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Observation of the parliamentary elections in Armenia (12 May 2007)

Report

Ad Hoc Committee of the Bureau of the Assembly

Rapporteur: Mr Leo PLATVOET, The Netherlands, Group of the Unified European Left

The Parliamentary elections in Armenia, held on 12 May 2007, were largely held in line with Council of Europe commitments and standards for democratic elections, although shortcomings remain. The Armenian Authorities, as well as other electoral stakeholders, showed the political will to address previous shortcomings and to improve the conduct of these elections, although some issues remain unaddressed. Regrettably, the shortcomings and irregularities, some of which were serious, observed during the crucial vote count and tabulation processes stain the positive preliminary assessment.

I. Introduction

1. Following an invitation by the Speaker of the National Assembly of Armenia, the Bureau of the Assembly decided, at its meeting on 15 March 2007, to set up an ad hoc Committee to observe the parliamentary elections in Armenia, scheduled for 12 May 2007, and appointed me as the Chairman and Rapporteur of the ad hoc Committee.

2. On 4 October 2004, a co-operation agreement was signed between the Parliamentary Assembly and the European Commission for Democracy through Law ("Venice Commission"). In conformity with Article 15 of the agreement: "When the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser", the Bureau of the Assembly invited an expert from the Venice Commission to join the ad hoc Committee as advisor.

3. Based on the proposals by the political groups in the Assembly, the ad hoc Committee was composed as follows:

Socialist Group (SOC)

Ms Meritxell BATET
Mr Vidar BJØRNSTAD
Ms Anna ČURDOVÁ
Mr Piotr GADZINOWSKI
Mr Andreas GROSS
Ms Sinikka HURSKAINEN
Mr Ewald LINDINGER
Mr Maximiano MARTINS
Mr Neven MIMICA

Spain
Norway
Czech Republic
Poland
Switzerland
Finland
Austria
Portugal
Croatia

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

Mr Márton BRAUN	Hungary
Mr Georges COLOMBIER	France
Mr Jean-Charles GARDETTO	Monaco
Mr Attila GRUBER	Hungary
Mr Dariusz LIPIŃSKI	Poland
Mr Lucio MALAN	Italy
Mr Kent OLSSON	Sweden
Mr Vjačeslavs STEPANENKO	Latvia
Mr Egidijus VAREIKIS	Lithuania
Mr Piotr WACH	Poland

Alliance of Liberals and Democrats for Europe (ALDE)

Ms Tina ACKETOFT	Sweden
Mr Bernard MARQUET	Monaco
Ms Assunta MELONI	San Marino
Mr Paul WILLE	Belgium

European Democrat Group (EDG)

Mr Alexei ALEXANDROV	Russian Federation
Mr Nigel EVANS	United Kingdom
Mr Anatolij KOROBENNIKOV	Russian Federation

Group of the Unified European Left (UEL)

Mr Leo PLATVOET	The Netherlands
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Representatives not belonging to a Political Group of the Assembly (NR)

Mr Andrea RIGONI	Italy
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Venice Commission

Ms Mirjana LAZAROVA TRAJKOVSKA, the former Yugoslav Republic of Macedonia
Mr Gaël Martin-Micallef, Secretariat

Secretariat

Mr Bas KLEIN, Deputy Head of Secretariat of the Interparliamentary Cooperation Unit
Mr Yann de BUYER, Co-Secretary of the Committee on Economic Affairs and Development
Ms Daniele GASTL, Assistant, Interparliamentary Cooperation Unit

4. The ad hoc Committee acted as part of the International Election Observation Mission (IEOM), which also included delegations of the OSCE Parliamentary Assembly (OSCE-PA) and the European Parliament, as well as the Election Observation Mission of the Organisation for Co-operation and Security in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

5. The ad hoc Committee met in Yerevan from 10 to 13 May 2007 and held, *inter alia*, meetings with representatives of a cross-section of parties participating in these elections, the Chairman of the Central Election Commission (CEC), the Head of the Election Observation Mission of the OSCE/ODIHR and his staff, the Heads of the OSCE and European Union missions and the Special Representative of the Secretary General (SRSG) of the Council of Europe in Yerevan, as well as representatives of civil society and the mass media. The programme of the meetings of the ad hoc Committee appears in Appendix 1.

6. On Election Day, the ad hoc Committee was split into 17 teams which observed the elections in and around Aragatz, Armavir, Ashtarak, Goris, Gyumri, Meghri, Sevan and Yerevan.

7. In order to draw up an assessment of the electoral campaign, as well as the political climate in the run-up to the elections, the Bureau sent a pre-electoral mission to Armenia from 11 to 13 April 2007. The cross-party pre-electoral delegation consisted of Mr Leo Platvoet (the Netherlands, UEL), Chairman

of the Ad Hoc Committee and Head of Delegation, Mr Georges Colombier (France, EPP/CD), Mr Ewald Lindinger (Austria, SOC) and Mr Bernard Marquet (Monaco, ALDE). Regrettably, due to unforeseen circumstances the European Democrat Group (EDG) could not be represented on the pre-election mission. In Yerevan, the pre-electoral delegation met with, *inter alia*, representatives of political parties participating in these elections, the President of the Republic, the President of the National Assembly, the Ministers of Justice and Foreign Affairs, the Chairman of the Central Election Commission (CEC), members of the Constitutional Court and the Office of the Human Rights Defender of Armenia, representatives of the mass media and NGO community, as well as ambassadors from Council of Europe member and observer states accredited in Armenia. The conclusions of the pre-electoral mission were presented by me in a memorandum to the Bureau of the Assembly (AS/Bur/AhArm (2007) 3) and a statement was issued by the pre-electoral delegation at the end of their visit, which appears in Appendix 2.

8. The IEOM unanimously concluded, pending the outcome of its assessment of the tabulation process, which was not yet completed at that time that the Parliamentary Elections in Armenia on 12 May 2007 *“demonstrated improvement and were conducted largely in accordance with Council of Europe and OSCE commitments and other international standards for democratic elections. The Armenian authorities and other actors in the electoral process took steps to address previous shortcomings, but were unable to fully deliver a performance consistent with their stated intention that the elections would meet international standards and some issues remained unaddressed”*. The joint IEOM press release issued the day after these elections appears in Appendix 3.

9. The ad hoc Committee wishes to thank the National Assembly of Armenia, the OSCE/ODIHR Election Observation Mission and the SRSG of the Council of Europe in Yerevan for their co-operation and the support provided to the ad hoc Committee.

II. Political and legal context

10. To date, none of the elections organised in Armenia since its independence were considered to be conducted in line with Council of Europe and other international standards for democratic elections. The Parliamentary elections on 12 May 2007 were therefore a crucial touchstone for Armenia to demonstrate its political will to organise genuinely democratic elections in line with the commitments it undertook when acceding to the Council of Europe.

11. The Parliamentary elections should be seen in the context of the upcoming Presidential Elections in Armenia, which are foreseen to take place in 2008. In those elections, the incumbent President, Mr Robert Kocharyan, is precluded from standing for re-election as a result of the constitutional limit of two consecutive terms.

12. The Constitution of Armenia was amended in 2005, following a Constitutional referendum. The amendments to the Constitution, *inter alia*, entailed a transfer of power from the President of the Republic to the Parliament. These changes therefore increased the stakes for the contestants in the Parliamentary elections.

13. The political landscape has seen a considerable level of fluidity and change since the last Parliamentary elections in 2003. Orinats Yerkir, the party of former Speaker Artur Baghdasaryan, left the governing coalition as a result of differences of opinion about the foreign alignment of Armenia. A new party, Prosperous Armenia, founded in March 2006 by millionaire businessman Gagik Tsarukyan, and supportive to the policies of the incumbent President of Armenia, made a rapid emergence as a serious political force in these elections.

14. The opposition in Armenia is fragmented. The largest opposition coalition during the 2003 elections, the Justice Bloc, fell apart and its members were all participating in these elections individually. Moreover, most opposition parties seemed to have lost a degree of popular support, and their position seemed to have weakened, as a result of their decision to boycott the Constitutional referendum in 2005.

15. On 25 March 2007, Prime Minister Andranik Margaryan, leader of the main governing Republican Party, died suddenly of heart failure. His untimely death resulted in a leadership change in the Republican Party close to the election campaign, with Defence Minister Serge Sargsyan taking over the Prime Ministership and party Leader functions.

16. Armenia has a mixed proportional-majoritarian political system. Of the 131 seats in the National Assembly, 90 are elected via a system of proportional representation on the basis of party lists in one

single national constituency, with a 5% threshold for individual parties and a 7% threshold for party coalitions. The remaining 41 mandates are elected in single mandate constituencies on the basis of the “first past the post” system.

17. As a result of the Constitutional changes after the 2005 referendum, the number of seats elected through the proportional system rose from 75 to 90, while the number of seats elected in single mandate constituencies decreased from 56 to 41. In addition, the new parliament is now elected for a 5 year term instead of 4 years.

18. The parliamentary elections are governed by the Constitution and the Election Code, as well as by provisions in other laws. The Election Code has changed significantly, mainly in 2005 and 2006 and most recently in February 2007. The 2005 and 2006 amendments were adopted after a process of consultation with the Venice Commission of the Council of Europe and the OSCE/ODIHR, who provided a joint opinion on these amendments. The amendments in 2007 were adopted too late for the Venice Commission to deliver an opinion in time for the Parliamentary elections on 12 May 2007. However, the Venice Commission concluded that the Election Code as amended in 2005 and 2006, despite some remaining shortcomings, is an improvement over previous electoral legislation and provides a good basis for the organisation of democratic elections, provided that the Code is implemented in good faith.

19. The Armenian Election Code has a very high degree of complexity and detail, and contains a number of provisions that could have been better regulated via CEC decisions and by-laws. As a result of this level of complexity and detail, a number of inconsistencies within the Election Code, and between the Code and other pieces of legislation, exist, most notably in relation to the election complaints procedures.

20. The Election Code stipulates that complaints against CEC decisions can be appealed at the Court of Appeal, except for complaints against the results of an election which fall under the authority of the Constitutional Court. However, this is in contradiction with the Civil Procedure Code, which stipulates that election related complaints should be heard by the Courts of First Instance. This contradiction was brought before the Court of Cassation, which ruled that the Civil Procedure Code should have priority in election related cases. The priority of the Civil Procedure Code, as *lex generalis*, over the Election Code, as *lex specialis*, is of some concern as this in effect bypasses the very strict deadlines for decisions and appeals that are part of the Election Code to ensure minim delay, and if necessary quick redress, in election related complaints. The ad hoc Committee was informed that the constitutionality of the priority of Civil Procedure Code provisions has been challenged in the Constitutional Court.

21. With the Constitutional amendments in 2005, the constitutional ban on dual citizenship for Armenians was dropped. This proved to be somewhat controversial within the ruling coalition; with the Republican Party joining the opposition parties in contesting the possibility of giving dual citizens the unrestricted right to vote in Armenian elections. In response, a series of amendments to the Election Code were adopted in 2007 that deleted the provisions for out-of-country voting for Armenian citizens residing abroad. As a result, only citizens who are registered in Armenia have the right to vote in Armenian elections. Taking into account the size of the Armenian Diaspora, this *de facto* disenfranchises a sizeable part of the Armenian electorate.

22. The provisions in the Election Code regarding political party and campaign financing, as well as financial transparency and disclosure, are weak and deficiencies in their implementation were noted during these elections.

III. Election Administration

23. The parliamentary elections in Armenia are administered by a three-tiered election administration consisting of the Central Election Commission (CEC), 41 Territorial Election Commissions (TECs) - one for each of the 41 single mandate constituencies -, and 1.923 Precinct Election Commissions (PECs).

24. The composition of the election commissions during previous elections proved to be problematic for the independence and impartiality of the election administration. Therefore, in line with recommendations of the Parliamentary Assembly and the Venice Commission of the Council of Europe, the 2005 amendments to the Election Code changed the nominations for the election commissions. The CEC consists of 9 members, 1 nominated by the President, 1 each by the 6 political factions in the outgoing parliament, 1 nominated by the Peoples Deputies Group (formally non-aligned members) and 1 nominated by the judiciary. The composition of the lower level election commissions follows the same formula, with each representative on the CEC nominating one member in each of the 41 TECs and each member in the TEC nominating one member on each of the PECs in that TEC.

25. The leadership positions in the election commissions (Chairperson, Vice-Chairperson, and Secretary), the so called troika, are elected by the members of the election commissions from amongst their midst. However, neither the CEC troika, nor the troikas of practically all TECs, included members of the opposition parties. The fact that representatives of the Orinats Yerkir party were replaced in key functions in the commissions by representatives of the ruling parties, when Orinats Yerkir left the ruling coalition, is of concern in this respect. The PEC troikas had a more diverse composition than those of the TECs, but were still dominated by representatives of the ruling parties. The composition of the troikas challenged the spirit of the provisions in the Election Code aimed at a balanced election administration.

26. In order to circumvent possible boycotts of the election commissions, a late amendment to the Election Code was adopted that abolished the need for a quorum for the duration of the election period. This raises some concerns, although all decisions of an election commission can be appealed to the courts.

27. The ad hoc Committee welcomes the provisions in the Election Code that mandate an obligatory training for all members of an election commission. This significantly enhanced the professionalism of the work of the election commissions.

28. The CEC generally worked in an efficient, open and transparent manner during the election period. A special computer network was introduced that allowed for the real time publication, on the CEC website, of the election results per polling station as well as the aggregate results per TEC. The publication of the breakdown of the results per polling station, as mandated by the Election Code, significantly increases the transparency of the election process.

IV. Candidate and Voter Registration

29. Following long-standing recommendations by the Assembly and other international institutions, the amended Election Code introduced a central computerised voters' list in Armenia. The compilation of the voters' list is the responsibility of the Passport and Visa Office of the National Police. The voters' list is permanently posted on the CEC's website, which allows people to check their registration, although internet access is not widely spread in Armenia. The CEC, police, as well as all parties and a number of civil society organisations, undertook great efforts to improve the quality of the voters' list, including door-to-door verification by the police and a special telephone hotline for people to report inaccuracies in the voters' list.

30. In line with legal requirements, Armenian citizens who live abroad, but who have a registered residence in Armenia, continue to be registered on the voters' list, which complicated the verification process.

31. The deadline for people to apply for inclusion in the voters' list, or to change the information pertaining to them, was on 27 April 2007. On Election Day, a voter who was not on the voters' list could be added to a supplementary voters' list via a court or police order, which could be obtained up to, and including on, Election Day.

32. Candidate registration took place in an inclusive manner. In total, 24 parties and one bloc were registered by the CEC for these elections. None of the candidates on the party and bloc lists were refused registration by the CEC. Two parties later withdrew from the proportional race. In total, 141 candidates for the majoritarian contests submitted their registration documents. Of these, 135 were registered by the CEC, five withdrew their registrations before the registration deadline and one was refused registration on the ground that the required registration documents were incomplete. Two candidates were later de-registered by court order and 14 candidates withdrew later in the race, citing the limited prospects that they would be able to win a seat in the election.

33. None of the political parties registered for these elections fielded a candidate in all 41 majoritarian constituencies, most of them focusing on the proportional contests. The majoritarian contests in general reflected local rather than national political interests. In 11 constituencies, only two candidates contested for the majoritarian mandate, and in 7 constituencies, only one candidate ran uncontested. In the event of only one candidate running for a majoritarian seat, the voters in that constituency were given the option of a "vote against all". Following recommendations by international institutions, the option to vote "against all" was dropped from multi-candidate majoritarian, as well as the proportional, races.

34. The ad hoc Committee regrets that, in a number of constituencies, only one candidate was running for the majoritarian mandate, as it denies the voters in those constituencies the fullest democratic choice on Election Day.

V. Pre-election period and Media

35. The official campaign period started on 8 April 2007, and lasted until 24 hours before the day of the elections. However, the Election Code does not clearly define what constitutes campaigning, leading to some confusion about what political activities were allowed just before the start of the official campaign period.

36. After an initially slow start, the election campaign was active and dynamic and took place in a largely permissive environment with no impediments by local authorities. All parties had equal access to billboard space provided by the local authorities, although some parties noted problems with access to commercially provided billboard space, as this had already been rented out prior to the campaign period.

37. The separation of the election campaign of the main ruling party, the Republican Party, and official government activities was at times not very distinct, as was clearly visible during the commemoration of the 15th anniversary of the armed forces, where state and party symbols merged.

38. A number of incidents, including the bombing of a party headquarters and the publication of a secretly recorded conversation between a diplomat and the leader of an opposition party, negatively affected the otherwise positive campaign atmosphere.

39. During the campaign period, the public media adhered to the legal provisions for equal access to free airtime for parties participating in these elections. Public and private media also adhered to the legal provisions for equal conditions for paid political advertising in the campaign period. However, the exorbitant prices demanded by all broadcasters for political advertising, which were high compared to normal commercial rates, are to be regretted.

40. The media generally adhered to the legal provisions for equal and impartial news coverage during the campaign period, although monitoring, including the one sponsored by the Council of Europe, still showed a bias in favour of the ruling parties, even when corrected for the normal advantage in media coverage enjoyed by governing parties. In addition, many interlocutors noted that before the start of the official campaign period, which is subject to legal provisions for media coverage in the Election Code, the coverage of opposition parties had been considerably more limited.

VI. Election day - Vote count and tabulation

41. On Election Day the vote generally took place in a calm atmosphere, with only a few, isolated, incidents reported. The vote was generally well conducted despite the complex and time consuming voting procedures introduced by the Armenian authorities, which in a large number of polling stations led to overcrowding at certain periods during Election Day. Bussing of voters was noted in a significant number of polling stations as was family voting. The relatively high incidence of assisted voting, especially of blind people, was somewhat surprising taking into account the wide availability of special aids for blind people to vote unassisted.

42. Regrettably, some irregularities, albeit isolated, were still observed, such as multiple voting and identical signatures on the voter's list. Unauthorised persons were present in 17% of the polling stations observed.

43. The efforts of the authorities to improve the accuracy of the voters' list had clearly borne fruit. However, in most polling stations, persons were still added to the voters' list by police and court order on Election Day, albeit in far fewer numbers than during previous elections.

44. The conduct of the vote count, although largely procedurally correct, was less positively assessed than the conduct of the vote. Most polling stations finalised the count within the legal deadlines, but the counting was protracted in most cases, also as a result of the complex counting procedures prescribed by law. In 20% of the polling stations observed, the polling station commissions had problems with completing the election protocols. Significant errors were observed in 8% of the polling stations observed. The ad hoc Committee regrets that, in a small number of polling stations, deliberate falsifications of the results were observed. In addition, a number of PECs finalised the protocols at the TEC, or were found to have changed the "initial data" (number of voters according to the voters' list, number of ballots and

envelopes received, number of cancelled and unused ballots) on the protocols, which could facilitate electoral fraud and is in contradiction to the Election Code.

45. Due to protracted counting procedures, and the slow rate of tabulation, the tabulation process at TEC and CEC levels could not be evaluated in time for the joint IEOM press conference the day after the elections. However, the tabulation process was observed by the IEOM through OSCE/ODIHR Election Observation Mission observers and their findings are therefore an integral part of this report.

46. Regrettably, the situation deteriorated during the tabulation process. The problems encountered by the PECs while completing the protocols became clearly apparent at the TECs. The tabulation process was generally disorganised, with procedural errors and omissions occurring in 31% of the 39 TECs observed (out of a total of 41 TECs). The conduct of the tabulation was assessed negatively in 35 % of the TECs observed.

47. The “initial data” on PEC protocols was changed, or ordered to be changed, at 14 TECs, and, at 7 TECs, bags containing ballot papers and election materials were delivered unsealed or had clearly been re-opened after they had been sealed at the polling stations. In one TEC (number 19), unsealed bags with ballot papers were observed being taken to the local campaign headquarters of the Republican Party and brought back to the TEC sealed.

48. In order to enhance the transparency of the election process, the CEC had announced that it would publish a breakdown of the election results per polling station on its website. For this purpose, the CEC had introduced a special computer network that allowed TECs to introduce directly, and in real time, the results per polling station as well as the tabulated results at the TEC level. The direct introduction of data in real time, without CEC intervention, was also meant as an additional measure to increase public confidence in the election system. However, results only slowly appeared on the CEC website and, inexplicably, the results from the 13 Yerevan TECs only appeared on the website midday on 13 May, despite the fact that in almost all PECs in Yerevan the counting was completed before the 6:00 am deadline that morning. In addition, by a decision of the CEC, the special computer network was not used by the Yerevan TECs to enter their results. Instead, the protocols were delivered to the CEC and entered into the computer system there. To an extent, this undermined the stated intention of the website and computer network as a tool to enhance the transparency and public confidence in the tabulation process.

49. In order to allow citizens and electoral stakeholders to control the correctness of the tabulated results, the Election Code stipulates that for the proportional contest the breakdown of the results per polling station should be published with the aggregate results by both the CEC and TECs. However, the Election Code does not make similar provisions for the majoritarian contests, limiting the transparency of the counting and tabulation process for those contests.

50. IEOM observers collected 96 certified copies of PEC results which it could compare with the results for the proportional contest on the CEC website. In total, more than 200 discrepancies were found, most of them appearing to be accidental, but in a significant number of cases the “initial data” appeared to have been changed, which is in contradiction with the Election Code which prohibits such data to be changed after it has been initially recorded. In addition, the Election Code does not specify the period during which the results protocols should be displayed at the PEC and TEC premises. Regrettably, ODIHR EOM observers noted that, in many cases, the protocols were taken down quickly after Election Day.

51. Where recounts took place, they were conducted in a calm atmosphere and in line with legal procedures. The results of the recounts did not significantly differ from the original results.

52. The CEC announced the preliminary results on 13 May and the final results on 19 May 2007. It should be noted that three members of the CEC, all representatives of opposition parties, refused to sign both the preliminary as well as the final results protocols. According to the final results for the proportional elections, the Republican Party won 32,8% (41 seats) of the vote, the Prosperous Armenia Party 14,7% (25 seats), the Dashnaktsutyun Armenian Revolutionary Federation 12,7% (16 seats), Orinats Yerkir 6,8% (8 seats) and the Heritage Party 5,8% (7 seats) of the vote. All other parties did not pass the legal threshold to enter into the new parliament in the proportional elections. In the majoritarian contests, the Republican Party won 22 seats, the Prosperous Armenia Party 7 seats, Orinats Yerkir 2 seats and the Alliance Party 1 seat. In addition, 9 seats were won by formally independent candidates.

VII. Conclusions and recommendations

53. The Parliamentary elections in Armenia, held on 12 May 2007, were largely held in line with Council of Europe commitments and standards for democratic elections, although shortcomings remain. The Armenian Authorities, as well as other electoral stakeholders, showed the political will to address previous shortcomings and to improve the conduct of these elections, although some issues remain unaddressed. Regrettably, the shortcomings and irregularities, some of which were serious, observed during the crucial vote count and tabulation processes stain the positive preliminary assessment.

54. The amended Election Code is, overall, an improvement in comparison to previous electoral legislation and forms a good basis for the conduct of democratic elections. However, some issues remain unaddressed, most notably in relation to the complaints and appeals procedures and the publication of the disaggregated results for both the proportional and majoritarian contests. The ad hoc Committee calls on the Armenian authorities and the incoming Parliament to resolve these remaining issues in close consultation with the Venice Commission of the Council of Europe before the next Presidential elections, which are scheduled for 2008. Moreover, any recommendations contained in the forthcoming opinion of the Venice Commission on the 2007 amendments to the Election Code should be taken into account in this process.

55. The central computerised voters' list, a long-standing recommendation made by the Assembly was a significant improvement for these elections. The efforts made by the authorities, as well as other actors, to enhance accuracy should be welcomed. The ad hoc Committee hopes that the authorities will continue unabated with their efforts to resolve the remaining inaccuracies in time for the next elections.

56. The role of the media, which adhered to legal provisions for the allocation of free airtime and largely provided equal and unbiased coverage of most election contestants during the official campaign period, is to be welcomed. However, the ad hoc Committee regrets the exorbitant prices demanded for paid political advertising, which largely prevented the financially less well endowed parties from using this possibility to convey their message to the public. It is hoped that the media will, also outside the official campaign period, continue to provide a balanced and unbiased coverage of all - both ruling and opposition - political parties.

57. The irregularities and shortcomings encountered during the tabulation process, after the preliminary findings were published by the IEOM, are of concern as they could undermine the transparency and public confidence in the conduct and results of these elections. In addition, they raise questions with regard to the robustness of the electoral process in Armenia.

58. The immediate publication on the CEC website of the results per polling station is a welcome and important tool to enhance the transparency of, and ensure public confidence in, the election process. In that respect, it is to be regretted that, as a result of the problems with the updating process and completion of protocols, this website did not fully meet its stated objective.

59. The legally mandated publication of the disaggregate results per polling station by the CEC and TECs should also be extended to the results of the majoritarian contests. Moreover, a legal minimum duration should be set for the publication of the results on the PEC and TEC premises. The ad hoc Committee calls upon the newly elected Parliament to make the necessary changes to the Election Code in this respect before the next elections.

60. The intertwinement, at all levels, of political and business interests, as highlighted by the sudden emergence of the Prosperous Armenia Party of millionaire businessman Gagik Tsarukian as a leading political force, is a point of concern, especially in the light of the relatively weak provisions regarding financial disclosure and transparency of campaign finances.

61. Electoral violations during previous elections have never been satisfactorily investigated and prosecuted. A climate of impunity for electoral violations and election related violence is detrimental for democracy and therefore cannot be allowed to exist in Armenia. The Armenian authorities should fully investigate any irregularities and shortcomings that are brought to its attention, either in the reports of election observers, or in official election complaints, and should take appropriate corrective measures when necessary. In addition, where electoral violations are found, the authorities should provide redress and prosecute the perpetrators, at all levels, to the fullest extent of the law. In this respect, the ad hoc Committee is heartened by the announcement of the President of Armenia that all shortcomings and violations will be examined carefully and that all necessary measures to uphold the rule of law will be

taken; and it welcomes those criminal investigations into election violations and fraud already initiated by the authorities.

62. The assessment of the tabulation process significantly altered the conclusions of the preliminary findings, which were published before the evaluation of the vote count and tabulation processes was completed. This clearly shows the danger and limitations of organising an IEOM press conference before the vote count and tabulation processes, which are crucial in an election process, are finalised. This has not been the first time that an early press conference by the IEOM was problematic. Therefore, for future election observations in the framework of the IEOM, the joint press conference announcing the preliminary findings to the public should not take place before the counting and tabulation processes can be properly assessed.

Appendix 1

AD HOC COMMITTEE TO OBSERVE THE PARLIAMENTARY ELECTIONS IN ARMENIA (12 May 2007)

10 to 13 May 2007 PROGRAMME

Wednesday, 9 May 2007

Evening/Night

Arrival of the members of the delegation.

Thursday, 10 May 2007

Hotel Metropol

12:00 Ad Hoc Committee meeting
12:45 Departure to Golden Tulip Hotel

Golden Tulip

13:00 Joint Briefing Programme (see separate programme)
19:30 End of programme

Friday, 11 May 2007

08:45 Departure to Golden Tulip Hotel

Golden Tulip Hotel

09:00 Joint briefing programme (cont.) (see separate programme)
13:00 End of programme

Afternoon: departure to the regions for those members deployed outside Yerevan

Saturday, 12 April 2007

Observation of the Parliamentary Elections

Sunday, 13 April 2007

Metropol Hotel

09:00 Ad Hoc Committee Meeting / Joint debriefing
14:00 Departure to Marriott Hotel

Marriott Hotel

14:30 Joint Press Conference

Evening / night: departure of the members of the delegation

Appendix 2

May 12 vote: a touchstone for Armenian democracy

Strasbourg, 13.04.2007 – The forthcoming parliamentary elections in Armenia on May 12 will be a crucial touchstone for the degree of maturity of democracy in Armenia, concluded the four-member¹ pre-election delegation of the Parliamentary Assembly of the Council of Europe (PACE) at the end of a visit to Yerevan from 10 to 13 April 2007.

The delegation was heartened by the assurances of the Armenian authorities, and all political stakeholders it met, that it is their intention to hold elections that fully meet Council of Europe standards for democratic elections. In this respect the delegation stresses that it is the responsibility of all parties and stakeholders to adhere to the rules that a genuinely democratic process demands.

The delegation took note of the improved election code, which has generally passed the expert analysis of the Council of Europe's Venice Commission. The election code forms a sound basis for the conduct of democratic elections if it is fully implemented in good faith.

The delegation welcomes the efforts by the authorities to create a centralised voters' list, in line with long-standing recommendations by the Parliamentary Assembly. However, the delegation also notes the concerns of several interlocutors that the accuracy of the voters' lists still leaves a lot to be desired. It therefore calls upon the authorities to continue, and if necessary step up, all efforts to ensure the highest possible accuracy of the voters' list on Election Day. In this respect, the delegation regrets the reluctance by the majority of the political players in Armenia to introduce the inking of voters' fingers, as advised by the Venice Commission, as a proven mechanism to prevent multiple voting.

The delegation was concerned over its overall impression of a lack of popular interest in the election process by the electorate. Such attitudes of apathy, or even cynicism, are not conducive to the development of democracy in Armenia. The delegation was not able, with a few notable exceptions, to discern marked differences between the political platforms of the contenders. It was left with the impression that the upcoming elections are regarded by many as a struggle between political elites and not between concepts and ideas. In relation to this, the delegation is concerned that, in a number of constituencies, only one candidate is running for the majoritarian mandate, thereby not allowing the electorate in those constituencies a fully democratic choice.

The delegation would like to stress that a level playing field in the campaign, and full respect for the principles of freedom of expression and assembly, are key conditions for democratic elections. It is therefore concerned by the uneven conditions for the political players, as highlighted by the media monitoring sponsored by the Council of Europe. In this respect, the exorbitant costs for paid political advertising demanded by broadcasters are deeply regretted.

The fact that out-of-country voting has been abolished in the amended election code is of concern to the delegation, as, in practice, it will disenfranchise a sizeable part of the Armenian population that is living abroad.

The delegation strongly condemns the recent attacks on the headquarters of a political party in Armenia. It would like to reiterate its position that violence and intimidation have no place in a democratic society. Electoral violations during past elections have never been satisfactorily investigated and prosecuted. A climate of impunity for electoral violations and election related violence can not be allowed to exist in Armenia. The delegation therefore calls upon the competent authorities to fully investigate any election-related complaints that are brought to its attention and, where violations are found, to provide redress and prosecute the violators to the fullest extent of the law.

Lastly, the delegation calls on all political actors to use the little time that is left before May 12 to ensure that the forthcoming parliamentary elections are fully in line with Council of Europe standards.

1. The pre-election delegation visited Yerevan from 10 to 13 April at the invitation of the President of the National Assembly of Armenia. The cross-party delegation was composed of Leo Platvoet (Netherlands, UEL), Head of Delegation, Georges Colombier (France, EPP/CD), Ewald Lindinger (Austria, SOC) and Bernard Marquet (Monaco, ALDE). During its visit, the delegation met with the President of the Republic, the President of the National Assembly, the Prime Minister and the Ministers of Justice and Foreign Affairs, the Chairman of the Central Election Commission, a cross-section of political parties running in these elections, members of the Constitutional Court and the Office of the Human Rights Defender of Armenia, as well as representatives of the mass media and NGO communities.

Appendix 3

INTERNATIONAL ELECTION OBSERVATION MISSION PRESS RELEASE

Armenian poll demonstrates progress, observers say

YEREVAN, 13 May 2007 – In a joint statement today, the International Election Observation Mission for the 12 May parliamentary elections in Armenia concluded that the elections demonstrated improvement from previous ones and were largely in accordance with international commitments, although some issues remain unaddressed.

The mission commended steps taken by the Armenian authorities to address serious shortcomings, including amendments to the Election Code. The election campaign was dynamic with extensive media coverage. Election day was calm, with no major incidents reported, but a few cases of fraud schemes were observed. Some procedural problems arose during the count and tabulation of votes as well as isolated cases of deliberate falsifications.

Some 100 parliamentarians and 300 short-term observers monitored the elections for the OSCE Office for Democratic Institutions and Human Rights, OSCE/ODIHR, the OSCE Parliamentary Assembly, OSCE PA, the Council of Europe Parliamentary Assembly, PACE, and the European Parliament, EP.

“These elections were a clear improvement and that is good for Armenian democracy“, said Tone Tingsgaard, Special Co-ordinator of the short-term election observers and Vice President of the OSCE PA. “Now, more work is needed to further consolidate this young democracy. That will require joint effort and will by all political forces. I hope we will see that happen in the years ahead.”

Leo Platvoet, Head of the PACE delegation said: “We congratulate the Armenian people on showing the will to hold democratic elections. Some challenges remain, such as intertwining between political and business interests and improvements are still needed to the electoral complaints procedure. The Council of Europe and its Assembly continue to stand ready to assist Armenia in this process.”

“With their participation in these elections, Armenian citizens have made a further step towards European democratic values as foreseen and promoted by the EU Neighborhood Policy. The EU delegation encourages the Armenian people to continue in this direction in view of forthcoming elections“, said Marie Anne Isler Beguin, who headed the EP delegation.

“Hopefully this election will contribute to restoring the trust of voters in the election process“, concluded Ambassador Boris Frlec, Head of the OSCE/ODIHR long-term mission. “But the election is not over. We will continue to follow the post-election developments; only once they have been concluded, will we have the full picture.”

The election authorities generally worked efficiently and were well prepared for election day. For the first time there was a central and computerized voter register. Amendments to the Election Code provided that women constitute at least 15 percent of each party/bloc list.

In its statement, the mission noted that the separation of state and the ruling party appeared less than distinct in the campaign.

Concerns remain, including gaps in the regulatory framework for elections, inconsistencies and legal contradictions. Furthermore, authorities were slow or non-responsive in correcting irregularities in the election process.

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