The ODIHR EOM observers noted that the visibility of the CEC voter-education campaign remained limited across the country.

TECs are permanent professional bodies composed of seven members appointed by the CEC for a six-year term. ODIHR EOM observers assessed the TECs as generally professional, and TEC sessions were open and characterized by a consensus-led approach. The public display of TEC decisions was not consistent, contrary to legal requirements and TEC decisions were not published on the CEC website.

PECs are temporary bodies formed for each election, with a minimum of seven members selected by parliamentary groups as well as by the TECs. For these elections, each PEC was composed of seven to eight members, two of whom were nominated by the respective TEC and two by each of the three parliamentary groups represented in the outgoing parliament. While most PECs were formed by 2 June in accordance with the CEC calendar, many TECs were required to nominate additional candidates, after parliamentary factions, particularly Bright Armenia, did not to nominate sufficient candidates for all PECs.¹⁶ In line with the law, the positions of PEC chairperson and secretary were distributed among the alliances in the outgoing parliament in proportion to their current representation, hence providing a large majority of PEC management positions to the ruling party.

The CEC and all TECs complied with the legal requirement to include at least two members of each gender. Three of the seven CEC members were women (42 per cent), including the deputy chairperson. At the TEC level, out of 266 members 94 were women (35 per cent), with only a few holding decision-making positions, including two chairpersons (five per cent) and six deputy chairpersons (16 per cent). Gender disaggregated data on the composition of the TECs needs to be extracted and is not readily available, which is at odds with international standards.¹⁷ The CEC did not publish gender disaggregated information on the composition of PEC members.

Voter Registration

All citizens who are at least 18 years old on election day are eligible to vote, unless convicted of a serious crime or declared mentally incompetent by a court decision. Deprivation of the right to vote on the basis of a mental disability is inconsistent with international standards.¹⁸ Voter registration is passive, with voter information being provided automatically by the State Population Register. The voter register is

¹⁶ The list of PEC members published on election day by the CEC does not indicate party affiliation.

¹⁷ Article 48d of the [CEDAW General Recommendation No. 23](#), requires state parties to provide “statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights.”

¹⁸ According to Articles 12 and 29 of the [UN Convention on the Rights of Persons with Disabilities](#) (CRPD), “State Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and ensure their “right and opportunity [...] to vote and be elected”. Paragraph 48 of [General Comment No. 1 to Article 12 of the CRPD](#) states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election”.

maintained by the Passport and Visa Department (PVD) of the police and includes all eligible citizens who maintain a permanent residence in Armenia. As of 13 June, there were 2,577,172 registered voters, including a significant number of voters residing abroad who remain on the voter register because they maintain an official residence in Armenia.¹⁹ While all ODIHR EOM interlocutors recognized that a significant number of those included in the voter list are abroad and therefore not in a position to vote,²⁰ no concerns were expressed with regards to the accuracy of the voter register.

The legal framework provides extensive measures ensuring the transparency and accessibility of voter lists, with public display of voter lists and the publication of the lists online in searchable and downloadable versions. Preliminary voter lists were displayed at polling stations for public scrutiny by the 31 May deadline. Voters were able to request corrections, inclusions and deletions concerning themselves or other voters until 10 June.²¹ Voters omitted from the voter lists, as well as those in medical facilities or detention centers, could be included on supplementary voter lists up until the end of voting on election day.

On election day, voters were identified through the scanning of their ID document and fingerprint with electronic VADs, which contained an electronic copy of the voter list for the respective polling station. The law requires the CEC to publish scanned copies of the signed voter lists from all polling stations on 22 June, allowing for public verification. While international standards and best practices recommend the protection of data privacy and secrecy of individual voter data, including whether they voted and at which location,²² all interlocutors met by the ODIHR EOM expressed support for the measure as an effective way to enhance transparency and prevent electoral malfeasance.

The April 2021 amendments specify that the signed voter lists should remain available until the tabulation of results at the CEC or, if appeals are filed, until their adjudication. However, neither the rules for consulting the lists nor confidentiality obligations are specifically addressed.

Candidate Registration

For parliamentary elections, political parties and alliances of political parties can each submit a single closed list for the nationwide constituency, containing between 80 and 300 candidates. Women and men must account for at least 30 per cent of the candidates, with a requirement that both genders are represented in each group of three consecutive candidates on the list.²³ This quota increased from 25 per cent in the most recent elections.

In order to be eligible to stand as a candidate, one must be an eligible voter of at least 25 years of age, be a citizen of and resident in Armenia for the preceding four years, and have command of the Armenian language. Citizens holding another nationality are not eligible to stand as candidates (see Legal Framework). Judges, prosecutors, military personnel, police officers, other categories of civil servants, and election commissions members are also not permitted to stand as candidates. Candidate lists may

¹⁹ The PVD did not provide gender disaggregated data on the voter lists or details of the corrections made to the preliminary voter lists, including temporary changes of address for election day.

²⁰ With the exception of diplomatic and military staff abroad and their family, citizens abroad cannot vote.

²¹ Applications on behalf of another voter must be notarized.

²² See paragraph IV A of the Venice Commission's [Interpretative Declaration to the code of good practice in electoral matters on the publication of voter lists having participated in elections](#) (CDL-AD(2016)028), and paragraph 10 of [General Comment 16 to the ICCPR](#) on the right to privacy. Point 4.c of the Code of Good Practice on Electoral Matters (CDL-AD(2002)023rev2-cor) also states that "the lists of persons actually voting should not be published."

²³ The 30 per cent gender quota was adopted in 2016 but entered into force for the first time for these elections, in line with transitional provisions of the Electoral Code. The gender requirement does not apply to the section of the list with candidates representing national minorities.

include up to 30 per cent of non-party members. The law does not provide the possibility for candidates to stand individually, which is contrary to paragraph 7.5 of the 1990 OSCE Copenhagen Document.²⁴

In an inclusive process, the CEC registered the candidate lists of 22 political parties and 4 alliances.²⁵ Following the withdrawal of one political party by the 10 June deadline,²⁶ a total of 25 contesting lists remained, composed of 2,498 candidates of whom 925 were women (37 per cent).²⁷ All lists complied with the gender requirement, including after the withdrawal and cancellation of 39 candidates' registration. Only two candidate lists were headed by a woman. One alliance and three parties registered a total of 13 candidates for the four seats reserved for national minorities. Among the contestants were the three largest parties represented in the outgoing parliament,²⁸ as well as those affiliated with all three presidents to have held office between 1991 and 2018.²⁹

All registered parties and alliances submitted the required financial deposit of AMD 10 million (approximately EUR 15,700). The deposit will be returned if a list obtains seats in parliament or more than four per cent of valid votes.

Campaign Environment

For these early elections, the official campaign period was 12 days, compared to 35 to 45 days for regular elections, in accordance with the law. The official campaign period commenced on 7 June and ended on 18 June, with campaigning prohibited on the day before election day and on election day itself.³⁰

As in the pre-campaign period, the national security situation dominated the political discourse in the campaign period. The economic situation, exacerbated by the war and the COVID-19 pandemic, was the next most important issue. The polarization intensified during the campaign period, with some contestants levelling derogatory and inflammatory accusations against one another, rather than engaging in issue-based discussions.³¹ IEOM observers reported increasingly high levels of intolerant, inflammatory and discriminatory rhetoric in the period leading up to election day. The Human Rights Defender criticized the use of such rhetoric and called on all contestants, in particular current leaders (or officials), such as the prime minister, to refrain from using such language.³² The CEC also called on contestants to refrain from such rhetoric.³³

²⁴ Paragraph 7.5 of the 1990 OSCE Copenhagen Document commits OSCE participating States to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”.

²⁵ Twenty-six candidates from 12 different candidate lists were denied registration due to missing supporting documents (i) proving Armenian citizenship and residency over the last four years (19 cases), (ii) proving knowledge of the Armenian language (15 cases), (iii) providing the written consent of the candidate to be included in the list (8 cases), (iv) missing the copy of the ID document or passport (3 cases), and document falsification (2 cases).

²⁶ Armenian Eagles, United Armenia Party, sequence number 22.

²⁷ In total, 35 candidates withdrew their applications, and the registration of 4 candidates was cancelled due to the submission of falsified documents.

²⁸ CC, BA, and PA.

²⁹ Levon Ter-Petrosyan (Armenian National Congress; ANC), Robert Kocharyan (Armenia Alliance; AA) and Serzh Sargsyan (With Honor alliance, WH). While Mr. Sargsyan was not a candidate in these elections he was prominent in the campaigning for his party.

³⁰ Campaign-related content posted before the campaign-silence period may remain online during the silence period (Electoral Code, Art. 19).

³¹ At rallies observed by ODIHR EOM LTOs in (Ashtarak on 8 June, in Yerevan on 11 June, in Tashir and Vanadzor on 12 June former) President Kocharyan accused the current prime minister of being a “traitor”, “lunatic” and stated that he should leave the country. Prime Minister Pashinyan accused the former president of being part of a “criminal gang” and threatened to “break the teeth of that pack”, threatened a “staff massacre” and said that he has a “vendetta” against those whom he accuses of working against him within the administration or as leaders of private businesses (during a Civil Contract [rally in Talin](#) on 8 June).

³² See: [31 May 2021 statement](#) by the Ombudsman.

³³ The CEC issued a [call](#) to parties to abstain from using such rhetoric.

Fundamental rights such as the freedoms of assembly were generally respected throughout the campaign, and contestants were able to campaign freely throughout the country.³⁴ While voters had a wide range of options of political parties and alliances, the most visible parties and alliances in the campaign were incumbent Prime Minister Nikol Pashinyan's Civil Contract and former President Robert Kocharyan's Armenia Alliance. Campaign messages were aggressive with accusations of corruption against the former president from one side and criticisms of the so-called failures of the current administration, particularly in relation to the conduct of the war from the other side. Negative campaign materials targeting Mr. Kocharyan were also noted before and on election day near some polling stations.

ODIHR EOM long-term observers noted that in-person campaign activities took place around the country. Many observed events did not adhere to government mandated measures against the COVID-19 pandemic. Marches, car parades, door-to-door canvassing, public meetings and meetings with specific groups, as well as extensive use of social networks and advertisements on television were features of the campaign. Contestants also made widespread use of billboards and posters, including in places allocated by the CEC equally to contestants for paid advertising. Parties and Alliances reported a few significant concerns relating to the destruction of posters and billboards during the campaign, but no official complaints were filed.³⁵ Despite the 30 per cent gender quota, women have been notably sidelined in campaign events, rarely participating as speakers.³⁶ Further, there was an observable absence of messages targeting women and national minority groups during the campaigns.

Prime Minister Pashinyan was criticized by ODIHR EOM interlocutors and in the media for using his working visits to the regions during the pre-campaign period to promote his electoral messages in meeting local communities and visit local offices of his party. While these events were not labelled as campaign events, they featured campaign messages and materials such as banners with the Civil Contract logo.³⁷ The Electoral Code restricts campaigning by civil servants and government officials to off-duty hours but does not clearly define working or non-working hours. Visits to party offices in the course of a working visit by a state official, or to government offices while campaigning blurs the line between the ruling party and the state.³⁸

The ODIHR EOM observed incidents of pressure on private and public sector employees by employers connected to contestants to attend campaign events. Allegations of vote buying were also made to the ODIHR EOM, in particular in regards to larger parties and investigations were opened against three

³⁴ On 16 June on the sidelines of a Civil Contract rally in Yeghegnadzor, ODIHR EOM observers witnessed the forceful arrest of five Armenia Alliance supporters by the police. The five were later released but one showed evidence of having been physically harmed.

³⁵ The With Honor alliance reported two cases, in Yerevan and in Aragatsotn region, but did not file official complaints with the police or the CEC, citing lack of trust in effective remedy and lack of time. However by 19 June the prosecutor had received 42 reports of property damage relating to election material. While not official campaign materials, ODIHR EOM observers reported, vandalized billboards promoting Mr Kocharyan's book in the regions Vayots Dzor, Tavush, and Lori. Billboards promoting Mr. Tigran Arzakantsyan's Foundation were defaced in Lori region.

³⁶ Only 24 out of 153 observed speakers during rallies were women (16 per cent), and 51 out of 73 observed campaign events (70 per cent) featured no female speaker.

³⁷ For example, party banners observed by ODIHR EOM long-term observers in Vanadzor (Lori region) on 30 May and as well as more than 20 other events portrayed on the [candidate's Facebook page](#).

³⁸ Acting Prime Minister Pashinyan took official leave between 7 and 18 June, as did government ministers, regional governors and other state officials involved in the campaign.

candidates on vote-buying charges during the campaign period.³⁹ Allegations of the misuse of administrative resources also persisted throughout the campaign and were not uniformly addressed.⁴⁰

The campaign silence was generally maintained, but following a complaint by With Honor, the CEC issued a warning against Civil Contract candidate Mr. Pashinyan for campaigning on the day before the elections.⁴¹

Campaign Finance

Campaign financing is primarily regulated by the Electoral Code and the Law on Political Parties.⁴² Political parties or alliances that received at least three per cent of the vote in the previous elections are entitled to annual public funding, but there is no direct public funding of campaign expenses.⁴³ Parties and alliances contesting the elections are required to open a dedicated bank account for campaign finance transactions.⁴⁴ Campaigns may be funded by donations from voters, as well as from candidates' own contributions and funds transferred by political parties.⁴⁵ Campaign contributions from commercial and non-commercial entities, as well as from foreign and anonymous sources, are not permitted.⁴⁶ The law limits campaign expenses to 500 million Armenian dram (AMD; approximately EUR 788,000) per contesting party or alliance.

While campaign finance regulation is detailed, a number of shortcomings allow for the circumvention of legal provisions. For instance, despite a longstanding ODIHR recommendation, the legal definition of campaign expenditures does not cover organizational expenses, such as costs for office space, transportation, communications, and campaign staff, leaving the opportunity for contestants to use these expenses as a means to circumvent spending limits. The ODIHR EOM observed that some parties used charitable organizations and personal publicity to bypass campaign spending limits.⁴⁷ While the amended law on Political Parties banned contributions from commercial entities to party funds and introduced corresponding sanctions, some ODIHR interlocutors stated that the ban can be circumvented by channeling large corporate donations through individual citizens as smaller contributions to campaign funds. While new sanctions were introduced in recent amendments to the legal framework, some of the

³⁹ On 8 June a Prosperous Armenia candidate was arrested on charges of vote buying in Gegharkunik region. On 11 June the former Mayor of Armavir, standing as a With Honor candidate was also arrested in Armavir region. On 18 June a With Honor Candidate was arrested on vote buying charges in Zeytun district in Yerevan. In addition to the three candidates arrested, investigations were initiated in 14 cases related to vote buying.

⁴⁰ See ODIHR and Venice Commission [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources During Electoral Processes](#).

⁴¹ Mr. Pashinyan posted a video on his [facebook page](#) during the campaign silence period urging citizens to vote.

⁴² The Law on Political Parties was amended in December 2020, *inter alia* with respect to party and campaign financing. Together with the May 2021 changes to Electoral Code, amended provisions addressed some previously noted concerns, as they expanded the definition of campaign expenditures and transferred the financial oversight functions from the CEC to the Anti-Corruption Commission. These amendments enter into legal force in 2022.

⁴³ Based on the results of the 2018 parliamentary elections, the following parties and alliances receive funding from the state budget: My Step, Prosperous Armenia, Bright Armenia, Republican Party of Armenia, and the Armenian Revolutionary Federation.

⁴⁴ Non-establishment of the campaign fund constitutes grounds for the CEC to apply to the Administrative Court for revocation of the registration of a contestant.

⁴⁵ By law, contributions are limited to AMD 500,000 (approx. EUR 790) for voters; AMD 5 million (approx. EUR 7,900) for candidates, and AMD 100 million (approx. EUR 157,000) for contestants. EUR 1 is approximately AMD 635.

⁴⁶ Any contribution from prohibited sources and contributions that exceed the limits are transferred to the state budget.

⁴⁷ The Tigran Arzakantsyan Foundation was perceived as increasing the visibility for the Democratic Party (DP) particularly in Yerevan and in the Tavush region. ODIHR EOM observers also reported the use of the foundation's premises by DP in the Aragatsotn region. Civil Contract, Bright Armenia also reported a few cases of vandalism. Billboards promoting a book by former President Robert Kocharyan were observed by the ODIHR EOM in all regions. This widespread publicity increased visibility for Robert Kocharyan but did not hinder the ability of other participants to place their paid billboards in places allocated by the CEC.

most necessary amendments addressing criminal and administrative liability for violations of campaign financing rules will only become applicable in 2022.

The CEC's Oversight and Audit Service (OAS) is in charge of overseeing the compliance of contesting parties and alliances with campaign finance legislation. OAS published summarized data on the total amounts of contributions and expenditures per contesting party/alliance and posted their pre-election financial reports online, thereby contributing to financial transparency. The second financial reports have to be submitted no later than three days before the summarization of the election results by the CEC.

Media

The media landscape is diverse and includes 50 broadcasters, including 6 TV channels and 4 radio stations with nationwide outreach, over 35 periodical print publications, and more than 200 online news portals.⁴⁸ The role of online sources and social networks, in particular Facebook, is growing rapidly, and they have become significant platforms for the exchange of election-related information. Nevertheless, television remains the most important source of political information, especially outside the capital. Public television, which is financed from the state budget, continues to be perceived as having a pro-government editorial policy. At the same time, IEOM interlocutors highlighted long-standing concerns about the political affiliation of private broadcasters.

Freedom of expression is guaranteed by the Constitution, and international organizations have noted overall improvements in this respect since 2018. Defamation was decriminalized in 2010, but a Civil Code amendment from April 2021 tripled the maximum pecuniary damages that can be claimed in insult and libel cases.⁴⁹ ODIHR EOM interlocutors highlighted the growing level of harsh, intolerant and inflammatory rhetoric in the political arena. The political environment in which different opinions are routinely confronted with hatred and reprimand, particularly on social networks, is negatively affecting public discourse.⁵⁰ Additionally, the number of recent instances of physical harassment of journalists performing their professional duties raise questions about respect for media freedom.⁵¹

On 1 June, in line with the law, the CEC, through a public lottery, allocated 30 minutes of free airtime on public television, and 60 minutes on public radio, both during prime time, to each contesting party or alliance. In addition, each contesting party or alliance had the right to purchase up to 60 minutes on public television, and up to 90 minutes on public radio. Thirty-two private broadcasters, including 26 regional broadcasters, provided contestants with an opportunity to buy paid advertisements.⁵²

By law, the Commission for Television and Radio (CTR) oversees all broadcasters during the official campaign period, including through its own media monitoring.⁵³ In a welcome step, the CTR interpreted the requirement in the Electoral Code to provide "impartial and non-judgmental information" in a manner that allows for a more comprehensive coverage of the various parties and alliances rather than a formalistic

⁴⁸ The Commission for Television and Radio (CTR) provided the number of broadcasters, whereas the numbers of print and online media are reported by the [IREX Media Sustainability Index 2019 – Armenia](#).

⁴⁹ See the [statement](#) by ten local media and human rights organizations, in which they criticized the amendment. The president sent the amendment to the Constitutional Court for review.

⁵⁰ On 14 April Armenian [media CSOs condemned](#) threats and insults on journalists.

⁵¹ Reports of the Committee to Protect Freedom of Expression from [23 April](#) and of the Union of Journalists of Armenia from [11 May](#), [31 May](#), and [3 June](#) refer to obstruction and physical harassment of journalists from ArmNews TV/tert.am website, Channel 5, 168.am website and Hraparak newspaper.

⁵² Political subjects can also place political advertising in private media (both broadcast and print), including before the official campaign period.

⁵³ Based on its own methodology, that is publicly available on its [website](#) as well as on the [CEC website](#), the CTR monitors a total of 38 broadcasters. While predominantly focused on compliance with requirements concerning the free and paid airtime, it does not assess the tone of news coverage.

emphasis on equal amounts of coverage to each contestant. On 16 June, the regulator issued its first monitoring report, which did not note any major violations of the law.

The ODIHR EOM commenced its media monitoring on 24 May, with quantitative and qualitative analysis of seven TV channels, one radio station, and three online media outlets.⁵⁴ There were discernible differences in the media coverage of political developments before and after the start of the official campaign. Monitored broadcasters, in particular public television decreased their coverage of the current government and the acting prime minister, and coverage dedicated mostly to contesting parties and alliances. A significant portion of the television content related to elections were campaign adverts, including frequent negative campaigning, primarily by Armenia Alliance.

The share of coverage dedicated to the government on public *HI* decreased from 66 to 4 per cent, remaining overwhelmingly positive or neutral in tone. Public *HI* covered all contestants to a generally comparable extent, providing the largest coverage to Civil Contract with 12 per cent, followed by Armenia National Congress with 11 per cent, Armenian Alliance with 8 per cent and With Honor Alliance with 7 per cent. The coverage was mostly positive and neutral in tone, and generally avoided harsh rhetoric. The public television adhered to its requirements for free and paid airtime allocation.⁵⁵ It also aired numerous electoral debates and interviews; including two live debates with the leaders of contesting parties and alliances.⁵⁶ However more than half of the leaders of the contesting parties and alliances declined to participate in the final two public television debates, which negatively affected their informational value. Several opposition parties complained about various aspects of *HI* election coverage, including the editing and rejection of paid advertising materials which were critical of the ruling party and its supporters⁵⁷ and the means for determining the debate order.⁵⁸

During the official campaign, some private broadcasters, particularly *Shant TV*, made an observable effort to cover most electoral contestants in a largely impartial manner, contributing to the diversity of information available and to the voters' ability to make an informed choice. *Shant TV* dedicated 11 per cent of its politics related coverage to Armenia Alliance and 10 per cent to Civil Contract. The tone of the coverage was neutral or positive. By contrast, news channel *Armnews*, often presented one-sided and critical biased coverage against the ruling authorities and CC, including derogatory statements voiced by its journalists.

Channels that are perceived to be openly affiliated with particular parties did, however, give those contestants preferential treatment. For example, *Yerkir Media* dedicated 36 per cent of coverage in a mostly positive or neutral tone to the Armenia Alliance.

⁵⁴ The ODIHR EOM is monitoring the prime-time broadcasts of the nationwide TV channels *HI* (public TV), *ATV*, *Armenia TV*, *Kentron TV*, *Shant TV*, and *Yerkir Media*, as well as Yerevan-based *Armnews TV*. The ODIHR EOM is also monitoring the news programs of Public Radio and politically relevant articles of the online media sources www.azatutyun.am (the Armenian-language service of RFE/RL), www.news.am, and www.1in.am.

⁵⁵ All 25 contesting parties and alliances used free airtime on public television (13 on public radio), while 20 placed their paid advertisements on public television (6 on public radio).

⁵⁶ *Azatutyun.am*, several regional and online media (*FactorTV*, *Kyavar TV*, *Lori TV*, *Sevan TV* and *Tsayg TV*) and CSOs (Media Center and Dialogue Media Center) also organized debates.

⁵⁷ On 8 June the Armenia Alliance and on 9 June the With Honor Alliance filed complaints with the CTR, alleging biased moderation by the host in the main political debate aired by public television. On 12 June the With Honor Alliance publicly complained about two instances of editorial interference in its advertising materials due to alleged defamatory language. On 17 June the public television rectified its rejection of one spot and provided the party with an alternative spot.

⁵⁸ Several parties protested the selection criteria for the final televised debates and thirteen chose not to participate. The debates, aired on 16 and 17 June, placed together parties and alliances based on the date of party registration, as a result of which these parties claimed to have been deprived of the opportunity to pose questions to the ruling party. On 18 June the Armenia National Congress filed a complaint with the Administrative court concerning the selection criteria for leaders' debates.

Complaints and Appeals

Under the Electoral Code, decisions, actions, and inactions of election commissions can be appealed to the higher-level commission, while complaints against the CEC are adjudicated by the Administrative Court.⁵⁹ By law, appeals against decisions and actions of election commissions can also be filed with courts, and in cases of parallel judicial and administrative appeals, the judicial process takes precedence. According to the Administrative Court, applicants need to exhaust all remedies within the election administration before submitting appeals to the court.⁶⁰ With some exceptions, legal standing for filing complaints and appeals is limited to potential violations of personal electoral rights.⁶¹ On 8 April 2021, an observation organization challenged the constitutionality of the provision of the Electoral Code that does not allow for the filing of complaints in the public interest.⁶²

The CEC received 22 complaints before election day, as well as a number of informal applications and requests for information. Discussions on complaints were open and collegial, and all participants had the opportunity to express their views, and decisions were posted in keeping with official deadlines. Many applicants alleged campaign violations based on the use of harsh rhetoric and “hate speech”, and demanded the annulment of the registration of some candidate lists and individual candidates. While most of the complaints were dismissed due to the lack of legal standing, the CEC emphasized that evaluation of individual campaign speeches is not within its competencies and the election code does not provide criteria for this evaluation. Before election day, of the 22 complaints received by the CEC, 4 alleged the misuse of administrative resources.⁶³ These were dismissed on the grounds of the lack of legal standing of the complainants, and the substance of the complaints was not uniformly evaluated despite the CEC’s legal obligation to do so.⁶⁴ In order to facilitate access for complainants during the COVID-19 pandemic, the CEC allows for complaints and letters to also be submitted via an electronic system.⁶⁵

The Administrative Court received 21 appeals before election day, including appeals from potential candidates who were refused the residency or citizenship certificates required for candidate registration, and appeals against the CEC decisions to cancel the registration of three candidates.⁶⁶ In one case, the Administrative Court overturned the CEC decisions to remove billboards promoting a book by former President Robert Kocharyan, which the CEC found to be “associated with the campaign.”⁶⁷ Three other contestants submitted their appeals against similar CEC decisions to remove their billboards outside of the legal deadline for these appeals.⁶⁸ The court hearings observed by the ODIHR EOM were held in a

⁵⁹ Complaints regarding inaccuracies in the voter lists can be filed to the PVD, the decision of which can be further appealed to a district court.

⁶⁰ In practice, this means that only appeals against CEC decisions are admissible for judicial review. This does not, however, concern appeals against TEC decisions on voting results.

⁶¹ Complaints may be filed by voters, media representatives, and observers with respect to violations of their individual rights, and by proxies and commission members with respect to violations of their rights and those of other parties, candidates, and stakeholders.

⁶² The hearing on this case has been scheduled for 6 July 2021. Provisions of the Electoral Code on legal standing only allow observers to submit complaints with regard to violations of their rights.

⁶³ The CEC was also informed of related concerns in the form of non-complaint grievances.

⁶⁴ According to the Electoral Code, electoral commissions shall exercise control over the observance of procedures for campaigning with the power to act *ex officio*. Article 23 of the Electoral Code establishes restrictions for the election campaign, including the prohibition of the use of administrative resources.

⁶⁵ The CEC piloted the electronic system for submitting complaints during the 2020 local elections.

⁶⁶ The Administrative Court upheld the CEC decision in two cases, and in one case the candidate was reinstated on the list.

⁶⁷ On 6 June, the Court held that the CEC did not explain why it found the billboards to be “associated with the campaign.” Neither the Electoral Code nor a sub-legal act provides a definition of ‘campaign.’ On 7 June, the CEC adopted the same decision again, this time with a detailed reasoning. Nevertheless, the Court overturned it again, stating that the CEC could not re-adopt the decision which contradicted a final ruling of the Administrative Court.

⁶⁸ The CEC adopted decisions to remove the billboards of Bright Armenia, 5164 Movement, and a candidate Tigran Arzakantsayn on 31 May. The Electoral Code stipulates that appeals are to be filed within 3 days from the moment of a potential rights violation.

transparent manner in open sessions, participants were duly informed about the time and place of the hearings and were provided with opportunities to present their arguments to the court. The legal deadlines for judgments were respected; decisions were motivated and timely published online.

The Prosecutor's office received 338 reports alleging electoral violations as of 19 June. Most of these cases were referred to police offices or for further fact-checking, while those of administrative nature were referred to the CEC. Twenty six criminal cases were initiated, including in seventeen cases of suspected vote buying, and several suspects were detained.⁶⁹

The law provides for several levels of appeals against voting results. However, despite previous recommendations, the right to appeal is limited to political parties and alliances contesting the elections and candidates included in their lists.⁷⁰ They can further appeal the TEC decision to the CEC or the Administrative Court. Several ODIHR EOM interlocutors mentioned that the seven-day deadline for establishing the election results impacts the deadlines for post-election day dispute resolution as all results-related complaints and appeals must be handled within this limited timeframe.⁷¹ Only political parties and alliances contesting the elections can appeal the final election results to the Constitutional Court, which has 15 days from the submission of an application to decide.

Many IEOM interlocutors raised concerns about the judiciary being political on the one hand and interference with judicial independence on the other. In 2020, while politically-sensitive cases were pending before the Constitutional Court,⁷² parliament adopted amendments to transitional provisions of the Constitution relating to the terms of office of constitutional court judges, which resulted in changes to the current composition of the Constitutional Court.⁷³

Citizen and International Observers

The legal framework provides for international and citizen election observation and also entitles proxies of parties and alliances contesting an election to be present in polling stations. To be accredited, citizen observer groups must not support candidates or political parties, are required to adopt an internal code of conduct for their observers and are responsible for training their observers. Despite prior ODIHR recommendations, the Electoral Code requires citizen observer groups to include an explicit reference to democracy and human rights protection in their charter for at least one year prior to the announcement of an election, thereby placing an unnecessary restriction on the opportunity to observe.⁷⁴

⁶⁹ As of election day, investigations on these cases were still ongoing.

⁷⁰ PEC members and proxies can also challenge PEC-level results. Proxies can do so only if they were present during voting and the vote count, and PEC members if they made written comments in the PEC protocols. Section II.3.3f of the Venice Commission Code of Good Practice in Electoral Matters recommends that "All candidates and voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may however, be imposed for appeals by voters on the results of elections.

⁷¹ For post-election day disputes, the seven-day period between election day and the establishment of the election results means that all complaints must be submitted, examined, and decided, and appeals must be dealt with by higher-level commissions and courts within this period.

⁷² Amendments changing the composition of the Constitutional Court were passed on 22 June 2020, the same day that the Constitutional Court met to schedule the session on the case relating to the constitutionality of charges brought against former President Kocharyan. On 26 March 2021, the Constitutional Court, under its new composition, declared the provision of the Criminal Code under which Mr. Kocharyan was charged as unconstitutional.

⁷³ Initially the government proposed bringing the changes to the constitutional provisions on tenure of members of the constitutional court to a referendum which was scheduled for 5 April 2020. The referendum was canceled due to the COVID-19 pandemic, and amendments were made to the transitional provisions of the constitution which were passed in parliament. The Constitution does not foresee changes of its transitional provisions.

⁷⁴ On 29 May, the Resource Centre Charitable NGO was denied accreditation for not meeting this requirement.

Some citizen observer groups expressed concerns that the legal deadline for submitting applications for accreditation, 15 days before election day, made it difficult to recruit observers.⁷⁵ Applications for accreditation cannot be submitted electronically, which makes the process more cumbersome for both citizen observer groups and the CEC.⁷⁶ While international organizations are allowed two observers and an interpreter per polling station, citizen observer organizations are allowed one observer.

By the 5 June deadline, the CEC accredited 19 citizen observer organizations with a total of 8,748 observers, 8 international organizations, and some twenty diplomatic and foreign delegations. Some IEOM interlocutors alleged that certain citizen observer organizations are closely affiliated with parties and alliances. The law allows PECs to limit the number of citizen observers and media representatives inside polling stations to 15 if overcrowding negatively affects polling operations. While some IEOM interlocutors voiced concerns about the possible arbitrary application of this provision, it was not, in practice, an issue on election day.

Election Day

Election day was generally peaceful, with a voter turnout of 49.4 per cent announced by the CEC. The CEC started posting detailed preliminary election results on its website, by polling station, in the early hours of 21 June.

The opening was assessed positively in all 123 polling stations where it was observed. Established procedures were generally followed, but 12 of the polling stations observed opened with slight delays.

Voting was assessed positively in 98 per cent of polling stations observed. While IEOM observers characterized the process as smooth, transparent and well-organized, they reported problems such as interference by party or alliance proxies, and frequent overcrowding as well as a general disregard for COVID-19 protection measures.

Campaign materials and activities were noted in the vicinity of 7 per cent of the polling stations observed by IEOM observers. Twenty three instances of tension or unrest around polling stations observed were reported (2 per cent), as well as isolated indications of vote buying and pressure on voters. IEOM observers reported that 14 per cent of polling stations observed were overcrowded, in particular in Yerevan and other cities. Approximately 67 per cent of polling stations were not accessible for persons with physical disabilities, and in 32 per cent, the layout was not suitable for such voters.

Party and alliance proxies were present in 97 per cent of polling stations observed, and citizen observers in 77 per cent. IEOM observers noted the presence of unauthorized persons in 8 per cent of polling stations observed, mostly police who had not been invited into the voting room by the PEC chairperson. In 73 polling station observed (6 per cent), persons other than PEC members interfered in or directed the process; in 55 cases, these were proxies. Official complaints were filed in 7 per cent of polling stations where voting was observed. Some 43 per cent of PECs observed by IEOM observers were chaired by women, and overall, 65 per cent of PEC members in polling station observed were women.

IEOM observers reported no problems with the VADs, and voter identification procedures were almost universally adhered. In 7 per cent of polling station observed, one or more voters were turned away, mostly because they had come to the wrong polling station, could not be found on the voter list, or were unable to produce a valid ID. In 8 polling stations IEOM observers noted that voters without a valid ID were still

⁷⁵ The May 2021 amendments to the Electoral Code, which will take effect in 2022, extend the period for registration of citizen observer organizations to 10 days before election day and allow for the submission of the list of individual observers up to 3 days before election day.

⁷⁶ The May 2021 amendments to the Electoral Code introduce an electronic registration process for citizen observers.

allowed to vote. Voting procedures were respected, with a few exceptions where not all voter confirmation slips were stamped by the PEC or retained after voters cast their ballots. IEOM observers noted some problems with the secrecy of the vote, including not all voters voting in secret (4 per cent of polling stations observed) or voters taking their unused ballots out of the voting booth (2 per cent). IEOM observers reported a limited number of cases of violations, such as group voting (3 per cent), proxy voting (1 per cent), or attempts to influence voters (less than 1 per cent). Isolated instances where voters were not handed a full set of ballots were reported, as was one case where a PEC member handed an envelope already containing a ballot to a voter. In 3 per cent of polling stations observed, the ballot boxes were not sealed properly.

The vote count was assessed positively in 91 of the 97 polling stations in which it was observed and characterized by a high level of transparency and general adherence to established procedures. Party and alliance proxies and citizen observers were present at almost all counts observed. IEOM observers reported 10 cases of undue interference in the count, 9 of which were by proxies. IEOM observers reported only a few cases of PECs failing to follow basic reconciliation procedures before opening the ballot boxes. However, IEOM observers reported from 20 counts that the number of signatures on the voter list did not match the number of voter confirmation slips issued by the VAD. Counting procedures were followed overall, and IEOM observers noted very few significant procedural errors or serious violations such as intimidation of PEC members (2 reports) or evidence of falsification of official election material (3 reports). The determination of ballot validity was reasonable and consistent in all but 4 and 1 counts, respectively. Persons other than PEC members participated in 14 counts, and in 4 polling stations, PEC members had pre-signed the results protocol. Twenty-one PECs observed had problems completing the results protocol. In four polling stations observed, the PEC did not post a copy of the protocol for public display.

The tabulation process was assessed negatively in 6 of the 32 TECs where it was observed. While tabulation procedures were mostly followed, with very few procedural omissions or violations reported, in many TECs, the handover process was poorly organized and there were frequent reports of insufficient space and overcrowding negatively affecting the process and transparency. IEOM observers reported no interference in the tabulation process. Unlike in PECs, proxies were only present in 13 TECs observed.

On election day, the CEC registered 27 reports of violations, several of which were confirmed. They included attempts to direct voters how to vote and cases of interference by proxies. The Prosecutor's Office reported that it had received 319 reports of violations during voting hours. Of these, 79 concerned obstruction of voting, 89 – voting more than once or of impersonation, 49 were for violations of the secrecy of the vote, and 69 for vote-buying. Six criminal cases were initiated. In addition, the police reported that they received 87 reports. On election day, the Special Investigation Service arrested three persons, including a candidate, on suspicion of vote buying in Vayots Dzor region.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Yerevan, 21 June 2021 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of Council of Europe (PACE). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe's and other international obligations and standards for democratic elections and with national legislation. Each of the institutions involved in this International Election Observation Mission has endorsed the 2005 Declaration of Principles for International Election Observation.

Margareta Cederfelt was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. The OSCE PA delegation was led by Kari Henriksen, and the PACE delegation was led by George Katrougalos. Eoghan Murphy is the Head of the ODIHR EOM, deployed from 18 May.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, the handling of possible post-election day complaints or appeals, and a possible second round. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its Standing Committee meeting on 5 July 2021. The PACE will present its report during its September 2021 part-session, in Strasbourg.

The ODIHR EOM includes 16 experts in the capital and 26 long-term observers deployed throughout the country. On election day, 344 observers from 37 countries were deployed, including 247 observers deployed by ODIHR, as well as 73-member delegation from the OSCE PA, and a 24-member delegation from the PACE. There were 41 per cent of women among observers. Opening was observed in 129 polling stations, and voting was observed in more than 1150 polling stations across the country. Counting was observed in 107 polling stations, and the tabulation in 32 TECs.

The IEOM wishes to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for their assistance. The IEOM wishes to also express their appreciation to other state institutions, political parties, media and civil society organizations, and the international community representatives for their co-operation.

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