



17 March, 2017

## **Statement of the Independent International Observation Mission on Referendum of Draft Constitution of the Artsakh Republic**

**Peaceful, transparent and well-organized Referendum Day on Draft Constitution of Artsakh Republic on 20<sup>th</sup> February 2017 was reported in Nagorno Karabakh by independent, experienced international observation mission deployed by the European Armenian Federation for Justice and Democracy (EAFJD).**

### **Executive Summary**

All the observers of the mission concluded that in general the electoral authorities succeeded in organizing a well-run and orderly Referendum Day in a professional and transparent manner. Overall the Referendum Day fulfilled the criteria enshrined in International Covenant on Civil and Political Rights (ICCPR) and OSCE 1990 Copenhagen Document and other fundamental documents used to measure the state of democracy in established states. The Central Referendum Commission reported about 76% of turnout. 87.6% of eligible voters voted in favor of the drafted constitutional amendments, 9.7% opposed. The rest of the votes were invalid.

The team of the independent short-term observation (STO) mission, consisting of eight highly experienced professionals who are nationals of six European countries, namely Latvia, Romania, Slovakia, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland, endorse the assessment on Referendum on Draft Constitution of the Artsakh Republic of 20 February 2017, reflected in this statement. The observers of this STO mission have participated in numerous long-term and short-term election observation missions of the OSCE/ODIHR, UN, EU, the Carter Centre, etc.

The eight observers of the STO mission visited 48 polling precincts out of 280 (17%) in all eleven constituencies. All teams reported transparent, calm and orderly implementation of the electoral process. However, several minor irregularities were observed, including presence of unauthorized security forces in three precincts, failure to fully follow counting procedures in one precinct, two cases of two ballots folded together in one precinct (raising concerns as whether voting procedures were fully followed) and polling staff allowing one domestic observer to give indications on the voting procedure. Despite the high turnout of voters, the involvement of domestic observers was significantly low.

According to the EAFJD observers these irregularities did not influence the outcome.

- **Referendum Management:** The electoral authorities conducted the voting successfully and without major irregularities. The Central Referendum Commission

(Central Commission) was highly cooperative and used electronic means to communicate up-to-date information. The Central Commission had also carried out trainings to ensure that its members were well-prepared to conduct the Referendum Day. Materials were distributed on time and correctly. The voter lists were accurate and the voters were well-informed of the location of their respective polling precincts.

- However, there was a distinct lack of political party and civil society observers. The Commission members in all eleven constituencies observed were knowledgeable adhered to the corresponding legal framework and managed the process efficiently.
- **Legal framework:** The Referendum was held under the Electoral Code adopted on 29 October 2014 and the Law of the Nagorno Karabakh Republic (NKR) on Referendum amended on March 12, 2010 which provides a solid framework for the conduct of genuine democratic elections.
- **Campaign environment:** Due to its short-term character, the international observation mission deployed by EAFJD did not observe campaign activities. The Central Referendum Commission did not receive any complaints.

## Voting process

### Opening

- Opening was observed in a balanced way in four polling precincts - two urban (50%) and two rural (50%) - all of which opened without any delay.
- The opening procedures were fully followed in three observed polling precincts. In one polling precinct (25%), the demonstration of the empty ballot box did not adhere to the regulations.
- The polling staff were mostly knowledgeable and well prepared. The environment was calm and the process was transparent.
- No official complaints were filed during the opening.
- In all four polling precincts neither international observers nor party representatives encountered a hindrance to observe the process.
- In two cases the chairpersons of the polling precincts observed were female (50%) and in two cases male (50%);
- Representatives of political parties were present in one polling precinct observed (25%).

### Voting

- Voting was observed in 43 polling precincts (15%) out of 280 in all eleven constituencies. Twenty-three polling precincts observed were rural (53 %) and 20 were urban (47 %).
- The various voting procedures were adhered to as follows: the voter identification, the procedure of signing the voters' list, ballot stamping and the secrecy of ballot marking were fully followed in 41 out of 43 polling precincts observed (95%). In two polling precincts (5% of all the observed precincts) these procedures were not observed. The ballot casting procedure was fully followed in 40 out of 43 polling precincts observed (93%). It was partly followed in 1 polling precinct (2% of all the observed precincts) and not observed in two polling precincts (5% of all the observed precincts). The assisted voting procedure and the spoiled ballot procedure were not observed in 90% and 93 % of the observed polling precincts respectively. The assisted voting

procedure and the spoiled ballot procedure were respectively fully adhered to in three (7%) and two (5%) polling precincts observed. In one polling precinct these two procedures were not followed (2% of the total precincts observed).

- In three polling stations (7%) the presence of unauthorized security forces was registered.
- In one polling precinct (2%) polling staff allowed one domestic observer to give indications on the voting procedure.
- The mission observers were able to observe the voting process without any hindrance in all but one polling precinct. In two precincts (5 %) party representatives and domestic observers were not able to observe the process without hindrances.
- 16 of the 43 chairpersons of the polling precincts observed (37%) were female.
- The mission's overall assessment of the conduct of the voting procedure was very good in 42 polling precincts (98%) and reasonable in one precinct (2%).

### **Closing and Counting**

- Closing was observed in four polling precincts, two of which (50%) were rural and two (50%) were urban. All the polling precincts observed closed without delay, observers encountered no hindrance observing the process.
- The closing and counting procedures were fully followed in three polling precincts (75%) and were not adhered to at all in one precinct (25%): these procedures comprise emptying of the ballot box, ballot sorting, ballot counting, completion of protocols and posting results. The procedure of recounting ballots was adhered to in three precincts observed (75%). Recounting was not observed in one polling precinct (25%).
- Commission members failed to fully follow counting procedures in one polling precinct observed (25%) by rushing the counting, although the intention was apparently not to fabricate rigged results. In one precinct two cases of two marked ballots folded together were observed, suggesting an irregularity, since every person should get one ballot and cast only one vote.
- The polling staff appeared mostly knowledgeable and well-prepared, the environment was mostly calm, transparent and well-organized. In one of the observed cases lack of efficiency was noted.
- No significant irregularities were observed in the closing and counting procedures in the polling precincts observed, suggesting that Commission members were well-trained.
- In three cases (75%) the chairperson of the polling precincts observed were male and in one (25%) female.
- Representatives of political parties were present in just one polling station observed.
- The mission's overall assessment of the conduct of closing and counting procedures was very good in 75% of the precincts observed.

### **Aggregation**

- The aggregation of results was observed in three district commissions.
- In all the three district commissions observed the aggregation was conducted in an orderly, peaceful and transparent manner.
- In two out of the three district observed there were party representatives present.

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- The performance of the two district commission members was very good (67%) and reasonable in one district commission (33%).
- The mission's overall assessment of the aggregation of results was very good in two district commissions (67%) and reasonable in one district commission (33%).

### **Recommendations**

- Some elderly voters, ethnic Armenians who had to receive their education in Russian in Soviet Nagorno Karabakh Autonomous Oblast and thus could not read or write in Armenian, encountered difficulties reading the text on ballots in Armenian and marking them. The mission therefore advises the Central Commission to ensure that voters who do not read and write Armenian, encounter no language barriers understanding and marking the ballots.
- The mission suggests that mobile voting be introduced and, based on request, be made available for home-bound people.
- As long as the will of the voter is clear (without compromising the secrecy of the voter), the mission suggests that ballots are considered valid.
- In case of parallel elections the ballot boxes should be separated.
- Political party and civil society observers should play a more active role in observing an electoral process.

### **Background Information on the Observation Mission**

#### **Why an observation mission in Nagorno-Karabakh / Artsakh Republic?**

The Nagorno-Karabakh conflict re-emerged during the disintegration of the USSR in 1991. The ceasefire agreement signed in 1994 is still in force as no peace agreement has been signed to date. The NKR declared its independence in 1991 and has held three referendums as well as regular presidential and parliamentary elections since then. As stated in the preamble of the European Parliament Resolution on Support for the Peace Process in the Caucasus from June 21, 1999, “the autonomous region of Nagorno-Karabakh declared its independence following similar declarations by former Soviet Socialist Republics after the collapse of the USSR in September 1991”. The conflict resolution efforts mediated by the OSCE Minsk Group are currently deadlocked.

EAFJD considers that democratic processes and institution-building in the country should be encouraged rather than ignored by the international community. On the contrary, an active engagement towards democracy support will provide a veritable impetus to the local democratic culture, with a view to a future peaceful resolution of the conflict.

#### **Objectives of the EAFJD Referendum observation mission**

The aim of the EAFJD mission was to assess the degree to which the electoral process in this case the Referendum on the new Constitution of Artsakh Republic met national laws governing the organization of a referendum in NKR together with international standards for democratic electoral processes.

The specific objectives of the EAFJD election observation mission were:

- to provide an impartial assessment of the overall quality of the electoral process, the key aspects of the immediate polling, counting and tabulation/aggregation processes as well as media campaign, political and security environment on the Referendum day
- to make recommendations for the further consolidation and development of the democratic process in Nagorno Karabakh/Artsakh Republic.

### **EAFJD observation methodology**

EAFJD, an international NGO, is the umbrella organisation with members in more than 13 European countries. It strives to promote democracy and human rights in Armenia, Nagorno-Karabakh / Artsakh and the South Caucasus. EAFJD acknowledges the significance of the observation of an electoral process as solid basis for democracy and protection of human rights especially in emerging democracies – also non-recognized entities - and believes in the crucial role of international observers in the process. EAFJD has already managed to successfully deploy a ten-member team of professional independent international election observers to Nagorno Karabakh parliamentary elections in May 2015 and conduct observation missions to the general elections in Turkey in June and November 2016, as well as to the municipal elections in Turkey held in March 2014.

The EAFJD election observation mission follows the methodological guidelines and codes of conduct established for OSCE/ODHR election observation missions as well as those enshrined in the Declaration of Principles for International Election Observation and Code of Conduct adopted by the United Nations in 2005.

The electoral process is assessed against international standards and the national legal framework for genuine democratic elections.

While recognizing that an electoral process cannot be reduced to a one-day event but is rather composed of a series of complex and interrelated processes covering the pre-election, election and post-election phases, the EAFJD election observation mission focused its observation efforts on key aspects of

- the universal franchise afforded to the voters;
- the immediate polling, counting and tabulation processes;
- media campaign, political and security environment on the Referendum day.

While the assessments made by EAFJD observers largely focus on the above-mentioned aspects, other elements monitored by the core team of analysts, namely the impartiality of the electoral administration and the legal framework governing elections have been duly taken into consideration. Other important aspects, such as voter registration, campaigning, access to the media - before Referendum day, as well as electoral dispute resolution among others are beyond the scope of the EAFJD election observation mission and follow-up after the Referendum day, and are not covered by the EAFJD mission.