



## **Constitutional Referendum**

### **Analysis of the Activities of International Monitoring Missions**

**Republic of Armenia  
December 6, 2016**

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Regarding the work of international missions and parliamentary delegations for the constitutional referendum in Armenia, we have to mention that this monitoring is based on information obtained from public sources (media: newspapers, websites, television), as well as information obtained from interviews with observers and representatives of organizations and delegations monitoring the referendum as international observers.

This monitoring and evaluation of the international missions focuses on the compliance of the missions' conduct with the principles and standards of international monitoring outlined in the "Declaration of Principles for International Election Observation," adopted by the UN on October 27, 2005. The declaration was signed by leading international institutions and organizations engaged in international election observation.

It is significant that under the Article 29, Part 2 of the Electoral Code of the Republic of Armenia, international organizations, diplomatic and consular missions accredited in the Republic of Armenia, and foreign non-governmental organizations may carry out observation missions only if they have an official invitation to do so. Citizens of the Republic of Armenia cannot be included as observers in the observation missions of international organizations and foreign non-governmental organizations. The following persons and bodies have the right to issue observation mission invitations to individuals and organizations:

- 1) President of the Republic;
- 2) President of the National Assembly;
- 3) Prime Minister;
- 4) Central Election Commission (CEC).

This clause clearly illustrates that the CEC and the leadership of the Republic of Armenia are well aware of the specifics of institutions and organizations that receive such invitations (e.g.

their experience, availability of monitoring methodology, etc.). However, the “European Platform for Democratic Elections” (EPDE) has not been able to obtain such an invitation from the government of the Republic despite numerous appeals. (A report issued on December 4, 2015, and published on the websites News.am and Armenia Today stated that the European Platform for Democratic Elections (EPDE) had not been accredited by the CEC of Armenia.<sup>12)</sup>

According to the Central Election Commission of the Republic of Armenia, 123 international observers from 6 international missions, organizations, and delegations observed the voting process of the constitutional referendum on December 6:

1. The mission of the Commonwealth of Independent States (CIS);
2. Interparliamentary Assembly of the CIS;
3. PACE Delegation (Parliamentary Assembly of the Council of Europe);
4. OSCE/ODIHR (Expert Team);
5. Delegation of the CECs (Central Electoral Commissions) from other countries;
6. Diplomatic delegations from other countries.

### **General findings and conclusions on the results of monitoring and evaluation:**

1. The lack of response from the government of the Republic of Armenia to appeals by EPDE (European Platform for Democratic Elections) about receiving neither an invitation to observe the constitutional referendum nor accreditation for its representatives as international observers, indicates a possible selective approach in the invitation process in favor of missions and delegations loyal to the leadership of the Republic of Armenia;

2. Despite our best efforts to learn more about the observation methodologies adopted by the accredited missions, delegations, and organizations, EPDE managed to get acquainted with the observation methodology of only two international missions. The vast majority of international missions, delegations, and organizations neither conducted preliminary press conferences, nor explained the methodology and focus of their monitoring of the voting process for Armenia’s constitutional referendum.

3. Several international observers, in violation of the principles and standards of international election observation, issued press statements on Voting Day, and gave a positive assessment of the course of the vote long before the voting process was complete. According to our monitoring data, four international observers expressed in the media their satisfaction and positive assessment of the voting process without waiting for the closing of polling stations. These four observers represent the Interparliamentary Assembly of the CIS and the delegation of the Central Election Commission of the Russian Federation. (Monitoring results provide a complete list of these organizations and delegations).

4. On December 7, four international missions, delegations, and organizations issued statements on their observations of the voting process in the constitutional referendum in Armenia. However, the full reports of these organizations, the evidence on which these statements are

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<sup>1</sup> News.am, <http://news.am/rus/news/299939.html>

<sup>2</sup> Armenia Today, <http://www.armtoday.info/default.asp?Lang=Ru&NewsID=139284>

based, and their conclusions drawn from the observations, are the subjects of further EPDE monitoring when these reports are generated and published.

## 1. Mission of the CIS<sup>3</sup>

Official invitation from the Ministry of Foreign Affairs of Armenia.

*Members:* 44<sup>4</sup> (as reported on the website of the CEC of Armenia) and 78<sup>5</sup> (including the CIS IPA, according to the official website of the CIS Executive Committee).

The Mission included representatives of the Republic of Belarus, Kazakhstan, Kyrgyz Republic, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan, the Interparliamentary Assembly of States (participants of the CIS, Parliamentary Assembly of the Belarus-Russia Union), and the Executive Committee of the Commonwealth of Independent States.<sup>6</sup>

*Head of the Mission:* Yevgeny Sloboda

*Mission Start:* November 26, 2015

*Mission's activities:*

- Meeting with CEC Armenia Chairman, Tigran Mukuchyan
- Meeting with Deputy Foreign Minister of Armenia, Ashot Hovakimyan
- Meeting with the National Commission on Television and Radio of the Republic of Armenia
- Meeting with the Prosecutor General's Office of Armenia
- Visits to the district election commissions.

### **Evaluation on Referendum Day**

Member of the mission from Belarus, Mikhail Petrushin, stated: "We recorded that the voting at ballot stations takes place in accordance with the law; the citizens are quietly doing their civic duty. We have not registered any problems. All the members of election commissions respond to our questions clearly and specifically and provide us information. We hope that the society will make the right choice."<sup>7</sup>

The Head of the mission, Yevgeny Sloboda, said that the referendum had taken place in an organized and calm manner.<sup>8</sup>

A press conference on the results of the monitoring was held in the Ani Plaza Hotel on December 7 at 11:00 a.m.<sup>9</sup>

### **Evaluation after the referendum**

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<sup>3</sup> Official website of the CIS executive committee, <http://www.cis.minsk.by/news.php?id=5805>

<sup>4</sup> The list of international organizations carrying out observation mission of December, 6 2015 Referendum on amendments to the RA Constitution, [http://res.elections.am/images/doc/ditint06.12.15\\_en.pdf](http://res.elections.am/images/doc/ditint06.12.15_en.pdf)

<sup>5</sup> Official website of the CIS executive committee, <http://www.cis.minsk.by/news.php?id=5805>

<sup>6</sup> Official website of the CIS executive committee, <http://www.cis.minsk.by/news.php?id=5805>

<sup>7</sup> AMI News-Armenia, <http://newsarmenia.am/news/armenia/nablyudateli-ot-sng-dovolny-khodom-golosovaniya-na-referendume-po-konstitutsionnym-izmeneniyam-v-arm/>

<sup>8</sup> Vestyk Kavkaza, <http://www.vestikavkaza.ru/news/Referendum-v-Armenii-protokaet-spokoyno-nablyudateli-ot-SNG.html>

<sup>9</sup> <http://armenpress.am/rus/news/828537/nablyudateli-sng-dovolny-khodom-golosovaniya.html>

Andrey Klishas, chair of the Federation Council (Russian Federation) on Constitutional Legislation and State Construction, stated: “The referendum on changing the presidential system into a parliamentary one became yet another confirmation of the high level of democracy in Armenia.”

The head of the delegation of Russian Federation’s Federation Council stated: “It is noteworthy that at all polling stations there was a very calm working environment. Of course, citizens’ freedom of expression (closed polling booths, transparent ballot boxes) was implemented, and, in general, there was a very friendly attitude of the members of electoral commissions towards the observers and citizens who came to cast their vote in the referendum.”<sup>10</sup>

“Everything went according to the current legislation. All the polling stations were equipped in accordance with the requirements. In most of the polling stations we visited, there were both national and international observers,” said Klishas. According to him, representatives of the media also observed the referendum.<sup>11</sup>

### **Evaluation at a press conference on the results of the referendum**

At the final press conference on December 7, the head of the mission, Yevgeny Sloboda, said that the constitutional referendum had been held in a free and open atmosphere. “The vote was held in accordance with the Electoral Code of Armenia. Everything happened peacefully and according to the law. According to the mission, the referendum was held in a free and open atmosphere; public authorities provided citizens with the opportunity to exercise free will,” Sloboda said at a press conference in Yerevan on Monday.

He also noted that the mission did not record any violations.<sup>12</sup>

A member of the mission, State Duma deputy Nikolai Arefiev, noted that the voting at the constitutional referendum was legitimate. “I want to say that I personally visited 15 polling stations. We did not find any comments about any violations of the legislation on the part of voters, or the election commission, or by the observers and their proxies,” said Arefiev. According to the deputy of the State Duma, everything was quiet. “And, perhaps, the results of the referendum reflects the will of the Armenian people,” said Arefiev.<sup>13</sup>

## **2. The CIS Interparliamentary Assembly**

Official invitation from the Chairman of the National Assembly of the Republic of Armenia.

Members: 23 (Belarus, Kazakhstan, Kyrgyz Republic, Republic of Moldova, Russian Federation, Republic of Tajikistan)

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<sup>10</sup> RIA Novosty, <http://ria.ru/world/20151206/1337202458.html>

<sup>11</sup> RIA Novosty, <http://ria.ru/world/20151206/1337202458.html>

<sup>12</sup> Interfax, <http://www.interfax.ru/world/483532>

<sup>13</sup> News.am, <http://news.am/rus/news/300548.html>

*Head of the Mission:* Akramsho Felaliev (Tajikistan)

*Short-term mission activities:*

- Meeting with the chairman of the Central Election Commission of the Republic of Armenia
- Report of the expert group on long-term monitoring of the preparation and holding of the referendum on Constitutional change. The report was not published but delivered to the CEC Chairman, Tigran Mukuchyan.<sup>14</sup>
- Meeting with the Deputy Chairman of the National Assembly of the Republic of Armenia, Hermine Naghdalyan, as well as with representatives of parliamentary political parties, both those in favor as well as against the adoption of the new Constitution.<sup>15</sup>

*Conclusion from the report:*

Preparations for the referendum were in compliance with the electoral legislation of the Republic of Armenia, as well as with the most important international obligations of the Republic of Armenia in the electoral sphere. All referendum-related events were in compliance with the “Calendar Plan for the Preparation and Holding of the Referendum on Constitutional Amendments,” approved by the Central Election Commission. The national media fully covered all stages of referendum preparation, keeping citizens informed about the referendum and the proposed constitutional changes.<sup>16</sup>

### **Evaluation on Referendum Day**

The deputy of the Republic of Belarus, Yevgeny Obolensky, said that the referendum in Armenia had been held “neatly and without incident.”<sup>17</sup>

### **Evaluation after the referendum**

The Head of the Mission, Akramsho Felaliev, said that the referendum confirmed the observance of the Republic of Armenia’s commitments, allowing its citizens to freely express their attitude to Constitutional change. “The presence of national and international observers, proxies of political parties, and representatives of the media at polling stations contributed to the openness of the electoral process,” said Felaliev.<sup>18</sup>

A member of the mission and deputy of the State Duma of the Russian Federation, Vasily Likhachev, welcomed the results of the constitutional referendum “as very democratic, very responsible, and very positive.” The deputy stated: “For me, as a lawyer, it is important that

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<sup>14</sup> Official website of CIS Interparliamentary Assembly, [http://www.iacis.ru/pressroom/news/mezhdunarodnyy\\_institut\\_monitoringa\\_razvitiya\\_demokratii/nablyudateli\\_ot\\_mpa\\_sng\\_vstretilis\\_s\\_rukovodstvom\\_tsik\\_respubliki\\_armeniya/](http://www.iacis.ru/pressroom/news/mezhdunarodnyy_institut_monitoringa_razvitiya_demokratii/nablyudateli_ot_mpa_sng_vstretilis_s_rukovodstvom_tsik_respubliki_armeniya/)

<sup>15</sup> Official website of CIS Interparliamentary Assembly, [http://www.iacis.ru/pressroom/news/mezhdunarodnyy\\_institut\\_monitoringa\\_razvitiya\\_demokratii/nablyudateli\\_ot\\_mpa\\_sng\\_vstretilis\\_s\\_predstavitelyami\\_parlamentskikh\\_politicheskikh\\_partiy\\_armenii/](http://www.iacis.ru/pressroom/news/mezhdunarodnyy_institut_monitoringa_razvitiya_demokratii/nablyudateli_ot_mpa_sng_vstretilis_s_predstavitelyami_parlamentskikh_politicheskikh_partiy_armenii/)

<sup>16</sup> Official website of CIS Interparliamentary Assembly, [http://www.iacis.ru/pressroom/news/mezhdunarodnyy\\_institut\\_monitoringa\\_razvitiya\\_demokratii/proshla\\_vstrecha\\_nablyudateley\\_ot\\_mpa\\_sng\\_s\\_zamestitelem\\_predsedatelya\\_natsionalnogo\\_sobraniya\\_respubliki\\_armeniya/](http://www.iacis.ru/pressroom/news/mezhdunarodnyy_institut_monitoringa_razvitiya_demokratii/proshla_vstrecha_nablyudateley_ot_mpa_sng_s_zamestitelem_predsedatelya_natsionalnogo_sobraniya_respubliki_armeniya/)

<sup>17</sup> News.am, <http://news.am/rus/news/300377.html>

<sup>18</sup> News.am, <http://news.am/rus/news/300538.html>

international electoral standards have been fully observed at all the polling stations, in particular the Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in CIS countries of 2002, and a similar convention of the Council of Europe.”<sup>19</sup>

### **3. PACE (Parliamentary Assembly the Council of Europe)**

Members: 11

#### **Members of the delegation (according to officially available data):**

Andreas Gross (Switzerland, SOC), head of delegation

Doris Fiala (Switzerland, ALDE)

Alan Meale (United Kingdom, SOC), rapporteur of the Monitoring Committee

#### *Activities:*

- Meeting at the Parliament of the Republic of Armenia<sup>20</sup>

- Meeting of mission member (co-rapporteur) Alan Mill with the President of Armenia, Serzh Sargsyan, on Referendum Day.<sup>21</sup> In the meeting, Mill praised the preparations for the referendum and the cooperation between Armenia and the Venice Commission.

<http://armenpress.am/rus/news/828549/prezident-prinyal-sodokladchika-monitoringovoiy-komissii.html>

#### **Evaluation after the referendum**

The Head of the Mission, Andreas Gross, said that the referendum was held under the influence of political interests instead of the needs of the Armenian community, and was perceived by many citizens as an expression of confidence in the authorities rather than an expression of popular opinion regarding the proposed changes to the Constitution.

According to the mission, the turnout for the referendum was quite low (50% of the population). The process of constitutional reform, which lasted two and a half years, was not sufficiently inclusive. The parliament had only a few weeks to discuss the reform, and public discussion of the proposed changes was limited to two months; therefore, it was difficult for all parties involved to reach an agreement. Thus, the core of the constitutional reform, the transition from a presidential to a parliamentary republic, was seen by many as an attempt by the president of the Republic of Armenia to stay in power after his second (and final) term in office.<sup>22</sup>

Mission observers also noted a number of problems on Referendum Day, i.e.:

- Inaccuracies in voter lists, such as inclusion of individuals who live abroad or are deceased, which gave rise to suspicions that the names of such individuals had illegally been used to cast

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<sup>19</sup> Ru.Euronews.com, <http://ru.euronews.com/newswires/3104557-newswire/>

<sup>20</sup> News.am, <http://news.am/rus/news/300166.html>

<sup>21</sup> PanArmenian.net, <http://www.panarmenian.net/eng/news/201849/>

<sup>22</sup> Mediamax.am, <http://www.mediamax.am/en/news/foreignpolicy/16352/>

multiple votes for each name;

- allegations of large-scale organized vote buying, carousel voting, pressure on voters;
- the misuse of administrative resources by executive bodies;
- allegations of attempts to corrupt election officials.

In addition to these problems, a statement at the end of the observation mission also noted inadequate training of election commission members, particularly in terms of vote counting. Observers also noted problems related to mobile (off-site) voting, whereby voters with disabilities were being virtually excluded from the voting process.<sup>23</sup>

### **Statement on the voting day**

On December 7, the PACE mission issued a statement on the results of its monitoring.<sup>24</sup> The statement noted the duration of the observation mission (December 4-7) and listed the mission's activities (meetings with leaders and representatives of parliamentary groups and parties, the chairman of the CEC, representatives of civil society and the media, as well as experts from the OSCE/ODIHR). The names of three members of the mission were mentioned in this statement: Andreas Gross (Head of the Mission), Doris Fiala (Switzerland), Alan Mill (rapporteur of the PACE Monitoring Committee).

### **4. The OSCE/ODIHR (expert team)<sup>25</sup>**

The organization did not carry out a monitoring mission for the December 6 referendum.<sup>26</sup>

Four experts from ODIHR will assess the referendum process. The format of the expert team does not imply a comprehensive monitoring of the voting process and the vote counting.

The expert team was officially invited by the government of the Republic of Armenia.

*Period:* November 26 - December 13

*Final Report:* Two months after the referendum

*Focus:* Referendum campaign legislation; regulation and role of the media; referendum organization.

### **Delegations of the CECs (Central Electoral Commissions) from other countries**

Total: 33 representatives

#### **1. The delegation of the Central Election Commission of the Russian Federation<sup>27</sup>**

*Head:* Oleg Lavrov

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<sup>23</sup> PACE website, <http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=5932&lang=2>

<sup>24</sup> PACE website, <http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=5932&lang=2>

<sup>25</sup> OSCE/ODIHR, <http://www.osce.org/odihr/elections/armenia/203956>

<sup>26</sup> ArmInfo Independent News Agency, <http://www.arminfo.am/index.cfm?objectid=08116CE0-9919-11E5-81DA0EB7C0D21663>



### **Evaluation on Referendum Day**

Russian Federation CEC head, Vladimir Churov, stated: “All procedures were followed ... everything was calm, no accidents, we have not seen any violations.”<sup>28</sup> At the same time, Churov said that there were some “shortcomings” in the conduct of the referendum; for example, bad preparation of premises for a polling station, and at one station the voter lists were inaccessible.

### **Evaluation after the referendum**

Member of the Central Election Commission of the Russian Federation, Oleg Lavrov, stated after the vote: “Voting was calm and followed the procedure stipulated by the law. Observers reported no violations; generally, the polling stations were calm, and representatives from almost all the political parties were represented in the local parliament. Somewhere in the afternoon, there was increased activity, even small queues were at the stations.”<sup>29</sup>

On December 7, the Head of the CEC of the Russian Federation, Vladimir Churov, said that the referendum on amendments to the Constitution of Armenia can be considered valid, and that the final turnout even exceeded expectations.<sup>30</sup>

### **List of Media monitored by EPDE**

1. International News Agency Novosti-Armenia <http://newsarmenia.am/>
2. News portal News.am <http://news.am/rus/>
3. Armenia Now.com <http://www.armenianow.com/>
4. PanArmenian. net <http://www.panarmenian.net/rus/news/201456/>
5. www.1in.am RUS
6. www.azatutyun.am Radio Liberty ENG, livestreaming
7. www.hetq.am Rus ENG
8. www.ditord.am ENG blog
9. www.Civilnet.am live streaming
10. www.epress.am
11. www.mediamax.am
13. www.hanraqve.com
14. transparency.am
15. armenpress.am
16. hayeli.am - announcements of upcoming press conferences
17. sputnicarmenia.ru

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<sup>27</sup> ArmInfo Independent News Agency, <http://www.arminfo.info/index.cfm?objectid=13FE03D0-9809-11E5-A13F0EB7C0D21663>

<sup>28</sup> AMI Novosti-Armenia, <http://newsarmenia.am/news/armenia/nablyudateli-ne-zafiksirovali-narusheniy-na-referendume-v-armenii-churov/>

<sup>29</sup> RIA Novosty, <http://ria.ru/world/20151206/1337224141.html#ixzz3tbywwksS>

<sup>30</sup> SputnikArmenia, <http://sputnikarmenia.ru/armenia/20151207/1323561.html>