

INCLUSION OF OSCE/ODIHR RECOMMENDATIONS IN DRAFT ELECTORAL CODE

As is known, OSCE/ODIHR published its final [report](#) on the Constitutional amendments referendum on February 5 of this year. Among other provisions, the report contains a number of recommendations aimed at improving the RA election administration.

Let us see whether the aforementioned recommendations have been included in the Draft Electoral Code published on March 2. It should be noted that the recommendations relating solely to the Law on Referendum are not given here.

N	Recommendation	Inclusion in Draft Electoral Code
1.	Reform of electoral legislation should be carried out in an inclusive manner and all stakeholders are encouraged to make every reasonable effort to build broad consensus over the reform, taking into account all relevant previous OSCE/ODIHR recommendations.	No
2.	Regulations on referenda should be further aligned with international standards for democratic electoral processes and consideration should be given to incorporating them into the Electoral Code.	No
3.	The blanket denial of voting rights to all those imprisoned, regardless of the severity of the crime, is at odds with OSCE commitments and other international obligations and standards.	Yes
4.	Denial of voting rights to the mentally disabled is contrary to Armenia’s international obligations.	No
5.	The rules on the legal standing to bring complaints have been previously is too narrow and not allowing for an effective redress against violations of law. (Venice Commission Code of Good Practice in Electoral Matters provides that “Standing in [electoral] appeals must be granted as widely as possible. It must be open to every elector in the constituency ... to lodge an appeal).	No
6.	Complaints against decisions of precinct referendum commissions (PECs) on voting day, as well as applications to declare precinct results invalid may be filed with territorial referendum commissions (TECs) only between 12:00 and 18:00 on the day following voting day. This deadline appears to be too restrictive, considering that ballot counts in many polling stations extend into early morning hours and complainants may not have sufficient time to prepare properly reasoned and documented complaints (Venice Commission Code of Good Practice in Electoral Matters “time limit of three to five days at first instance (both for lodging appeals and making rulings) seems reasonable for decisions to be taken before the elections. It is, however, permissible to grant a little more time to Supreme and Constitutional Courts for their rulings”).	No

7.	The longstanding challenge of accessibility to polling stations for voters with disabilities was not effectively addressed. Mobile voting is limited to voters in healthcare institution while voters confined to bed at home are not given such an option and are, in practice, disenfranchised.	No
8.	The authorities should consider options for improving accessibility to the polling stations and providing additional mechanisms to allow voters with reduced mobility to exercise their right to vote, so as to further promote universal suffrage.	No
9.	The CEC testing of observers should not be mandatory or a prerequisite for accreditation of citizen observers.	No
10.	The relevant authorities should improve the accuracy of the voter register and seek consensus on effective solutions to address persistent perceptions that the presence on voter lists of citizens not present in Armenia may be abused to facilitate voting on behalf of those absent or other irregularities. It should be noted that making marked voter lists available for public verification is not prohibited by international law. Approaches to addressing this issue could also include the introduction of more stringent safeguards on voting procedures, inclusion of voters outside the country on special voter lists, introduction of an active component of voter registration open to all citizens outside Armenia, or making the signed voter lists available to parties and observers during a limited period when complaints could be filed	No
11.	The relevant authorities should introduce effective and consistent safeguards against multiple voting, applied to all voters independently of the type of document used for voter identification purposes.	Partly
12.	While proxies for political parties should in no way be constrained from exercising all functions provided for by law, they must not act in an intimidating manner or interfere with voting day activities. Political parties should provide appropriate guidance and training, and must bear legal and political responsibility for the conduct of their proxies.	No
13.	Prosecutors' offices and other law enforcement bodies, and the CEC should follow up vigorously and transparently on all allegations of irregularities associated with the referendum process in a timely fashion, initiating and pursuing criminal or administrative action against alleged perpetrators as appropriate. Prosecutors, police, and the CEC should react promptly to reported electoral violations during all phases of the electoral process to identify and prevent possible abuses.	No
14.	Measures should be taken to ensure full transparency of media ownership by requiring and enabling the NCTR to clearly identify the ultimate and benefiting owners of media houses. Additional controls and sanctions could be imposed as to ensure that media outlets provide the required ownership and funding information in a comprehensive and timely manner to the competent bodies. The information on media ownership and funding sources should be available to the public.	No
15.	The Electoral Code should be amended to provide general guidelines for the media	Partly

	regarding the coverage of campaigns, taking into the account the professional standards, equitable coverage, impartiality, and balance, supplementing general requirements with more detailed ones, which should be applicable by the type of the elections and referenda. Such provisions, however, should not limit nor prevent independent editorial coverage of the campaigns.	
16.	Reform of electoral legislation should be carried out in an inclusive manner and all stakeholders are encouraged to make every reasonable effort to build broad consensus over the reform, taking into account all relevant previous OSCE/ODIHR recommendations.	Yes

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“Union of Informed Citizens”