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# EUROPEAN PARLIAMENT DELEGATION FOR THE OBSERVATION OF THE EARLY PARLIAMENTARY ELECTIONS IN ARMENIA (9 DECEMBER 2018)

## REPORT OF THE EUROPEAN DELEGATION HEADED BY MS. HEIDI HAUTALA

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## **Introduction and context of the elections:**

Following a political crisis in October, the National Assembly was dissolved on 1 November and snap elections announced for 9 December 2018.

Prime minister Nikol Pashinyan, elected by parliament in May 2018 after spearheading peaceful street protests against the Republican Party of Armenia (RPA) government ('Velvet Revolution'), handed in his resignation on 16 October 2018. President Armen Sarkissian accepted the resignation. As previously announced by the PM, his intention was to trigger snap elections in December. Under the Armenian constitution, snap elections can be called if the prime minister resigns and the parliament fails to replace him or her within two weeks.

The landslide victory of the Pashinyan bloc in the municipal elections in Yerevan on 23 September (winning over 80 %) emboldened the PM to bring forward early elections, which had been agreed in the government programme, but the timing of which became a major bone of contention between the PM and the parliament, especially the formerly ruling RPA. The RPA insisted that the elections should take place in May-June 2019.

The clash between the government and parliament fully erupted on 2 October after the adoption by the National Assembly of an amendment of the Rules of Procedure, widely believed to be designed to make it more difficult for snap elections to take place once the prime minister resigns. Labelling the vote as an attempt at 'counter-revolution', Pashinyan immediately dismissed six ministers representing the coalition parties, the Prosperous Armenia Party and the Armenian Revolutionary Federation, due to their support to the amendment, and announced that he would dismiss as well all regional governors representing these coalition partners. Thousands of supporters of the PM followed his call for protests outside the parliament, demanding fresh elections.

With the streets behind him, Pashinyan managed to push his plan through and the parliament failed to elect a new PM in two votes on 24 October and 1 November, paving the way for the National Assembly's dissolution. At the same time, the RPA prevented the adoption of the government's reform of the electoral code, which aimed at changing the mechanism for distributing seats in the parliament believed to favour the RPA.

The elections to the National Assembly, Armenia's unicameral parliament, a minimum of 101 MPs were to be elected through a two-tier proportional system, with candidates elected from a national list and 13 district lists. Four seats were reserved to national minorities (Yezidis, Russians, Assyrians, and Kurds). In case no majority can be formed within six days of official results, a second round would have been held between the top two candidate lists 28 days after election day.

## **Composition of the EP delegation and program**

The delegation which observed parliamentary elections was headed by Ms Heidi Hautala (VERTS/ALE, Finland). It was composed of 6 MEPs, representing 3 political groups and 5 Member States. 3 Members of DG EXPO and 1 advisors from political groups accompanied the delegation.

The EP delegation was integrated into the ODIHR-led International Election Observation Mission, together with delegations from the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe.

Besides the joint programme with other parliamentary assemblies (briefings by the core team, meetings with the candidates, with representatives from the Central Electoral Commission, from the media and the civil society, from other regulatory bodies), the EP delegation met with Mr.

Sarkissian, President of Armenia, with Mr Mnatsakanyan, Foreign Minister, and with the Head of the EU delegation.

On elections days, the EP delegation split into three teams:

- 1 team was deployed in/around Yerevan;
- 1 team was deployed in/around Ashtarak (Aragtsotn);
- 1 team was deployed in/around Artashat (Ararat).

### **Principal points and conclusions**

The EP delegation fully subscribed to the Joint Statement on Preliminary Findings and Conclusions and highlighted several concerns both in meetings and during the press conference.

These elections were very well organized, with minimal irregularities and free of pressure on voters. EP delegation observed a major drop in electoral malpractice. Such practices do not disappear completely overnight. But it is clear that the amendments to the Criminal Code, the educational campaigns and the resolve of key leaders to fight these are having a positive impact.

The Central Election Commission (CEC) conducted its work professionally and transparently and met all legal deadlines, despite the shortened timeframe. The CEC and the Territorial Election Commissions (TECs) enjoyed confidence among electoral stakeholders in the run up to the elections and held open sessions. The CEC conducted a comprehensive voter education campaign to encourage voting, explain voting procedures and warn against vote-buying. The Precinct Election Commissions (PECs) were formed and their members trained within deadlines.

Contestants were able to campaign freely and fundamental freedoms of associations, assembly, expression and movement were fully respected. The election proceeded calmly, and free of pressure or intimidations of voters and voting, counting, and tabulation were assessed positively by the observers.

Media monitoring showed that the broadcasters made a visible effort to cover all electoral contestants, 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, a number of media, including the public television, organized genuine debates, bringing together candidates from all the contestants

As regards campaign financing, 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, organizational 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.

Civil society engagement in the electoral process can be commended. For the first time, many civil society representatives agreed with representatives of both the authorities and most political parties on the way the elections took place.

Turnout was 48.63%. PM Pashinyan dismissed the criticism of the relatively "low" turnout, noting that under the former government the number of people taking part in the elections was routinely inflated, and had included citizens who were not in the country as well as deceased persons.

## **Annexes:**

### **A. List of participants**

#### PARLIAMENTARY ELECTIONS IN ARMENIA DECEMBER 2018

#### **Members**

Ms Heidi HAUTALA, Finland, Greens/EFA, Chair of the delegation  
Mr José Inácio FARIA, Portugal, EPP  
Ms Rebecca HARMS, Germany, Greens/EFA  
Ms Clare MOODY, United Kingdom, S&D  
Ms Julia PITERA, Poland, EPP  
Mr Joachim ZELLER, Germany, EPP

## **B. Statement by the Head of the delegation**

### **Press statement by Ms Heidi HAUTALA** **Head of the European Parliament Delegation to the International Election** **Observation Mission to Armenia** **Parliamentary elections**

Yerevan, 10 December 2018

Ladies and Gentlemen, dear friends

I am Heidi Hautala, Head of the delegation of the European Parliament. It is a pleasure for me to be back in Armenia as I also led the EP mission for the 2017 parliamentary elections.

I must say:

what a difference a year and a half brings to a country like Armenia!

Over the last few months, Armenia has been very high on the European Union's foreign policy agenda. In terms of our bilateral relations, we signed and are provisionally implementing the Comprehensive and Enhanced Partnership Agreement (CEPA). This is now our roadmap for cooperation which includes strong reform support and financial assistance. These snap elections are therefore a major democratic milestone and a test for the further deepening of EU-Armenian relations. That is why the European Parliament is very attentive to developments in Armenia. This is why we are here today.

As part of the International Election Observation Mission, the European Parliament fully endorses the preliminary findings and conclusions of this mission. I take this opportunity to thank my colleagues from the other parliamentary assemblies and to commend the excellent work by Urszula and her team from the ODIHR, during this mission. I would also like to thank the EU Delegation in Yerevan for their support.

In addition to the comments made by my colleagues, I would like to highlight 4 aspects:

1. These are snap elections. There was therefore limited time for parties to campaign but also for the Central Electoral Commission to organise the process and other bodies to scrutinize the implementation of the relevant law. So let me highlight the very good performance of the CEC in this difficult context.
2. In particular, we are very happy to observe a major drop in electoral malpractice. Such practices do not disappear completely overnight. But it is clear that the amendments to the Criminal Code, the educational campaigns and the resolve of key leaders to fight these are having a positive impact. Continued efforts are needed to make these electoral malpractices a cultural relic of the past, as well as to put an end to intolerant rhetoric.

3. Many of our comments refer to the legislative framework, to be precise: to issues such as campaign financing, citizenship requirements, the management of voters' lists and the strengthening of women's political participation. These need to be addressed through amendments to the current legislation. We hope such amendments will remain a priority for the Armenian government and National Assembly and that any reform is carried out in an inclusive way, with the involvement of both opposition and civil society. Of course, the international community is ready to keep providing expert support.
4. Finally, let me now address civil society engagement in the electoral process. The detailed work of such organisations can be commended. And it is refreshing to hear, for the first time, so many civil society representatives agreeing with representatives of both the authorities and most political parties on the way the elections took place. But I must however regret that one party abused the access given to civic observers by recruiting and paying what I will call "non-observing observers" in order obtain extra accreditations for their representatives.

Let me conclude by underlining that 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. So 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 EU including the European Parliament will continue to assist in this process. This is in line with our commitments as part of the deepening EU-Armenia relations. This is for the benefit of all Armenian citizens.

Thank you!

## C. Press statement by the International Election Observation Mission



# 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 Pocij, 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 organized, 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 organized 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. Organizational 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.”

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