



Committee  
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Democracy

The Committee for Open Democracy

# Analysis of the 2013 Armenian Presidential Election and Recommendations

Armenia, February 2013.

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## ANALYSIS

### Of the February 18, 2013 Armenian Presidential Election

#### **Summary**

The 2013 Armenian Presidential was conducted in a peaceful environment in contrast to past elections with the incumbent Serzh Sargsyan easily winning a second term without a runoff. With some of the leading opposition figures declining to compete in the election, voter apathy was high and the electorate largely disinterested in the process. While there was no post-election violence as in 2008, Armenia missed an opportunity to improve its electoral conduct as this election reinforced the status quo for the country's elections. As a result, Armenia remains in the second tier of former Soviet republics in terms of democratic elections (behind the Baltic countries, Ukraine, Georgia, Moldova and Kyrgyzstan but ahead of the other Central Asian republics and Belarus).

#### **Background**

Armenia conducted a presidential election on Monday, February 18, 2013. As a presidential republic, this election was significant in that considerable governance authority rests with the Armenian president and his administration.

The scheduled February 18 election date was in doubt for a short time because of an appeal by candidate Paruyr Hayrikyan to the Constitutional Court to delay the election by two weeks. Mr. Hayrikyan was shot in an apparent assassination attempt on January 31 near his home in Yerevan. Under Armenian electoral law, he was eligible to ask for an Election Day postponement because his presidential campaign had been disrupted by unique circumstances -even though his wound is not life-threatening. His appeal was filed on February 10, which was a change of mind by Mr. Hayrikyan, who, on February 5, indicated he would not appeal for a delay in the balloting.

A Hayrikyan aide was quoted as saying, "We've applied to the Constitutional Court with a request to postpone the election for two weeks due to Paruyr Hayrikyan's health problems and the fact that he can't campaign." While filing the request Mr. Hayrikyan said that should Heritage Party candidate Raffi Hovannisian and Freedom Party candidate Hrant Bagratyan unite behind one candidacy, he would withdraw his appeal to the Constitutional Court. "Should it happen [the unification of the Hovannisian and Bagratyan candidacies] my right to equal competition would be breached, but it would be compensated by the creation of a united team", Mr. Hayrikyan said. "Moreover, the state would avoid additional expenses and the timetable of numerous observers would not be disrupted, otherwise I am obliged to hold a complete campaign during those two weeks along with the other candidates' participation."

It was anticipated that the Court would make a decision during the week of February 11-15. However at the last moment, Mr. Hayrikyan decided to withdraw his request to delay the election, even without the two opposition candidates deciding to unite behind him.

Armenia's electoral history is checkered with allegations of mismanagement and electoral fraud since independence from the Soviet Union in September 1991. A lack of voter list maintenance – complicated by many Armenians living and working abroad while remitting money to families in Armenia – vote buying, fraudulent vote counting, government-controlled news media, misuse of administrative resources, and voter intimidation and violence are primary recurring problems in Armenian elections since independence.

The February 2008 presidential election, won by incumbent Serzh Sargsyan, was tainted by fraud allegations and street violence in Yerevan, resulting in deaths, injuries and law enforcement abuse. Memories of that tragic post-election time four years ago are still fresh for some, regardless of political affiliation and intent.

The recent presidential election was the first to be carried out under the new Electoral Code, which went underwent significant reform in May 2011. The campaign officially began on January 21, 2013 and concluded, by law, at midnight on February 17. That date is an “election silence day”.

In addition to the incumbent Mr. Sargsyan, who leads the ruling Republican Party, seven candidates formally filed to participate in the election, including Mr. Hovannisian, leader of the Heritage political party, a party with a faction in the Armenian parliament (known as the National Assembly). Hovannisian served as independent Armenia's first foreign minister in 1991-1992.

Challengers and, where applicable, their political affiliations are:

Hrant Bagratyan – Leader of the Freedom Party, a member of the Armenian National Congress and Prime Minister from 1993 to 1996;

Andrias Ghukasyan – Political analyst and Director of *Radio Hay*;

Aram Hartyunyan – Leader of the National Conciliation Party;

Paruyr Hayrikyan – Leader of the Union for National Self Determination. Former Soviet dissident;

Raffi Hovannisian – Leader of the Heritage Party; former Foreign Minister in 1991 and 1992;

Arman Melikyan – 2008 presidential candidate;

Vardan Sedrakyan -- Poet

On December 15, 2012, Mr. Sargsyan's Republican Party formally nominated him as the party candidate. Potential challenges to Mr. Sargsyan withdrew from the presidential campaign late last year. On December 12, 2012, Prosperous Armenia, a parliamentary party and a former participant in the ruling government coalition before last May's National Assembly elections, announced it would not field a presidential candidate. On December 25, 2012, Armenia's first President following independence, Levon Ter-Petrosyan of the Armenian National Congress, announced he would not participate in the presidential election. Mr. Ter-Petrosyan finished second behind Mr. Sargsyan in the last presidential election in February 2008. On December 26, 2012, the Armenian Revolutionary Federation – known by some as the Dashnaktsutyun – announced its decision to not nominate a presidential candidate. In summary, three major parliamentary political parties – Prosperous Armenia, the Armenian National Congress and the Armenian Revolutionary Federation – did not fielding candidates in this presidential election.

This has been a matter of concern for observation groups such as the Parliamentary Assembly of the Council of Europe (PACE) and the monitoring group from the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE). For these organizations, the decision not to participate demonstrates a lack of trust in Armenia's electoral proceedings. As the PACE pre-electoral delegation stated on January 17, "This decision has narrowed the voters' choice, leading to a situation even more regrettable as the elections to come are already overshadowed by apathy and a lack of faith." The delegation further emphasized that trust in the electoral system needs to be restored since elections are fundamental for democratic development.

National Assembly elections were conducted in May of 2012. These elections were the first elections held under the new Electoral Code, which was generally assessed as comprehensive and providing a good framework for conducting democratic elections by the OSCE and the Venice Commission. However, these two organizations have also stated that there remain a number of shortcomings.

According to the new Electoral Code, 90 Members of Parliament are elected by proportional representation and 41 are elected in single-seat constituencies, or districts. The ruling Republican Party won an absolute majority of the 131 seats and formed a coalition government with the Rule of Law Party. Other political parties to achieve parliamentary representation are Prosperous Armenia, the Armenian National Congress, the Armenian Revolutionary Federation and the Heritage Party.

The elections were generally assessed as improved over past post-independence elections by the international community although extensive vote buying and selling was alleged and the ruling Republican Party's alleged use of administrative resources was discussed following the elections. In addition, the implementation of the new Electoral Code did not help ensure the existence of an even playing field for campaigning and protecting voters from unnecessary pressure and intimidation. Recommendations on how to best amend the Code were put forth following the elections in May 2012. However, due to the limited timeframe between these elections and the presidential elections in early 2013, they have yet to be fully implemented upon the recommendation of the OSCE and the OSCE's Office for Democratic Institutions and Human Rights (ODIHR).

### **Presidential Campaign Conduct**

The 2013 presidential campaign was generally considered to be quiet and, with the notable exception of the apparent assassination attempt on Mr. Hayrikyan, uneventful. No direct debates took place between the candidates, and as was noted by media observation groups: the media tended to not be highly involved in critical analysis of the candidates and their campaigns. As mentioned previously, several analysts and observation groups attributed this lack of competition to a general sense of apathy and lack of trust in the electoral system. In addition, the failure of the opposition to unite behind a single candidate as well as the refusal of many leading opposition figures to become candidates, reinforced the general voter apathy.

Two candidates chose to openly exhibit their skepticism towards the election process by refusing to cast ballots on Election Day. One candidate, Mr. Gukasian, has been on a hunger strike since the beginning of the campaign, and the other candidate, Mr. Melikian, even stated on February 16 that if he were to win the election, he would not accept victory, stating his disagreement with the number of registered voters.

In addition, several pre-election violations were reported and commented upon, in particular the abuse of administrative resources and the condition of the voter lists. While wide scale use of administrative resources in the former Soviet Union is common, it fails to meet European Union and Western standards for democratic elections. In addition, given that an estimated one million of the country's three million citizens are currently living abroad, the voter lists are consistently problematic and not up to date.

The current Electoral Code prohibits state and municipal authorities and employees from campaigning while executing their official duties. In many cases, officials took leave in order to assist during the pre-election campaign period. In spite of this gesture, the distinction between campaign activities and official duties at times were unclear, as reported in the second interim report from the OSCE/ODIHR on February 7 and its Preliminary Findings and Conclusions on February 19. For instance, there were several reported incidences where teachers or university students were obliged to Mr. Sargsyan's campaign rallies.

According to Article 18.5 of the Electoral Code, "Election campaign offices may not be located in buildings occupied by state and local self-government bodies (except for cases where election campaign offices occupy an area not belonging to such bodies) as well as in buildings where electoral commissions are functioning." Several long-term observers (LTO) from the OSCE/ODIHR reported over the course of the campaign that a number of campaign offices are in clear violation of this principle, being located in such premises. For example, it was reported that the head of an Ararat provincial village community moved the local campaign office into the community administration building, and a campaign office was housed in the House of Culture in Aragatsotn. Additionally, the Human Rights Defender's Office was made aware of several other pre-election violations, including voter intimidation carried out by state officials, as reported in the Aragatsotn region, as well as alleged vote buying activities that have taken place in Yerevan in the run-up to Election Day. Given that the average salary in Yerevan is less than \$450 per month (and much less in the regions), voters are vulnerable to vote buying.

### **Election Administration**

The Central Electoral Commission (CEC) supervises elections in Armenia. There are seven members on the Commission chaired by Tigran Mukuchyan. Forty-one Territorial Election Commissions (TECs) and 1,988 Precinct Election Commissions (PECs) report to the CEC and administer elections throughout the country. The TEC members are appointed by the CEC. PEC membership consists of appointees by TECs and political parties and political blocs with factions in the National Assembly.

PEC members were trained by the CEC with assistance from the International Foundation for Electoral Systems (IFES). There are close to 16,000 PEC members in Armenia for the February 2013 presidential election. According to the 2<sup>nd</sup> interim OSCE/ODIHR report, Long Term Observers (LTOs) were able to observe several of these training sessions, and assessed them positively.

With regard to the premises of several PECs and TECs, the OSCE/ODIHR LTOs described the condition of their offices, in particular TECs 14, 20 and 21, as potentially problematic to carrying out their work on Election Day. They also reported that in at least one of these cases, the local administration had refused to take steps to rectify the situation.

The Armenian National Police's Passport and Visa Department (PVD) supervises voter registration by, among other activities, updating voter lists and raising citizen awareness through voter education. In the most recent report from OSCE/ODIHR, the PVD reports 2,507,004 registered voters as of January 29, 2013. The PACE pre-electoral delegation expressed concern on January 17 about inaccuracies in the voter list, since an accurate list is a prerequisite for any proper democratic election. Several opposition activists also criticized a change to the Electoral Code that severely restricts voting from abroad, a step that could have potentially disenfranchised up to one million Armenian citizens currently living or travelling outside of the country. The government claimed this step was taken due to the high costs of arranging for these citizens to vote outside Armenia, while the opposition stated that it is due to the historical trend of votes cast abroad being in favor of opposition candidates.

## **Media**

Reports from Armenia indicate that news media coverage of the presidential campaign was, in general, reasonably balanced. The National Commission for Television and Radio conducted media monitoring, according to Armenian electoral law, and reports throughout the election by observation groups indicate that there were not formal complaints about broadcast media coverage.

Public television and radio broadcasters evidently complied with their legal obligation to provide free campaign advertising spots for all presidential candidates, particularly during prime time television viewing hours that begin at 6:00 p.m. However, it was reported that public television channel *H1* has demonstrated bias against the three largest parliamentary opposition parties – Prosperous Armenia, the Armenian National Congress and the Armenian Revolutionary Federation – as well as some presidential candidates in their political analysis news program ‘Viewpoint’, which is hosted by *H1*’s chief editor.

In addition, the OSCE/ODIHR also mentioned in their second interim report that media reporting on Mr. Sargsyan’s activities has failed in most cases to identify whether these activities were conducted as part of his campaign or as part of his official duties. As with other state administrators and employees, the issue of distinction between official and campaign duties was blurred in the run-up to the election.

## **Election Law Complaint Adjudication**

The CEC, the Administrative Court and the Constitutional Court received complaints from presidential candidates covering electoral deposits and voter eligibility. All of the complaints to these bodies were denied for lack of jurisdiction or lack of substance.

However, according to the OSCE and ODIHR, the Prosecutor General’s office, the police, and the Special Investigative Service are currently investigating over 90 election-related cases. These cases are mostly concerned with activities aimed at vote buying, voter intimidation, and the hindrance of campaigning. In addition, the OSCE/ODIHR preliminary findings state that 63 complaints regarding voter intimidation by state authorities, the voter lists and electoral deposits were brought to the attention of the office of the Human Rights Defender.

## **International Observation**

As noted above, the OSCE’s Office for Democratic Institutions and Human Rights fielded a core and long-term election observation mission in Armenia as it did last May for the National Assembly elections. Short-term observers (STO) were also be deployed by ODIHR and other European organizations such as the European Parliament, PACE and the Parliamentary Assembly of the OSCE. Additionally, the Inter-parliamentary Assembly of the Commonwealth of Independent States (CIS), the CIS and certain Embassies accredited in Armenia also organized STOs. The observers from these organizations were quickly and easily accredited (largely due to their pro-Russian geopolitical orientation) and constituted half of the accredited observers. These observer organizations had the highest evaluation of Armenia’s electoral conduct in contrast to the more critical OSCE and PACE statements. In total, the CEC accredited 12 international organizations with 632 observers, and 26 local organizations with 6,251 observers.

## **Election Day**

The majority of the election observation missions stated that the presidential elections were generally well administered and conducted in a manner that could be characterized as peaceful and an improvement over the May 2012 elections for the National Assembly.

According to the OSCE Parliamentary Assembly monitoring group though, this improvement may be a result of the fact that there was little competition for the country's highest political position. As stated in its press conference on February 19, "the limited field of candidates meant that the election was not genuinely competitive. The candidates who did run were able to campaign in a free atmosphere and to present their views to voters, but the campaign overall failed to engage the public's interest", which contributed to a noticeable level of apathy among voters".

## **Results**

The Central Election Commission of Armenia's preliminary vote count showed incumbent Serzh Sargsyan as the winner with 58.64% of the vote. Heritage Party candidate Raffi Hovannisian finished second with 36.74% of the vote and performed better than expected based on pre-election polling. All other candidates received less than 2.2% of the vote each. Voter turnout was 60.18% or 1.52 million voters.

## **Recommendations**

### **I. Overseas Voting Law needed.**

With up to an estimated one million Armenians living abroad (mostly in the United States, France and Russia) which constitutes up to 40% of the voter lists, this is far too significant part of the electorate to deny suffrage. Currently Armenia has no provision in its laws to allow citizens living abroad to vote. The Armenian CEC says there is no efficient way to allow these citizens to vote while the opposition complains that this results in fewer votes for their candidates (as overseas citizens tend to favor opposition candidates over pro-government ones). Thus, Armenia's CEC and Parliament should take immediate steps to empower its' citizens living abroad to provide them a legal mechanism for voting. This mechanism could entail liberal provisions that allow even unregistered Armenians living abroad to vote at their respective embassies (as Moldova's law passed in 2010 does). Ukraine and Georgia also allow overseas voting by their citizens which makes Armenia unique in not having such a provision. Another method to allow citizens abroad to vote would be to create an "absentee ballot" law as is used in the United States. Given the propensity for voter fraud in the former Soviet Union though, this absentee ballot law must be carefully managed and enforced.

### **II. Voter Lists Must Be More Accurate.**

Given the almost one million Armenians living abroad and no provision for them to cast ballots while out of the country, the voter lists are not accurate as well as a potential tool for electoral fraud. Far too often in the former Soviet Union, names of voters who are abroad are used by ruling parties (who have access to passport departures and entries for all citizens) as a mechanism of accumulating votes. Armenia is a country with a net migration loss each year as many citizens are continuing to move abroad. Thus, a comprehensive voter list must be created and updated on a regular basis and Western expertise and experience should be utilized in this effort to ensure high democratic standards.

### **III. Vote Buying Must Be Prevented.**

Given the low monthly wages of the average Armenian citizen, the voters are highly vulnerable to vote buying from candidates and parties. Civic education campaigns should be conducted throughout the country but with a special emphasis on the rural areas to inform voters that this is both against the law detrimental to their democracy. Simultaneously, cases of vote buying should be fully investigated and prosecuted within the maximum penalties prescribed in the law. Vote



sellers should be made examples out of and their punishments advertised publicly to prevent this behavior in future elections.

**###**