Parliamentary Assembly
Assemblée parlementaire
http://assembly.coe.int

1949.2019

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 14801
21 January 2019

Observation of the early parliamentary elections in Armenia (9 December 2018)

Election observation report
Ad hoc Committee of the Bureau
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1. Introduction

1. On 1 November 2018, the President of Armenia, Mr Armen Sarkissian, announced early parliamentary elections to be held on 9 December. On 2 November, Mr Ara Babloyan, President of the National Assembly of Armenia, sent to the Parliamentary Assembly an official invitation to observe the elections. The Bureau decided to observe them and constituted an ad hoc committee for this purpose composed of 31 members (EPP/CD: 10; SOC: 10, EC: 5, ALDE: 3, UEL: 2, FDG: 1 – in accordance with the D'Hondt system) as well as of the co-rapporteurs of the Monitoring Committee. On 22 November it approved the list of members of the ad hoc committee and appointed Mr Aleksander Pociej (Poland, EPP/CD) as Chairperson. The list of members is set out in Appendix 1.

2. In accordance with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative from the Venice Commission was invited to join the ad hoc committee as an adviser.

3. The ad hoc committee (PACE delegation) visited Armenia from 7 to 10 December 2018. It operated as part of an International Election Observation Mission (IEOM) together with delegations from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE-PA), the European Parliament and the electoral observation mission (EOM) of the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The programme of the delegation's meetings is set out in Appendix 2.

4. On polling day, the PACE delegation split into seven teams which observed the elections in Yerevan and the surrounding region, as well as in the following areas: Razdan, Gavar, Erebouni, Artashat, Yeghegnadzor, Vanadzor and Ararat.

5. The PACE delegation concluded that the 9 December early parliamentary elections in Armenia were held with due regard for fundamental freedoms and enjoyed broad public trust that needs to be preserved through further electoral reforms. Open political debate, including in the media, contributed to a vibrant campaign. The peaceful so-called "velvet revolution", in conjunction with the political will of the current authorities, enabled the holding of democratic elections.

6. The Parliamentary Assembly has observed every election in Armenia since 1995 and, despite the complex electoral system and reported instances of intimidation via social media, the electoral irregularities which tainted many elections in the past were absent. It is up to Armenia's elected representatives to launch legal reforms to consolidate the democratic process in the country.

7. The press release by the IEOM is set out in Appendix 3.

8. The ad hoc committee wishes to thank the heads and members of the parliamentary delegations of the OSCE-PA and of the European Parliament and the OSCE/ODIHR EOM for their excellent co-operation within the IEOM.

2. Political context

9. The last parliamentary elections in Armenia took place on 2 April 2017. They were the first parliamentary elections held following the 2015 constitutional amendments, which reduced the powers of the President in favour of the Prime Minister and the parliament. The Assembly's ad hoc committee observed the referendum of 2015 which led to a new Constitution and in its conclusions it pointed out that "the core of the constitutional change – the shift from a presidential to a parliamentary system – was seen by many as simply a means for the current president to remain in power after the end of his second (and what would have been final) term – even though he repeatedly stated that he had no intention of doing so" after the 2017 elections.

10. One year after the last parliamentary elections in 2017, in April 2018 the former President Serzh Sargsyan was appointed Prime Minister with the power of Head of State following the constitutional changes. This event was one of the main reasons for anti-government protests in April 2018, which organisers described as a non-violent "velvet revolution", and which resulted in the resignation of Prime Minister Serzh Sargsyan and a change of power. On 8 May, the parliament, in a second attempt, elected opposition leader Nikol Pashinyan as the new Prime Minister. The government formed by Prime Minister Pashinyan committed to electoral reform and holding new parliamentary elections within one year.

11. On 17 October, the government submitted to the parliament draft amendments to the Electoral Code in an attempt to introduce significant changes to the electoral system and other aspects of elections.These included the removal of open district lists, a switch to a purely proportional system with a 30% gender quota and lower thresholds for seat allocation. The proposed amendments failed to receive the required three-fifths majority in the parliament in a final vote held three days before the call for early elections.

12. On 1 November, the President announced early elections to be held on 9 December. These elections were the result of a tactical resignation by Prime Minister Pashinyan on 16 October aimed at dissolving the parliament. A majority of members of parliament agreed, in advance, not to elect a new Prime Minister so as to allow early elections.

13. Women are under-represented in public office, holding 19% of seats in the last parliament, one of the 21 acting ministerial posts, none of the 10 governor positions, and only one out of 49 mayoral posts.

3. Legal framework and electoral system

14. The Assembly's ad hoc committee recalls that Armenia has signed and ratified the European Convention on Human Rights (ETS No. 5) and its Additional Protocol (ETS No. 9), which enshrine a number of principles crucial for an effective and meaningful democracy, such as the right to free elections (Article 3 of the Additional Protocol), freedom of expression, freedom of assembly and association, as well as prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

15. The legal framework for parliamentary elections is comprehensive. The elections are primarily regulated by the Constitution and the Electoral Code adopted in 2016 and last amended in May 2018 in relation to parliamentary elections. The legal framework encompasses a number of other laws, including the Law on Political Parties, the Law on Freedom of Assembly, the Criminal Code and the Code of Administrative Offences, as well as decisions of the Central Election Commission (CEC).

16. The May 2018 amendments to the Electoral Code and other legislation expanded the list of public officials and employees prohibited from campaigning and lifted restrictions on accreditation of media representatives, in line with previous Venice Commission and OSCE/ODIHR recommendations. In addition, greater sanctions and penalties were set for electoral offences, and criminal liability was introduced for forcing an individual to conduct a political campaign, for facilitation of vote-buying and for charity organised for the purpose of influencing voters. In addition to the election commissions, political parties, candidates and observers now also have the right to initiate investigations of administrative offences.

17. The PACE delegation, in its report on the observation of the 2017 parliamentary elections, pointed out that "some IEOM interlocutors criticised the complexity of the electoral system and its deviations from a purely proportional system and raised concerns that there was a lack of efforts to raise public awareness as to how votes would transfer into seats".

18. Some prior Venice Commission and OSCE/ODIHR recommendations remained unaddressed, including those related to: the exemption of organisational expenditures from campaign finance reporting requirements; narrow rules on legal standing for submitting electoral complaints; citizenship and residency requirements for candidates, as contained in the Constitution; electoral thresholds for alliances to enter parliament; and restrictions on the number of participants in coalitions to be formed after the first round of elections.

19. The Electoral Code prescribes that a minimum of 101 MPs be elected through a two-tier proportional system, with candidates elected from a closed national list and 13 open district lists. The ballot paper includes both the national list and relevant district list (in alphabetical order), and a voter can mark a preference for one district candidate.

20. To qualify for the distribution of seats, political parties must pass a threshold of 5% (7% for alliances). Seats are first distributed among parties and alliances according to the number of votes received nationwide. Then, half of the seats are distributed to the national list according to the order of candidates and half to the district candidates according to the number of preferential votes received.

21. The system provides for a total of up to four reserved seats, one for each of the four largest national minorities according to the most recent census (in 2011, Yezidis, Russians, Assyrians and Kurds). Each party or alliance may include a sub-part on their national list, with a candidate from each of the minorities.

22. For these elections, only Bright Armenia, My Step Alliance, Prosperous Armenia and the Rule of Law Party registered lists of national minority candidates.

23. In line with the Constitution, a stable parliamentary majority (defined as 54% of seats) is needed to form a government. Should the winning list obtain a simple majority but less than 54% of seats, it will be assigned additional seats in order to obtain the required stable majority. If a majority is not achieved as a result of the elections, or by forming a political coalition within six days after the results are finalised, a second round is held between the top two candidate lists 28 days after election day.

4. Election administration

24. The elections were administered by a three-tiered system comprising the CEC, 38 territorial election commissions (TECs) and 2 010 precinct election commissions (PECs). The CEC is a permanent and professional body composed of seven members elected for a six-year term by at least three fifths of all MPs. The four male and three female CEC members were re-appointed in October 2016. The CEC is responsible for the conduct of elections and has extensive powers and responsibilities. It enjoyed confidence among

election stakeholders. All CEC decisions were taken unanimously at regularly held public sessions that were streamed online. The CEC observed all legal deadlines and generally published its decisions in a timely manner.

25. From 19 November, the CEC conducted a comprehensive campaign to encourage voting, educate voters on election-day procedures and warn against vote-buying, including through media and social networks (also in sign language). It also produced printed materials on how to vote, including for the military, but faced difficulties in distributing them in remote areas.

26. The TECs are permanent professional bodies composed of seven members appointed by the CEC for a six-year term based on a merit-based public competition. The TECs supervise PEC activities, handle complaints against them, organise recounts and tabulate the results. Most of the TEC members had election experience, and lower-level commissions operated effectively in preparing for elections.

27. All parliamentary parties and alliances submitted nominations to the CEC for PEC membership by the legal deadline of 21 November. The CEC conducted a lottery to distribute positions of PEC chairpersons and secretaries in proportion to their parliamentary representation. With international assistance, the CEC provided training for PEC members on voting and counting procedures. The quality of the training sessions was overall positively evaluated.

28. The Electoral Code provides for the use of web cameras in all polling stations in order to increase transparency by allowing online observation. For these elections, the CEC applied its 2016 decision to equip only the 1 500 largest polling stations with web cameras. No problems with their functionality was noted on election day; however, the IEOM observers assessed that cameras were not properly positioned in 4% of observations.

5. Voter lists and candidate registration

29. Voter registration is passive and based on the State population register maintained by the Police Passport and Visa Department (PVD). The voter register includes all citizens over the age of 18 on election day with an official permanent residence in Armenia, including those *de facto* residing abroad. Those imprisoned for serious crimes do not have the right to vote. Those declared incapacitated by a court are also disenfranchised, despite international standards on removing all unreasonable restrictions on political rights of persons with disabilities. Special voter lists are maintained for military voters and those imprisoned or in temporary detention and for in-patients of health-care facilities. Diplomatic and military staff and their families posted abroad may vote via the internet. In total, 729 such voters applied to the CEC by the deadline of 17 November.

30. In line with the law, the preliminary voter lists were posted for public scrutiny in polling stations and on the CEC website. The law provides sufficient opportunity for voters to request corrections. According to the PVD, by the legal deadline of 29 November, a total of 12 549 voters had requested to register to vote according to their temporary residence, and no indications of misuse of the system were reported. The PVD described its continuous efforts to improve the accuracy of the voter lists through cross-checks of data against registries of civil registry offices. Despite these efforts, the voter register still includes addresses where a significant number of voters are registered, which remains a concern. Final voter lists with a total of 2 573 779 voters were published by the PVD on 8 December. As required by law, and with the aim of deterring election-day fraud through impersonation, the CEC declared its intention to scan and post on its website signed voter lists from all PECs on 10 December.

31. Most of the IEOM stakeholders expressed overall confidence in the accuracy of the voter lists despite some concern about privacy of citizens' data. The public and systematic disclosure of personal data of voters is at odds with international good practice.

32. Voters in polling stations were first identified through the use of Voter Authentication Devices (VADs) that contain an electronic copy of the relevant voter list, and then also marked on the printed voter list. Voters' IDs were routinely scanned to control whether voters were registered and if the voter had already been marked in the system as having voted in the polling station in question. The CEC, with international assistance, trained all VAD operators through interactive training. On 5 December, the CEC demonstrated the use of VADs during a public event, contributing to the transparency of the system. On election day, the VADs were operational and functioned properly in all but three polling stations observed.

33. Candidates are required to be eligible voters, at least 25 years old, residing in and being citizens only of Armenia for the preceding four years, with a proven command of the Armenian language. The restriction for those with more than one citizenship to stand for election is problematic in light of the case law of the European Court of Human Rights. Judges, prosecutors, military personnel, police officers, other categories of civil servants and election commissioners may not stand as candidates.

34. Candidate lists could include non-party members, and the law does not provide for the possibility of running independently.

35. Each candidate party submitted a single national list with a minimum of 80 candidates and district lists corresponding to the 13 electoral districts. All candidates submitted a required financial deposit, which is returned if the national list receives more than 4% of valid votes. All lists met the 25% gender representation threshold prescribed by the law, by which at least one candidate in every group of four must be of the less represented gender. This quota, however, does not ensure the same proportion of representation of women in the parliament, as half of the seats are distributed according to preferential votes. The IEOM's interlocutors did not express concerns about the candidate registration process.

36. In an inclusive and professionally conducted process, the CEC registered the candidate lists of all nine parties and two alliances that had submitted candidacies, with a total of 1 444 candidates of whom 464 were women. The CEC published the candidate lists in a timely manner, thus contributing to public awareness about the candidates. Within the legal deadline of 29 November, the CEC approved 39 requests for candidate withdrawal.

6. Election campaign, funding and the media

37. Fundamental freedoms of expression, association, assembly and movement were fully respected during the campaign. The campaign officially started on 26 November and ended at midnight on 7 December.

38. Campaigning beforehand is neither regulated nor prohibited by law. Soon after elections were called, parties and prospective candidates reached out to voters, mainly through Facebook, and later through rallies, canvassing, posters and media. Some IEOM interlocutors said that the short campaign period favoured established candidates with more resources.

39. The campaign largely focused on affirmative elaboration of party programmes, visions of Armenia's future and, in the regions, on issues affecting local communities, although most candidates also engaged in some negative campaigning. While the campaign was marked to a certain degree by inflammatory exchanges in the media between some candidates, the tone and civility of the ways parties and alliances addressed voters and each other generally improved as the campaign progressed. The election campaign discussions were generally dominated by the internal policy issues. For the first time in Armenia, the campaign culminated in a three-hour, live genuine debate on 5 December on the public television channel, during which the leaders of all national lists, including the acting Prime Minister, as "Head of the My Step Alliance", discussed in a mutually respectful and generally congenial manner, issues such as national security, anti-corruption, independence of the judiciary, transitional justice and economic development. Inflammatory rhetoric was however noted during the campaign in the comment sections of online media. Some IEOM interlocutors also indicated that "fake" Facebook accounts were sources of provocation, disinformation and insults directed at individual candidates.

40. The law prohibits public officials from campaigning while performing their official duties, as well as the use of public premises, official transport or material resources for campaigning. To prevent misuse of administrative resources and pressure on public employees, authorities issued public warnings and briefed school principals, health workers, local officials and others about relevant prohibitions.

41. Many IEOM interlocutors noted the political will expressed by the authorities to strongly punish the selling and buying of votes and other electoral malpractices[1]. Nevertheless, several interlocutors claimed that one of the candidates engaged a large number of campaign workers and citizen observers on short-term contracts in order to indirectly buy their votes, without violating the law.

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1. On 19 November, the acting Prime Minister, during his visit in Gegharkunik, informed school principals and local officials of the restrictions on their involvement in campaigning. At a 15 November cabinet meeting, the acting Prime Minister reminded the members of the government of the prohibitions against misuse of administrative resources in the campaign. On 3 December, during a meeting with nearly 100 candidates standing in the Kotayk region, Valery Osipyan, Head of Police, reiterated prohibition of vote-buying.

42. Parties rarely featured women candidates in their campaign – women candidates only occasionally campaigned on their own and rarely appeared as speakers in campaign rallies observed. The audience for rallies observed was predominantly male, with only 15% of women participating in the rallies in the regions, and some 30% in Yerevan. Some women candidates were the target of disparaging rhetoric because of their gender.

43. Campaign funds may include monetary and in-kind contributions from voters, candidates and political parties. Contributions from legal entities or foreign or anonymous sources are not allowed. The law limits campaign expenses to AMD 500 million (approximately €910 000) per candidate and most ODIHR EOM interlocutors perceived this limit as reasonable.

44. Expenses related to campaigning through media, public events and printed materials must be paid from the campaign fund. There are no explicit legal provisions for reporting on campaign finance received and spent before the start of the official campaign period. In addition, the organisational expenditure such as for office space, transportation, communication and campaign staff may be paid from other sources and left unreported as campaign expenditure. This limits the credibility of the reporting system and the transparency of information available to election stakeholders.

45. As required by law, all candidates opened dedicated bank accounts for campaign-related transactions by 23 November. Every three working days the Central Bank submitted data on these transactions from all campaign funds to the CEC's Oversight and Audit Service (OAS), which is in charge of campaign finance oversight. The OAS then regularly published summarised data on total amounts of contributions and expenditures per candidate. Nevertheless, the IEOM received multiple reports and confirmations from various stakeholders, including candidates themselves, that some candidates were directly financing their campaigns, especially in their districts, bypassing the candidates' bank accounts, in contravention of the law.

46. To facilitate the campaign finance reporting process, the OAS provided guidelines and discussed regulations with most candidates. All candidates submitted an interim report to the OAS on campaign finance contributions and expenditures on 5 December and had to submit the final campaign finance report by 13 December. The OAS published the interim reports on 6 December.

47. The OAS only checks whether the contributions and expenses are within the legal limits, and whether the estimation of in-kind contributions is correct. According to the OAS, it does not routinely audit the campaign finance on its own initiative but can request additional information from the candidates if it is alerted to potential violations of the law. The OAS noted that an increase in the number of its staff would improve its capacity for oversight. While most IEOM interlocutors expressed their satisfaction with the campaign finance system, they also acknowledged that existing gaps can be abused for circumventing the principles of financial transparency with the danger of impeding equal conditions for the campaign.

48. The media environment is diverse, with more than 160 traditional media outlets and more than 200 online news portals operating in the country. Television is the primary source of political information, especially outside the capital. Online media and social networks, Facebook in particular, are a significant platform for political information and debate. Freedom of expression is guaranteed by the Constitution and was respected during the campaign.

49. Most IEOM interlocutors noted improvements in media freedom and plurality of opinions. However, some of them also described the public discourse as not conducive to criticism of the government, in particular the acting Prime Minister. The advertising market is limited, and only a few media are self-sustaining. At the same time, many private outlets appear to be strongly associated with political parties, including financially.

50. On 20 November, the CEC allocated, through a lottery, 30 minutes of free prime airtime on public TV and 60 minutes on public radio to each candidate. The public broadcasters provided this free airtime, in line with the law. All parties and alliances, except for the National Progress Party (NPP), also utilised their right to purchase time for political advertising on both public and private media. As for the news programmes aired by all broadcasters, the Electoral Code stipulates that they must provide "impartial and non-judgmental information" on candidates' campaigns.

51. By law, the Commission for Television and Radio (CTR) oversees all broadcasters during the official campaign. In a welcome development, the CTR interpreted the provision concerning news coverage to oblige broadcasters to provide equal opportunity rather than equal amount of coverage to each candidates. The CTR conducted its own media monitoring and issued one monitoring report on 5 December, in which it did not detect any violations of the law.

52. Media monitoring, which began on 19 November, detected discernible differences in media coverage of political developments before and after the start of the official campaign, with all monitored broadcasters significantly decreasing the coverage of the current government and of the acting Prime Minister. For example, the share of coverage dedicated to the government at the public *H1* fell from 79% to 18%, remaining exclusively positive or neutral in tone. Positively, the public broadcaster aired 10 debates, including the final live one with participation of leaders of all parties and alliances.

53. During the official campaign, most of the monitored channels showed a visible effort to cover all electoral candidates in a largely impartial manner, contributing to the diversity of information available for voters to make an informed choice. Public H1 covered all candidates in a balanced manner, providing each of them between 6% and 7% of coverage in exclusively positive and neutral tone. The private Armenia TV dedicated between 6% and 9% to the Republican Party of Armenia (RPA), Citizen Decision (CD), the Rule of Law party, the NPP, the Christian-Popular Renaissance Party (CPRP) and the My Step Alliance (MSA), and between 1% and 3% to other candidates. Shant TV dedicated 13% of coverage to the RPA in a balanced tone, giving seven other candidates (Bright Armenia, MSA, Prosperous Armenia, We Alliance, Rule of Law, CD and Armenian Revolutionary Federation (ARF)) between 7% and 9%. On both private channels the tone of coverage was largely positive or neutral, although RPA and MSA also received some critical remarks on Shant TV. Channels that are affiliated with specific parties did, however, demonstrate preferential treatment of those candidates. For example, Yerkir Media dedicated 23% of coverage in exclusively positive or neutral tone to the ARF, giving between 10% and 13% to MSA, RPA and Bright Armenia in a mostly neutral tone. Similarly, Kentron TV provided Prosperous Armenia with 15% of overwhelmingly positive coverage, giving MSA, Sasna Tsrer and Bright Armenia between 10% and 11% of mostly neutral coverage.

54. Similarly, MSA received 45% of mostly positive coverage in the newspaper *Haykakan Zhamanak* with which it is affiliated, while RPA received 21% in a mostly negative tone. In *Hayastani Hayrapetutyun*, the coverage of campaign was rather limited but neutral in tone and balanced in terms of space. *Aravot* reflected the vibrant pace of the campaign and focused on two opposing candidates, giving MSA and RPA 17% and 16%, respectively, with a more critical portrayal of the latter. Online media gave more attention to MSA in their written reporting, covering them in a mostly positive or neutral tone but also with some critical remarks, while the second most-covered candidates varied between different outlets.

55. The PACE observation delegation noted, based on information received from different interlocutors, a clear progress concerning the media coverage of the election campaign compared with the previous elections. The neutral and impartial coverage enabled also the electors to make a well-informed choice. This work should be consolidated in the future by reinforcing the legal framework and good practices in the field of media coverage.

7. Complaints and appeals

56. Complaints against the PECs and TECs can be submitted to the TECs and CEC, respectively, while those against the CEC are under the jurisdiction of the Administrative Court. Complaints regarding voter lists can be filed with the PVD and appealed to a general court of first instance. Contrary to previous ODIHR and Venice Commission recommendations and international good practice, complaints may only be filed by voters, media representatives and observers with respect to violations of their individual rights, and by proxies and PEC members with respect to violations of their rights and those of other stakeholders.

57. Contending parties, candidates, party proxies (if present during the vote count) and members of the PEC in question, who expressed a dissenting opinion, may challenge precinct voting results at the TEC and further appeal to the CEC. Final election results can be appealed to the Constitutional Court only by candidates, contrary to international requirements.

58. While the timelines for filing and resolving complaints are generally reasonable, there is an overlap of deadlines for consideration of the complaints by the TECs and the CEC before the finalisation of the results. This may potentially leave such grievances without effective remedy.

59. A limited number of complaints were filed with the CEC and courts before election day. As of the day before election day, the IEOM was not aware of any complaints filed with the TECs. As at 8 December, the Prosecutor General's working group on election-related offences identified some 76 cases and initiated 19 investigations related to alleged irregularities, including vote-buying and obstruction or forcing a person to campaign. On election day, the Prosecutor's Office reported 32 cases under their investigation and the police reported 17 election-day-related violations, including the arrest of an individual allegedly engaged in vote-buying. IEOM interlocutors did not raise any concerns related to access to the complaint and appeal system in the election administration, courts or law-enforcement bodies.

60. Positively, the September 2018 amendments to the Code of Administrative Offences allowed political parties and citizen observers to initiate the administrative proceedings on election-related offences in the court. At the same time, potential appellants must pay court fees in order to start administrative proceedings. Several IEOM interlocutors opined that such legal costs and inconsistent application of these fees may constitute an obstacle to effective legal remedy.

8. Citizen and international observers

61. The PACE delegation recalls the criticism contained in the Assembly's observation report on the April 2017 parliamentary elections, in particular concerning the citizens and international observers: "Some IEOM interlocutors regarded a number of citizen organisations as being affiliated with some district candidates. All international NGOs were officially refused an invitation to observe the elections with a formal explanation that there was already a high number of observers accredited. Media and civil society criticised the Electoral Code provisions, which introduced the possibility to selectively limit the number of citizen observers and media representatives at polling stations, but this was not an issue on election day."

62. In a positive manner, the current elections were marked by welcome developments. The law provides for both international and citizen observers in polling stations. Positively, the May 2018 amendments to the Electoral Code removed the limitation on the number of journalists a media outlet may accredit to report on polling. However, despite prior ODIHR and Venice Commission 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 preceding the call of elections, thereby narrowing the opportunity to observe.

63. By the deadline of 24 November, the CEC had received 25 applications for accreditation of citizen observer organisations. It accredited 22 of them with a total of 17 813 observers. Though there was a genuine effort by the established and experienced civil society organisations to observe elections, a number of IEOM interlocutors raised concerns about direct, including contractual, connections between a significant portion of accredited organisations and political parties. IEOM interlocutors noted that this could indicate a deliberate attempt to disguise disbursement of funds outside the electoral expenditures framework. The CEC also accredited eight international organisations with 509 international observers.

9. Voting and counting

64. Election day proceeded calmly, peacefully, free of pressure on or intimidation of voters, and was assessed positively by the majority of IEOM observers. A significant number of polling stations (71%) were inaccessible to voters requiring mobility assistance, so some of these voters may have had difficulties in expressing their vote. After the closing of the polling stations, the CEC reported the turnout at 48.6%.

65. The opening of the polling stations was assessed positively. Voting was assessed positively in 99% of observations, reflecting adherence of the PECs to procedures. Presence of party proxies (in 93% of observations) and citizen observers (53%) in polling stations safeguarded the transparency of the election process. However, in a limited number of cases (3% of observations) proxies and observers interfered in the process. Unauthorised people, mainly police (when not voting), were present in 5% of polling stations observed. Some instances of campaign materials in close vicinity of polling stations were noted.

66. Election materials were generally available and the procedures were generally followed, but the lists of candidates running were not posted in 10% of polling stations observed. Voters generally, but not always, marked their ballots in secret. Notably, overcrowding was observed in 11% of polling stations and the voting process was not conducted smoothly in 7% of cases, which occurred partly due to poor queue control (3%) and inadequate layout of polling stations (2%).

67. IEOM observers were generally permitted to observe without restrictions but were not allowed to scrutinise the voter lists in 4% of polling stations observed. Cases of group and family voting were observed in 4% of polling stations, which raises some concerns.

68. The vote count was assessed positively in all but two polling stations observed, indicating that the counting process was conducted without significant procedural violations. Minor violations include envelopes containing marked ballots not being shown, one by one, to all present (11 observations) and votes for district candidates not being counted one by one (12 cases). In a few cases votes for district candidates were invalidated per legal provisions even though the intent of the voter was clear, indicating a need to review procedures. The observers assessed that counting was disorganised in four cases.

69. Some PECs (in 11 observations) had difficulties filling in the results protocols, mainly due to some figures not adding up, such as the number of signatures on the voter list not matching the number of confirmation slips issued to voters (in nine polling stations). Although in three polling stations the PEC members pre-signed the results protocols, there was no recorded instance of any deliberate falsification of results. As during voting, some police were present in polling stations (seven cases) but did not interfere. Candidates' proxies directly participated in the counting process in eight polling stations observed.

70. Tabulation procedures were observed in all 38 TECs and assessed positively in 34 of them. While the process was generally conducted well, the IEOM observers noted bad organisation of handover of PEC protocols in five TECs, inadequate conditions for tabulation of results at some TECs, insufficient space in 11 TECs and tension or unrest at 4 TECs. The IEOM observers noted some instances of PECs completing or correcting protocols before submitting them to the TEC; however, no deliberate falsification of results was observed. The TECs have 24 hours after the close of the polls to send a protocol of summarised results to the CEC.

71. The official results were announced by the CEC on 16 December. They are as follows:

– Number of electors in the electors list: 2 591 276
– Total number of voters included in the supplementary list drawn up on voting day: 151
– Total number of voters in the supplementary list voted through mobile ballot box: 1 209
– Total number of voters: 2 593 140
– Total number of voting participants: 1 261 105
– Total number of self-adhesive stamps provided to the precinct electoral commissions: 2 689 800
– Total number of numbered voting passes provided to the precinct electoral commissions: 2 294 800
– Total number of voting passes received from voters and printed by the technical equipment:1 258 515
– Total number of numbered voting passes received from voters: 2 018
– Total number of voting passes received from voters: 1 260 533
– Total number of unused numbered voting passes: 2 292 876
– Total number of unused self-adhesive stamps: 1 429 325
– The number of invalid ballot papers: 4 706

Results:

– My Step Parties Alliance: 884 864 (70.42%)
– Prosperous Armenia Party (PAP): 103 801 (8.26%)
– Bright Armenia Party (BAP): 80 047 (6.37%)
– Republican Party of Armenia (RPA): 59 083 (4.70%)
– Armenian Revolutionary Federation (ARFD): 48 816 (3.88%)
– We Parties Alliance (WE): 25 176 (2.00%)
– Sasna Tsrer all Armenian Party (STAAP): 22 868 (1.82%)
– Party Country of Legality (PCL): 12 393 (0.99%)
– Citizen's Decision Social-Democratic Party (SDPCD): 8 514 (0.68%)
– Christian-Popular Renaissance Party (CPRP): 6 458 (0.51%)
– National Progress Party (NPP): 4 121 (0.33%)

Proportional seats in the Parliament per party:

– My Step Alliance: 88 seats
– Prosperous Armenia Party: 26 seats
– Bright Armenia Party: 18 seats

72. The CEC said that according to preliminary data, the turnout was of 48.6%, some 12% lower than the previous parliamentary elections of April 2017.

10. Conclusions and recommendations

73. The Assembly's delegation concluded that the 9 December early parliamentary elections in Armenia were held with due regard for fundamental freedoms and enjoyed broad public trust that needs to be preserved through further electoral reforms. Open political debate, including in the media, contributed to a vibrant campaign, although cases of inflammatory rhetoric online were of concern. The peaceful so-called "velvet revolution", in conjunction with the political will of the current authorities, enabled the holding of democratic elections.

74. The Assembly has observed every election in Armenia since 1995 and stresses that, despite the complex electoral system and reported instances of intimidation via social media, the electoral irregularities which tainted many elections in the past were absent.

75. The general absence of electoral malfeasance, including of vote-buying and pressure on voters, allowed for genuine competition. The integrity of campaign finance was undermined by a lack of regulation, accountability and transparency. Despite the shortened timeframe, the elections were well administered. Election day proceeded calmly and peacefully with all stages assessed positively by almost all IEOM observers, indicating general adherence to the procedures.

76. The elections were held following anti-government protests in April 2018, which resulted in the resignation of Serzh Sargsyan as Prime Minister and a change of power, with a new government formed in May by Nikol Pashinyan. Draft amendments to significantly change the electoral system and transform it into a fully proportional one were submitted by the new government but ultimately did not receive a required three-fifths majority in parliament three days before the elections were called.

77. The elections are comprehensively regulated by the Constitution and the 2016 Electoral Code. The latest amendments from May 2018 expanded the list of those prohibited from campaigning, lifted restrictions for media observers and increased sanctions and penalties for electoral offences, in line with previous Venice Commission and OSCE/ODIHR recommendations. Criminal liability was introduced for forcing individuals to campaign and for the facilitating vote-buying. Remaining Venice Commission and OSCE/ODIHR recommendations should be addressed, including those related to campaign finance regulations, limitations on legal standing for submitting electoral complaints, citizenship requirements for candidates and electoral threshold for alliances to enter parliament.

78. The Central Election Commission conducted its work professionally and transparently and met all legal deadlines, despite the shortened timeframe. The CEC and the territorial election commissions enjoyed confidence among electoral stakeholders in the run-up to the elections and held open sessions. In an inclusive process, the CEC registered candidate lists of all nine political parties and two party alliances that applied.

79. Candidates were able to conduct their campaigns freely and fundamental freedoms of association, assembly, expression and movement were fully respected during the campaign. The official campaign period was very short, but campaigning started earlier, which is not prohibited by law. Disinformation, as well as inflammatory exchanges between some candidates on social networks, were noted during the campaign. To prevent misuse of administrative resources and pressure on public employees, the authorities raised awareness about relevant prohibitions among local officials, school principals, health workers and others.

80. Many IEOM interlocutors noted the political will expressed by the authorities to strongly punish the selling and buying of votes. On a positive note, electoral stakeholders did not report any systematic efforts of vote-buying and other electoral malpractices identified in many previous elections.

81. All candidate lists met the 25% gender quota requirement and women accounted for 32% of the 1 444 candidates. This quota, however, does not ensure the same proportion of representation of women in the parliament, notably as half of the seats are distributed according to preferential votes. Parties rarely featured women candidates in their campaign – women only occasionally campaigned on their own and rarely appeared as speakers in rallies observed. Some women candidates were the target of disparaging rhetoric because of their gender.

82. Campaign funds may include contributions from voters, candidates and political parties, with limits set for both contributions and expenses. Reporting requirements for contributions received and expenses made before the start of the official campaign are ambiguous. In addition, some candidates confirmed that they were

directly financing their campaigns, which bypasses official party campaign funds in contravention of the law. Contrary to previous ODIHR and Venice Commission recommendations, organisational expenses such as for office space, communication, transportation and staff, are not considered as election related and may therefore remain unreported, undermining the transparency of campaign finance.

83. The media environment is diverse and the freedom of expression, guaranteed by the Constitution, was respected. Television is the primary source of political information, but the use of online media and social networks is significant. The broadcasters made a visible effort to cover all electoral candidates, contributing to the diversity of information available for voters to make an informed choice. Many private outlets appear to be strongly associated with political parties, with some demonstrating clear preference. The public television provided a reasonably balanced coverage. Positively, for the first time in Armenia, the campaign culminated in a three-hour, live genuine debate on 5 December on the public television channel, during which the leaders of all national lists, including the acting Prime Minister, as Head of My Step Alliance, discussed in a mutually respectful and generally congenial manner. This democratic practice should be consolidated, including, if necessary, in the legal framework, in order to allow the electors to make well-informed choice.

84. While no concerns about access to the complaint and appeal system were raised, only a limited number of complaints were filed with the election administration and the courts before election day. Contrary to previous Venice Commission and OSCE/ODIHR recommendations and international good practice, the legal standing to file complaints with regard to the electoral process is largely limited to party proxies and commission members. The deadlines for submission of complaints are generally reasonable.

85. The law provides for observation in polling stations by international and citizens observers, media, as well as proxies of candidates. Though there was a general effort by established and experienced civil society organisations to observe these elections, a number of IEOM interlocutors raised concerns about direct, including contractual, connections of some accredited citizen observers to political parties, which could compromise their impartiality.

86. The Parliamentary Assembly, in close co-operation with the Venice Commission, will co-operate with Armenia’s elected representatives to launch legal reforms to consolidate the democratic process in the country.

Appendix 1 – List of the members of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

Chairperson: Mr Aleksander POCIEJ, Poland (EPP/CD)

Group of the European People's Party (EPP/CD)

– Mr Aleksander POCIEJ, Poland

Socialist Group (SOC)

– Mr José MONTILLA, Spain
– Ms Soraya RODRÍGUEZ RAMOS, Spain
– Ms Adriana Diana TUȘA, Romania

European Conservatives Group (EC)

– Mr Alberto RIBOLLA, Italy (NR)

Alliance of Liberals and Democrats for Europe (ALDE)

– Mr Andrii LOPUSHANSKYI, Ukraine

Co-rapporteurs of the Monitoring Committee (ex officio)

– Ms Yuliya LOVOCHKINA, Ukraine
– Mr Andrej ŠIRCELJ, Slovenia

Venice Commission

– Ms Katharina PABEL, Substitute Member

Secretariat

– Bogdan TORCĂTORIU, Administrator, Election Observation and Interparliamentary Co-operation Division
– Danièle GASTL, Assistant
– Michael JANSSEN, Administrator, Venice Commission

Appendix 2 – Programme of the meetings of the ad hoc committee (7-10 December 2018)

Friday 7 December 2018

12:30-12:50 Introductory remarks:
- Mr Peter Osusky, Special Co-ordinator of the OSCE short-term observers
- Mr Aleksander Pociej, Head of Delegation of the PACE
- Ms Nahima Lanjri**,** Head of Delegation of the OSCE PA
- Ms Heidi Hautala, Head of Delegation of the European Parliament

12:50-14:50 Briefing by the OSCE/ODIHR Election Observation Mission:
- Welcome and Introduction by the ODIHR Election Observation Mission: Ambassador Urszula Gacek, Head of Mission
- Political Overview and Election Campaign: Ms Barbara Davis, Political Analyst
- Media Overview: Mr Ivan Godársky, Media Analyst
- Legal Framework, Electoral System and Campaign: Ms Enira Bronitskaya, Legal Analyst
- Election Administration, Candidate Registration, Voter Registration and Observers: Mr Adolfo Cayuso, Election Analyst
- Security Overview: Mr László Belágyi, Security Expert

15:15-16:45 Administration and Security Panel:
- Central Electoral Commission, Mr Tigran Mukuchyan, Chair
- National Police, Mr Mnatsakan Bichakhchyan, Head of Passport and Visa Department, and Mr Ashot Sargsyan, Deputy Head of National Police Headquarters
- General Prosecutor's Office, Ms Shushanik Israyelyan Deputy Head of the Department of Supervision over Legality of Pretrial Criminal Proceedings
- Transparency International Anti-Corruption Center, Ms Sona Aivazyan, Vice-Director

17:00-18:30 Legislation Panel: Current and Planned Reforms:
- MP candidate, Mr Hamazasp Danielyan, My Step Alliance
- Armenian Helsinki Committee, Mr Avetik Ishkhanyan, Chair
- Helsinki Citizens' Assembly, Mr Arthur Sakunts, Chair
- Open Society Foundations, Ms Larisa Minasyan, Executive Director

18:30-19:30 Meeting with drivers and interpreters for the PACE delegation

Saturday 8 December 2018

08:30-10:00 Campaign and Policy Analysis Panel:
- National Commission for Television and Radio, Mr Tigran Hakobyan, CTR member (representing the CTR nowadays)
- Radio Free Europe / RL (Radio Liberty), Mr Hrayr Tamrazyan, Director of Armenian service
- Yerevan Press Club, Ms Arevhat Grigoryan
- Public Television H1, Ms Margarita Grigoryan, Executive Director
- NEWS.am, online media outlet, Ms Narine Hovhannisyan, Editor
- Aravot Daily Newspaper, Ms Anna Israyelyan
- Union of Informed Citizens Mr Daniel Ioannisyan

10:00-13:00 Briefing by the political parties:
- My Step Alliance, Mr Ararat Mirzoyan, Acting First Deputy Prime Minister of Armenia, 2nd candidate on the MSA list
- Republican Party of Armenia, Ms Arpine Hovhannisyan, 2nd candidate on the RPA list
- Prosperous Armenia, Mr Mikayel Melkumyan, 2nd candidate on the PAP list
- Bright Armenia, Mr Davit Khazhakyan, Head of the campaign of BAP

– Armenian Revolutionary Federation, Mr Vahagn Matinyan, member of the Supreme Body of Armenian Revolutionary Federation
– Sasna Tsrer Pan-Armenian Party, Mr Garegin Chukaszyan, 3rd candidate on the STPP list, Mr Stepan Grigoryan, 2nd candidate on the STPP list

14:00-14:45 Briefing by the OSCE/ODIHR Election Observation Mission:
– Election day procedures – Mr Adolfo Cayuso, Election Analyst
– STO Reporting – Mr Robert Bystrický, Statistics Expert

14:45-15:00 Meeting with EOM long-term observers for teams deployed in Yerevan

Sunday 9 December 2018

Election day: observation of the opening, voting and counting

Monday 10 December 2018

08:00 Debriefing of the PACE delegation

14:30 Press conference

Appendix 3 – Press release of the International Election Observation Mission (IEOM)

Broad public trust in Armenian elections needs to be preserved through further electoral reforms, international observers say

Yerevan, 10 December 2018 – The 9 December early parliamentary elections in Armenia were held with respect for fundamental freedoms and enjoyed broad public trust that needs to be preserved through further electoral reforms, the international observers concluded in a preliminary statement released today. Open political debate, including in the media, contributed to a vibrant campaign, although cases of inflammatory rhetoric online were of concern, the statement says.

The general absence of electoral malfeasance, including of vote buying and pressure on voters, allowed for genuine competition, the observers said. Despite the shortened timeframe, the elections were well administered, although the integrity of campaign finance was undermined by a lack of regulation, accountability and transparency.

“Democracy cannot proceed without trust, so I am pleased that broad public trust was the central characteristic of this election”, said Peter Osusky, Special Co-ordinator and leader of the short-term OSCE observer mission. “Now that voters have delivered their message, it is up to the political leadership of Armenia to ensure that this momentum is maintained, and that further reforms are implemented to fully consolidate the positive assessment we are making today.”

Contestants were able to campaign freely, and fundamental freedoms of association, assembly, expression and movement were fully respected, the statement says. The official campaign period was very short, but campaigning started earlier, which is not prohibited by law. Election day proceeded calmly and free of pressure on or intimidation of voters, and voting, counting and tabulation were assessed positively by almost all observers.

“I congratulate the Armenian people. The 2018 peaceful so called ‘Velvet’ revolution, in conjunction with the political will of the current authorities, enabled the holding of democratic elections”, said Aleksander Pociej, Head of the delegation from the Parliamentary Assembly of the Council of Europe. “PACE has observed every election in Armenia since 1995 and, despite the complex electoral system and reported instances of intimidation via social media, the recurring electoral irregularities which tainted many elections in the past were absent. It is up to Armenia’s elected representatives to launch legal reforms to consolidate the democratic process in the country.”

The CEC conducted a comprehensive voter education campaign to encourage voting, explain voting procedures and warn against vote-buying. To prevent pressure on public employees and the misuse of State resources, the authorities ran an awareness-raising campaign on these issues for local officials, school principals, health workers and others. Officials, contestants and voters themselves expressed their commitment to discouraging the selling and buying of votes.

“These elections were very well organised, with minimal irregularities and free of pressure on voters. I am very happy that, as a result, public trust in the electoral process was high”, said, Heidi Hautala, Head of the delegation from the European Parliament. “We congratulate the Armenian authorities and participants in these elections and encourage the government and National Assembly to further improve the legislation ahead of future elections. The European Union, including the European Parliament, will continue to assist in this process.”

Amendments to the Election Code in May expanded the list of those prohibited from active campaigning, lifted restrictions on media observers, and increased penalties for electoral offences, including by making it a crime to force individuals to take part in campaigns or to facilitate vote-buying. While this addressed previous recommendations, others related to campaign finance, the submission of complaints, candidacy requirements and the threshold alliances must reach to win seats remain unaddressed, the observers said.

The media environment is diverse and the freedom of expression, guaranteed by the Constitution, was respected. Television is the primary source of political information, while the use of online media and social networks is also significant. Media monitoring showed that the broadcasters made an effort to cover all contestants, contributing to a diversity of information allowing voters to make an informed choice. Many private outlets appear to be strongly associated with political parties, with some demonstrating a clear preference, while public television provided reasonably balanced coverage, the statement says. Public television organised genuine debates that included candidates from all the contestants.

Despite the limited timeframe, the Central Election Commission (CEC) conducted its work professionally and met all legal deadlines, and there was general confidence in it and in territorial commissions. Voters were identified on election day by devices containing electronic copies of voter lists. The devices scanned their IDs to confirm they were registered at the polling station and to prevent multiple voting. Despite data privacy concerns, the CEC is required to scan and publish online lists of those who have voted that contain personal data and their signatures, in order to prevent impersonation.

Campaign funds may include contributions from voters, candidates and political parties, with limits set on the levels of both contributions and spending. Reporting requirements for contributions and spending prior to the official start of the campaign are ambiguous. In addition, some candidates confirmed they were directly financing their campaigns, which bypasses official campaign funds, in contravention of the law. Organisational expenses such as office space, communications, transportation and staff are not considered election related and may, therefore, remain unreported, undermining transparency, the observers said.

All candidate lists met the 25 per cent gender quota requirement and 32 per cent of the 1 444 candidates were women. This quota does not, however, ensure the same proportion of women's representation in parliament, partly because half of the seats are distributed according to preferential votes. Parties rarely featured women candidates in their campaign – women only occasionally campaigned on their own and rarely appeared as speakers in rallies observed. Some women candidates were targets of disparaging gender-based rhetoric.

"Politics has historically been a man's world but, as women are more than half of the population, this should be reflected in politics as well", said Nahima Lanjri, Head of the delegation from the OSCE Parliamentary Assembly. "I hope to see reforms that will encourage more women in politics and to ensure that the next elections are fully representative of both men and women."

The statement also highlights that, while there was general confidence in the accuracy of voter lists, those declared incapacitated by courts are not entitled to vote, contrary to international standards on the political rights of persons with disabilities. Contrary to previous recommendations, the right to file election-related complaints is largely limited to party proxies and commission members. The statement also notes that the prohibition of those holding multiple citizenship from being candidates is in contradiction to OSCE commitments and case law of the European Court of Human Rights.

"Our assessment of these elections highlights that fundamental freedoms were respected, along with many other positives", said Ambassador Urszula Gacek, Head of the election observation mission from the OSCE Office for Democratic Institutions and Human Rights. "The confidence invested in the authorities brings responsibility to ensure that these positives are safeguarded. ODIHR stands ready to help Armenia address remaining shortcomings so that good elections become the norm."