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Local by-elections in Armenia (9 and 23 September 2012)

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Summary

The Congress of Local and Regional Authorities of the Council of Europe and the EU Committee of the Regions appointed a delegation to observe the local by-elections in Armenia on 9 and 23 September 2012. Their 13 teams were deployed in 9 regions across the country.

According to the delegation's observations, voting took place in a serious and calm environment over the two days of the election and the electoral commissions in the polling stations were on the whole well prepared. Improvements had been made since the previous local elections in 2008 and the elections in Yerevan in 2009, in particular in terms of the material organisation. The Congress has nevertheless drawn up recommendations, in particular concerning the representation of women in elected office, the training of the chairs of local electoral commissions and the monitoring of the presence of party representatives in polling stations.

More vigilance is required with regard to voting by proxy and to assistance given to elderly and visually impaired persons. Other people with disabilities must also be given the opportunity to exercise their full voting rights.

More generally speaking, the Congress calls for the strengthening of political pluralism and the emergence of a genuine opposition in Armenia.

¹ L: Chamber of Local Authorities / R: Chamber of Regions EPP/CCE: European People's Party Group in the Congress SOC: Socialist Group

ECR: European Conservatives and Reformists Group NR: Not registered



ILDG: Independent Liberal and Democratic Group

DRAFT RESOLUTION

1. The Congress of Local and Regional Authorities recalls that the Republic of Armenia became a member of the Council of Europe on 25 January 2001.

2. The Congress notes with satisfaction that, in keeping with the European Charter of Local Self-Government (CETS No. 122), which was ratified by Armenia on 25 January 2002, the guiding principles of local self-government are enshrined in the Constitution adopted in 1995 and revised in 2005, as well as in national legislation.

3. It firmly believes that, over and above national election law and regulations it is important that local authorities play their full role in accordance with the principles of local democracy and that they are in a position to ensure effective governance in accordance with the subsidiarity principle and the European Charter of Local Self-Government.

4. The Congress welcomes the intention of the Armenian authorities to undertake reforms in the area of local democracy, in line with Congress Recommendation 140 (2003) on local democracy in Armenia.

5. The Congress underlines the fact that free and fair elections, at not only national but also local and regional level are an integral part of democratic processes in Council of Europe member States.

6. It takes note of Recommendation XX(2013) regarding the findings of the Congress delegation which observed the local elections in Armenia on 9 and 23 September 2012, and welcomes the fact that members of the EU Committee of the Regions also took part in the observation.

7. It regrets the lukewarm interest shown in the local elections and deplores the fact that, despite the new provision of the electoral law giving political parties the possibility to appoint candidates, the majority of parties have shown little interest in the elections. It believes that municipalities' low level of own resources might be an obstacle to their political commitment.

8. Given the above, and in conformity with its Resolution 306(2010) on the strategy and rules for the observation of local and regional elections, the Congress:

a. asks its Monitoring Committee to take note of the above-mentioned recommendation and to take it into account in the framework of its work programme to assess the progress made by Armenia in matters of local democracy and the honouring of commitments to the European Charter of Local Self-Government;

b. expresses its will and availability to participate in activities aimed at strengthening local democracy and electoral processes in Armenia, through continued political dialogue with the authorities and in cooperation with the Union of local communities of Armenia;

c. is prepared to commit itself to improving local governance in Armenia, and with this in mind, to implement the co-operation projects provided for in the Council of Europe 2012-2014 Action Plan for Armenia.

DRAFT RECOMMENDATION

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. the Statutory Resolution relating to the Congress of Local and Regional Authorities of the Council of Europe, adopted by the Committee of Ministers of the Council of Europe on 19 January 2011 and, in particular, its Article 2 paragraph 4 on the Congress' role in the observation of local and regional elections;

b. the principles of the European Charter of Local Self-Government (CETS No. 122), ratified by the Republic of Armenia on 25 January 2002;

c. to its Recommendation 255(2008) on local elections in Armenia observed on 28 September 2008 and to its Recommendation 277(2009) on the first municipal elections in Yerevan observed on 31 May 2009;

d. to the Joint Opinion of the European Commission for Democracy through Law (the Venice Commission) and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on the Electoral Code of Armenia, adopted on 26 May 2011.²

2. The Congress underlines the importance of genuinely democratic elections and its specific mandate and role in the observation of local and regional elections in Council of Europe member states.

3. It stresses that the Congress observes elections only upon invitation by the countries concerned. Like the monitoring process of the European Charter of Local Self-Government, election observation missions are conceived in a spirit of co-operation and dialogue between the Congress and the country concerned.

4. The Congress notes with satisfaction that a new Electoral Code, containing significant improvements, was adopted on 26 May 2011. The new code introduces the possibility for political parties to appoint candidates to stand for election as mayor or municipal councillor (Article 133) and an increase in the number of municipal councillors in the bigger municipalities.³

5. The Congress acknowledges the progress made since the previous local elections and that the polls were conducted in a calm and orderly manner, with a satisfactory rate of participation.⁴

6. The Congress nevertheless notes that:

a. the presence of too many people in most of the polling stations visited by the delegation, some of whom were not authorised to remain there, may have disrupted the voting and vote-counting process; the tense atmosphere outside these polling stations was also noted;

b. as a rule the chairs of the local electoral commissions were familiar with the electoral code and electoral practices but that, in some cases, more thorough training is necessary.

7. The Congress regrets the lack of commitment to local governance shown by most of the political parties and the poor media coverage consequently given to these elections.

8. Moreover, with regard to women's participation, while they were well represented in the polling station committees, the Congress nevertheless regrets that very few women stood for election or were elected as mayors or municipal councillors.

² Opinion No. 611/2011, document CDL-AD(2011)032 of 17 October 2011.

³ Up to 21 councillors in municipalities with over 70,000 voters (Article 131).

⁴ 49.5% on 9 September and 53.3% on 23 September 2012.

9. Although enough space had generally been set aside for voting in polling stations, the Congress regrets that, despite the provisions of the electoral code, almost all of the polling stations visited by the delegation were inaccessible to people with disabilities.

10. Taking account of the above-mentioned elements, the Congress invites the Armenian authorities to take appropriate measures to:

a. increase women's participation in local politics⁵ and in particular their access to the posts of mayor and municipal councillor, in particular by encouraging political parties to seize the opportunity provided by the new Electoral Code to appoint candidates to increase the number of women and by offering information and training to women;

b. place emphasis on training and the qualities required by the chairs of local electoral commissions in each polling station;

c. limit the number of people present in polling stations;

d. make practical improvements in the organisation of elections, in particular in vote counting so as to speed up the process ;

e. make all polling stations, the built environment and transport in general accessible and pursue their efforts to ensure that people with disabilities can exercise their right to vote and stand for election, in consultation with the organisations representing them, in keeping with Council of Europe instruments in this field⁶;

f. create genuine political pluralism through the emergence of an opposition force in order to offer voters a choice of candidates.

11. The Congress also urges the Armenian authorities to take appropriate steps to prevent fraud, namely:

a. by reminding returning officers of the absolute necessity of checking the identity of each voter against their own personal passport;

b. by ensuring that "assistance" is offered to the elderly only if requested and in accordance with their real needs;

c. by systematically punishing practices involving the distribution of money observed in certain polling stations.

12. Finally, the Congress encourages the Armenian authorities to explore, together with the Congress and other partners, the possibilities for improving governance, local self-government and the electoral process, by drawing on the principles set out in the European Charter of Local Self-Government.

⁵ See Resolution 303(2010) of the Congress of Local and Regional Authorities of the Council of Europe "Achieving sustainable gender equality in local and regional political life".

https://wcd.coe.int/ViewDoc.jsp?id=1607153&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=CACC9A&BackColor Logged=EFEA9C

⁶ Recommendation CM/Rec(2011)14 of the Committee of Ministers to member states of the Council of Europe on the participation of persons with disabilities in political and public life.

https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2011)14&Language=IanEnglish&Ver=original&Site=CM&BackColorIntern et=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383

EXPLANATORY MEMORANDUM

I. Introduction

1. At the invitation of the authorities of the Republic of Armenia, the President of the Congress – in consultation with the President of the Chamber of Local Authorities and the President of the Chamber of Regional Authorities – decided to observe the local by-elections in Armenia on 9 and 23 September 2012. Henry FERAL (France, L, EPP) was appointed Head of the delegation and rapporteur.

2. In accordance with established practice, the EU Committee of the Regions was invited to take part in the observation of the elections. It was represented by four of its members, whose spokesperson was Brian MEANEY (Ireland, European Alliance).

3. This report and its recommendations were prepared in consultation with all members of the joint Congress/CoR delegation, hereafter referred to as "the delegation". These texts are based on meetings with the representatives of the diplomatic corps and the relevant authorities of the Republic of Armenia at national level (Ministry for Territorial Administration and the Central Electoral Commission) and at local level (local and regional electoral commissions), political parties and political groups represented in Parliament, candidates, NGO and the media, and on the delegation's observations on the ground.

4. The Congress observation mission was the only mission of international observers to follow these elections.

5. These election observation missions follow on from the observation of local elections by the Congress in Armenia on 28 September 2008 and of the first municipal elections in Yerevan on 31 May 2009.

6. The first mission to observe the 2012 local elections took place from 6 to 10 September. The delegation comprised three members of the Congress and one member of the EU Committee of the Regions. The second mission took place from 19 to 25 September 2012 with fourteen members of the Congress and four members of the Committee of the Regions. Two members of the secretariat accompanied the observers. The composition of the delegation, the programme of the two missions and the places in which delegates were deployed are set out in the appendix.

7. The delegation would like to thank Mr Emin YERITSYAN, Head of the Armenian delegation to the Congress and President of the Association of Municipalities of Armenia, and his team for their support, assistance and co-operation in preparing the political and practical aspects of the two missions.

8. The delegation would also like to thank all those mentioned in the programmes for the useful information they provided and for their willingness to answer the delegation's questions.

9. Finally it would also like to thank Ms Silvia ZEHE, Special Representative to the Secretary General of the Council of Europe, and her team for all the help they provided.

II. Legal and political context

a. Political context

10. The local elections initially took place from February to September 2012 during a period of intensive electoral activity. They were held both prior to and after the legislative elections of 6 May 2012 and were followed by presidential elections on 18 February 2013 (the corresponding election campaign was launched in December 2012), and further elections will take place in Yerevan on 5 May 2013.

11. At the legislative elections, which were observed by the Parliamentary Assembly of the Council of Europe,⁷ the 6 parties represented in Parliament secured the following numbers of seats out of the 131 seats in Parliament:

⁷ Doc.2012 of 24 May 2012.

Republican Party	69
Prosperous Armenia	37
The Armenian National Congress	7
Rule of Law	6
Armenian Revolutionary Federation	6
Heritage Party	5

12. Since then, the political relationship between the two leading parties, the Republican Party (HHK) and Prosperous Armenia (BHK), has changed and there has been a split in the ruling coalition. The Republican Party, headed by President SARGSIAN, has taken control of the majority of seats in the new Parliament. Prosperous Armenia, the second largest party, which was founded in 2005, has left the ruling coalition, without however clearly declaring itself as an opposition party, as required by law.

13. The poll held on September 2012 was particularly hotly contested in Gyumri, the second-largest city in the country, where the ruling party successfully supported the Prosperous Armenia candidate.

b. Legal context

Local authorities

14. Local government of the 914 Armenian municipalities is based on the Constitution, which was adopted by referendum in July 1995 and modified in 2005, the law of May 2002 on local self-government and the law of December 2008 on local self-government of the city of Yerevan.

15. Under the Constitution, the territorial administrative units of Armenia are the 10 regions (marzes) plus the capital, Yerevan. Each region is divided into rural and urban communities (hamaynks). The bodies of the self-governing local authorities are the "Council of Elders" and the "Head of the Community", both elected by universal, equal and direct suffrage and in a secret ballot for a four-year term of office (Article 107 of the Constitution and Articles 1 and 4 of the Electoral Code). However, prisoners are not allowed to vote (Article 30 of the Constitution and Article 23 of the Electoral Code), which is contrary to the additional protocol of the European Human Rights Convention.

Electoral Code

16. A new Electoral Code was adopted on 26 May 2011, after consultation of the competent bodies of the Council of Europe and the OSCE, and was the subject of a joint opinion of the European Commission for Democracy through Law (Venice Commission) and the OSCE/ODIHR.

III. Electoral administration

17. The Electoral Code establishes a three-tier system for the organisation, supervision and conduct of the elections: the Central Electoral Commission, territorial commissions and polling station commissions (Article 34 of the Electoral Code). Whereas the territorial commissions are set up for a period of 6 years, the polling stations commissions are set up for each separate election. A minimum representation of women (2 out of 7 members) is now required in respect of the Central Electoral Commissions.

18. The polling station commissions comprise at least 7 members, with each political group in Parliament nominating one member (when the number of political groups is greater than 4) and 2 are appointed by the territorial commission (Article 42 of the Electoral Code). The chair and the secretary of the commissions are designated by the territorial commission from among the political groups represented in Parliament.

19. The Central Electoral Commission is the permanent body responsible for organising elections and ensuring their lawfulness (Article 49.1). In particular it ensures that the Electoral Code is uniformly applied throughout the country and organises training in the holding of the elections. When questioned by the delegation, the chairs of the polling station commissions confirmed that they had received such training. With regard to the commission's information policy, the members of the local electoral commissions said they had received precise instructions in the form of a 50- page handbook published especially for them.

20. The territorial commissions are responsible for examining or quashing the decisions taken by the polling station commissions, supervising the drawing up of electoral rolls and publishing them in the polling stations. They register candidatures for local elections and are also entitled to declare the election in a particular polling station null and void (Article 50).

21. The polling station commissions are responsible for organising the ballot and for counting the votes (Article 50).

Election dates

22. In accordance with the Electoral Code, local elections were held on four different dates in 2012: 12 February, 8 July, and 9 and 23 September. This practice is similar to that in other European countries. Initially, local elections in Armenia were all held on the same day. If a post was vacated (for reasons of resignation, dismissal or death) fresh elections had to be held within 40 days. For example, in 2012, elections were held in February in municipalities where the term of office ended in May (given that legislative elections were to be held in May), in July in municipalities where the term of office expired in July or August, then in September when the general mandate ended, on two different dates to facilitate their organisation. The term of office of the mayor ends when he or she stands down – for whatever reason – which means that the term of office of the mayor does not coincide with that of the municipal council. As a result of this situation there may be difficulties in conducting municipal affairs if there is disagreement between a mayor and a municipal council elected on different dates.

23. In 799 of the 914 municipalities in the 10 regions of Armenia (apart from Yerevan), the elections of the mayor (641 municipalities) and/or municipal councillors (735 municipalities) took place in September. Early elections had been held in the remaining municipalities.

24. According to the Central Electoral Commission, the current trend is towards a uniform calendar and this may be the subject of a forthcoming reform. The elections of the Yerevan Council are subject to different rules and are covered by a separate section of the Electoral Code. They are held separately.

Appointment of candidates

25. The Electoral Code allows for candidates appointed by political parties and independent ("self-appointed") candidates (Article 133). All candidates are obliged to pay an electoral deposit, amounting to several times the minimum wage.

Electoral register and rolls

26. In addition to the aforementioned electoral commissions, local government staff and local authority bodies take part in the organisation of the elections. They keep the national population register, from which serve to make up the electoral roll, up to date. Each polling station, under the supervision of the territorial electoral commission, is responsible for its electoral roll.

27. Under the Electoral Code (Article11) electoral rolls must be made public and must be visibly posted in polling stations 2 weeks prior to the ballot. All citizens are entitled to request a rectification up to 5 days prior to the ballot (Article12). The delegation confirms that these lists were clearly visible in the polling stations visited.

28. The opposition had asked that the lists signed by the voters also be published, which, according to the Venice Commission, is incompatible with the secret nature of the ballot.⁸.

29. Pursuant to a provision of the Electoral Code (Article 66), the person in charge of the polling station must put a stamp on the voter's identification document using ink which disappears after 12 hours. It appears that the special ink used disappeared after only a few hours, despite the fact that the delegation had tested the stamp on its observation forms and that the stamp is still visible. Finally the ink was replaced by normal ink, which remains visible on identification documents.

⁸ Code of Good Practice in Electoral Matters. CDL-AD (2002) 23 rev (also available in Armenian). http://www.venice.coe.int/WebForms/documents/?pdf=CDL-AD(2002)023rev-e

http://www.venice.coe.int/WebForms/documents/?pdf=CDL-AD(2002)023rev-arm

30. 968,643 voters were registered in the municipalities where by-elections were held on 9 September and 641,740 on 23 September, i.e. a total of 1,610,383.

31. Some people to whom the delegation spoke were concerned by the fact that the names of numerous Armenians who had left the country on either a temporary or a lasting basis, the number of which has been rising as a result of the crisis, still appeared on the electoral rolls.

Complaints and appeals

32. The Electoral Code addresses the issue of complaints and appeals giving rise to an administrative procedure by an electoral commission (Article 45 to 47). The joint Opinion of the Venice Commission and the ODIHR mentions that these provisions are not very clear or comprehensible.

33. The territorial commissions are obliged to recount the ballots if evidence of an erroneous calculation of the results is submitted; the burden of proof lies with the person lodging the complaint. The list of persons who can request that ballots be declared null and void does not include the voters or groups of voters. The territorial commissions declare a ballot null and void if the impugned infringements may have had a significant impact on the outcome. As a final resort, an appeal may be lodged with the courts in the event of an electoral dispute.

34. The interviews held by the delegation showed that the opposition and civil society had little confidence that appeals would be heard.

35. The Central Electoral Commission reported that two judicial proceedings had been instigated following the ballot on 9 September, one of which had been dismissed while the other had led to a recounting of the votes. At the end of the ballot on 23 September, the press reported that 16 complaints of electoral fraud, mainly the buying of votes, had been lodged with the public prosecutor in the Shirak region.

IV. Election campaign, socio-political and media context

36. Mayors decide where campaign posters may be hung. The delegation noted that election posters were visible in major towns and cities, sometimes with gigantic photos. As in other European countries, photos of candidates are not usually posted in rural communities where everyone knows the candidates.

37. According to the media, there were several incidents during the campaign, some of which were serious, e.g. the shots fired by the son of a candidate in Gyumri at the end of an election campaign meeting.

Political parties

38. During the first mission, the delegation asked to meet representatives of all the political groups represented in Parliament and during the second mission representatives of the main political parties. The Armenian National Congress – an alliance of opposition parties headed by Levon TER-PETROSSIAN, the first President of Armenia (1995) – did not accede to its request.

39. According to the persons the delegation spoke to, apart from the Armenian Revolutionary Federation, the oldest opposition party in the country, none of the parties presented an election programme during the campaign, which meant that their intentions were not very clear to citizens and the media.

40. The Armenian National Congress did not take a very active part in these elections, and the Heritage Party simply said that it gave its backing to any candidate from the opposition

41. Of the 24 parties – or coalitions of political parties – which presented candidates (mayors and/or municipal councillors) on 9 and 23 September 2012, 10 did not present any candidates and 10 others presented fewer than 10 candidates for the post of mayor. Indeed, these elections really only concerned two parties: the Republican Party (to which the Rule of Law Party is allied within the governmental coalition) and Prosperous Armenia. According to several people to whom the delegation spoke, the small parties have few human and financial resources and therefore focused their efforts on the presidential elections on 18 February 2013. Local elections are also of minor importance for

political parties and the media, given the limited resources of the local authorities, which are very dependent on financial transfers from central government.

42. Numerous parties therefore did not take an active part in these elections, given that in rural areas in particular, community ties and relations between members of the same family are of prime importance. Whatever their political leanings, candidates, once elected, often join forces with the dominant party to ensure that their municipality receives central government support.

The media

43. Television, most of whose channels are based in the capital, is the main source of information in Armenia. The number of copies of the written press is limited and daily newspapers are published only in Yerevan and in Gyumri. Greater use is being made of the internet but it is the main source of information for only a limited number of citizens.

44. According to the National Radio and Television Board, following calls for tenders for the issue of broadcasting licences in December 2010, the number of licences dropped from 42 to 15 private television channels, 6 of which are national channels. All of these companies have their headquarters in Yerevan. 10 regional television channels received a digital licence. The Council of Europe Commissioner for Human Rights drew attention to this problem after his visit to Armenia from 18 to 21 January 2011 and pointed out that the decreasing number of licenses has also led to increased self-censorship among licensed media outlets.⁹

45. One positive development was the decriminalisation of libel in May 2010. Nevertheless, the number of libel trials involving journalists and media bodies is still very high and remains, according to the Commissioner for Human Rights, a subject of concern among representatives of the media. The OSCE representative for media freedom urged the authorities to provide suitable protection for the media in civil libel proceedings and welcomed the decision taken by the Constitutional Court on 15 November 2011, calling on courts not to impose too heavy fines on the media in this type of case.¹⁰ The 2004 media law prohibits censorship.

46. It should be noted that one of the objectives of the Council of Europe 2012-2014 Action Plan for Armenia is the promotion of media freedom, professionalism and pluralism.

47. On several occasions during the observations missions, the delegation met representatives of television, radio and the press, whose attention was focused on campaign incidents. The media showed little interest in this election, which did not take place in the capital as the political class was not fully involved. The delegation regretted the lack of media coverage during the campaign, which was partly overshadowed by the Ramil SAFAROV case.¹¹

48. Nevertheless, a citizen movement in Gyumri, entitled "The town is ours", initially set up by media representatives, is worth mentioning. It presented 7 candidates in this town (1 of whom was elected) and its election campaign was exemplary.

Representation of women

49. The number of women candidates was very low. According to the results published by the Central Electoral Commission (CEC) on its Internet site¹² on 9 and 23 September there was a total of 43 women standing for the post of mayor in 9 regions (3.5%) and 580 women candidates for the post of municipal councillor throughout all of the regions (8.7%).

50. The proportion of women elected was even lower since only 10 women were elected as village community heads (1.6%) in only 5 regions and 396 were elected as municipal councillors (8.3%). The

⁹ Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe following his visit to Armenia from 18 to 21 January 2011. CommDH(2011)12 (English only).

¹⁰ Final OSCE/ODIHR election observation report (elections held in May 2012) 26 June.

¹¹ In February 2004 an Azeri solider had murdered an Armenian, Gurgen MARKARIAN, with an axe when both were taking part in a NATO training course in Budapest and had subsequently been sentenced to the death penalty. After being sent back to Baku on 31 August 2012, he had been released, despite guarantees given by Azerbaijan that his sentence would be carried out. ¹² <u>www.elections.am</u>

number of women mayors has dropped, given that in 2008 13 women were elected to this post.¹³ As in many European countries, women have even greater difficulties at local level in acceding to executive posts.

51. The Republican Party of whose 140,000 members, 70,000 are female, described to the delegation the training activities it carries out to enhance women's capacities for taking part in public affairs. Such initiatives should be implemented at national level on condition that women's responsibilities are not limited to traditional female occupations.

V. Polling days

52. On 9 September the delegation split into 3 teams, which were deployed in the Ararat, Armavir, Shirak and Lori regions (4 of the 5 regions in which the elections were being held) and visited 40 polling stations out of 482. On 23 September, 10 teams were deployed in the Aragatsotn, Gegharquniq, Kotayq, Tavush and Vayots Dzor regions and observed the voting in 126 polling stations out of 535.

53. In total, teams were deployed in 9 regions (out of the 10 where the poll took place) and had the opportunity to visit 166 out of 1,017 polling stations. The teams observed the opening (at 8 a.m.) and closing (at 8 p.m.) of the polling stations and the counting of the votes in several polling stations. They received a very good, and sometimes warm, welcome from the heads of the polling stations and the scrutineers, who, in a spirit of openness, answered all of their questions.

Opening of the polling stations

54. The teams found that the polling stations were generally ready to open on time with all the required material and sealed ballot boxes in place.

Conduct of the voting

55. The representatives of the parties, the observers and the representatives of the media were able to photograph and film the sittings of the electoral commissions and the electoral process (Article 6.12 of the Electoral Code), which explains why there were cameras in some polling stations.

56. The delegation noted that the polling stations were generally well organised and tidy, particularly in cases where the head of the polling station and the members of the electoral commission made their presence felt, had wide knowledge and experience of the Electoral Code. Nevertheless a number of irregularities were noted as well as practices which made the polling complicated or created an atmosphere likely to disrupt its proper conduct.

57. The Electoral Code stipulates that observers, representatives of the parties and the media, and members of the electoral commission may be present during the voting. In some cases, there were so many representatives of the parties or the candidates that it was difficult to know who was in charge of the polling station. According to some people the delegation spoke to, some representatives spent a lot of time bringing voters to the polling station and attempting to influence them. There were also a number of people not mentioned in the Electoral Code (Articles 29 to 33, Article 63.5) present in some polling stations, who left the premises when the delegation arrived. Some people continually talked to the voters even when they were in the polling booths, thus disrupting the voting. Despite the fact that it is prohibited by the Electoral Code (Article 63.5 and 65), numerous candidates, including elected representatives, remained in the polling stations or less than 50 metres away, after casting their vote.

58. The rule concerning the maximum number of 15 voters allowed in the polling stations at one time (Article 63.6) was in numerous cases not respected either. In some rural areas the heads of the polling stations had difficulty in controlling the flow of people, who were impatient to vote so that they could return to the harvesting in the fields, and this gave rise to heated discussions and sometimes to fights.

59. At various polling stations, the atmosphere was tense owing to groups of men lingering at the entrance and outside.

¹³ Reply from the Armenian authorities to Recommendation 255 (2008) of the Congress. March 2009.

60. The delegation also noted that elderly people, or those who had difficulty reading, were given more "assistance" than they required. The Electoral Code stipulates that assistance should be provided to persons who encounter difficulties in taking part in the poll and that they should be given the opportunity to freely express their wishes (Article 63.7, 64 and 65). Such persons may request help from one other person, provided that person does not represent a candidate or a political party and is not a member of the electoral commission; the person's name must also be recorded on a special register, which was generally the case but not always. Sometimes unidentified persons rushed to help elderly people who were capable of signing the electoral roll, but incapable of ticking the right boxes on the ballot paper. Some heads of polling stations turned these people away. According to some of the people we spoke to, assistance was sometimes provided by members of the electoral commission. Cases were also reported in the countryside where limousines dropped off elderly people after taking their passport from them.

61. During our discussions with various people, the issues of corruption and vote-buying were often mentioned and the media often reported such incidents. Current economic circumstances could increase this risk. It is alleged that voters in one town were paid bribes of between 10,000 and 20,000 drams (20 to 40€) and that some even received 50,000 drams (100€) during the final two hours of voting. One elected representative confirmed to members of the delegation that inside the polling station the mayor had handed sums of money to the first voters and to young people taking part in the poll for the first time.

62. Finally, police were seen outside and sometimes inside the polling stations without it being clear what they were doing there. Under the Electoral Code (Article 53), the police and the electoral commissions must co-operate in ensuring that the elections are properly conducted, that the commissions are not hampered in their work, that law and order is maintained during campaign events, that the commissions receive any support they may request and that electoral documents are safely transferred and stocked.

The counting of votes

63. The delegation observed that, in the polling stations visited, members of the polling station commissions scrupulously followed the instructions of the Central Electoral Commission during the vote-counting. In some cases, the vote-counting took a very long time. To ensure the proper conduct of the counting, it is preferable that the envelopes be counted before being opened and that the number obtained is compared with the number of voters. To speed up this operation, several members of the commission, and not only one person, could be responsible for counting and opening the envelopes.

64. In some cases, the appraisal of spoilt ballots gave rise to heated discussions involving representatives of the parties or the candidates, who sometimes returned after leaving the room (which is forbidden) thus disrupting the counting of the votes. These ballots should be set aside and re-examined at the end of the operation. The representatives of the parties and the candidates should also be kept at a certain distance from the polling station. Once again, the authority of the heads of the polling station and the training they have received in maintaining order play an extremely important role in avoiding such a waste of time.

National observers

65. The Central Electoral Commission is also responsible for the accreditation of observers (Article 49 of the Electoral Code). According to its Internet site, 19 national NGOs were accredited to observe the elections held on 9 September and 15 national NGOs for those held on 23 September. The delegation talked with some of these organisations during the preparatory meetings for the poll. However, it had very little opportunity to meet these NGOs in the field. Some "observers" were wearing NGO badges which did not signify anything and about which they were unable to give any explanations.

Access to polling stations and access for people with disabilities

66. The polling stations were generally situated in premises spacious enough for the polling operations, usually schools. In their reply to Recommendation 255 (2008) of the Congress, in March 2009, the Armenian authorities pointed out that the polling stations should be as close as possible to the places where people live (Article 15 of the new Electoral Code). In some towns, there were several polling stations in the town centre. In some cases the municipality provided buses to bring voters to

the polling stations. Generally speaking, it would be better to set the polling stations up in areas where the voters live, in other words to bring the polling stations closer to the voters rather than the opposite.

67. Article 15 of the Electoral Code also stipulates that local authorities are obliged to take appropriate measures to enable "persons with limited physical capacities" to exercise their voting rights. Article 63.7 stipulates that special measures should be taken to assist persons who encounter difficulties in taking part in the poll and that they should be given the opportunity to freely express their wishes. The delegation noted that, despite these provisions, most polling stations could not be accessed by people with disabilities and it did not see anyone in a wheelchair. In some cases, the polling stations were situated in the most inaccessible part of the building (on the higher floors) whereas more accessible rooms were available (on the ground floor close to the entrance to the building).

68. In other cases, obstacles were created unnecessarily. With a view to applying the instructions concerning the layout of the polling station to the letter, polling booths were sometimes placed on a raised platform, which meant that voters, including the elderly, were obliged to climb up narrow stairs whereas there was sufficient room for the booths in the remainder of the room. When a polling station is on one of the higher floors, the head of the polling station is supposed to meet people with physical disabilities on the ground floor so that they can vote. The authorities are aware of the fact that the built environment, roads, pavements and public transport must be accessible, so that people with mobility disabilities can get to the polling stations, and are working with local NGOs to improve the situation.

69. People in hospital or those who cannot leave their homes for health reasons or because of their disability cannot cast their vote themselves. In the past a system of mobile voting had been used but this had been abandoned because of the risks of fraud. Nevertheless, mobile voting exists everywhere in Europe where the ballot boxes are transported by at least two members of the local polling station. Such a system should be reintroduced in Armenia.

70. According to the World Health Organisation, 15% of the world population are disabled (various types of disabilities). If the built environment and the polling stations are not accessible and no alternative is proposed to people in hospital or those who cannot leave their homes for health reasons, they cannot exercise their voting rights.

71. Technical aids were made available to visually impaired or blind people (magnifying glasses and documents in Braille).

VI. Outcome of the elections

72. According to the results published by the Central Electoral Commission (CEC) on the Internet,¹⁴ the level of participation was 49.52% on 9 September and 53.31% on 23 September with considerable differences between municipalities. In Gyumri, the second largest town in the country (125,657 registered voters) where the election was bitterly contested, participation was 36.4%. In Vanadzor, the third largest town (96,244 registered voters), it was 46.31%.

73. The number of candidates and elected representatives for each political party was as follows :

¹⁴ The law does not require that the number of voters be published.

	Mayor (641 municipalities)		Municipal councillors (735 municipalities)	
	Candidates	Elected	Candidates	Elected
Independents	465	139	4,190	2,946
Republican Party	583	403	1,613	1,190
Prosperous Armenia	117	55	594	424
Arm. Rev. Federation	41	26	137	92
Rule of Law Party (member of the ruling coalition)	18	12	91	61
TOTAL	1,237	638	6,698	4,746

Local elections held on 9 and 23 September 2012¹⁵

74. According to the same source, 411 candidates for the post of mayor (out of 1,237 registered, i.e. 33.2%) and 281 candidates for the post of municipal councillor (out of 6,698 registered, i.e. 4.2%) stood down.

75. Of the 24 parties that took part in this election, 4 have no elected representatives; the Republican Party presented 47.1% of the candidates for the post of mayor and secured 63.2 % of the posts. Far behind them came Prosperous Armenia, which presented just under 10% of the candidates and secured a similar percentage of posts as mayor and municipal councillors (9.5% of the candidates for the post of mayor and 8.6% elected; 8.9% of the candidates for posts as municipal councillors and the same percentage elected). One of the striking things about these elections is the large number of independent candidates and their success: they represented 62% of the candidates for posts as mayor. However, this finding needs to be qualified as some of them had the backing of the main parties, as was confirmed by the representatives of the candidates present in the polling stations, without counting those likely to join forces with the ruling party once elected, for the reasons given above.

76. In Gyumri, the Prosperous Armenia candidate, Samvel BALASANYAN, was elected mayor by a wide margin with the support of the ruling party, the Republican Party. In Vanadzor, the former Republican mayor, Samuel DARBINYAN, was re-elected.

77. Following the observation mission, the delegation noted from the Central Electoral Commission's Internet site that the following local elections had been scheduled:

- 30 September: elections in Aragatsotn, Arevut, Garnahovit, Gegharot, Eghnik, Tsakhkasar, Tsilqar, Shamiram, Vosketas, Ushi, Chqnagh, Tsamaqasar and Quchak (Aragatsotn Region)¹⁶

- 28 October: early election of the mayor of Khoronk (Armavir Region);

- 4 November: new election of a member of the Hako municipal council (Aragatsotn Region) and of the mayor of Noyakert (Ararat Region);
- 18 November: early election of a member of the Goghovit municipal council (Chirak Region);
- 9 December: early election of the mayor of Eranos (Gegharkunik Region).

¹⁵ Source: www.elections.am

¹⁶ The reasons given for the holding of fresh elections in the 14 municipalities of the Aragatsotn region are based on the grounds for declaring an election null and void, set out in the Electoral Code.

With regard to the election of municipal councillors in 12 municipalities: "if during the period during which candidates are registered ... the number of candidates is lower than or equal to the number of members of the Municipal Council prescribed by the Code, or ... after registration, the number of candidates drops by more than half the number of municipal councillors prescribed by the Code ... "

With regard to elections to the post of mayor in 2 municipalities: "if during the period during which candidates are registered, no candidates have been registered or ... the number of candidates is lower than 1".

VII. Conclusions

78. These local by-elections, which did not concern the capital, Yerevan, took place after a very quiet election campaign that had very little political content and was partly overshadowed by political affairs that had no connection with the election. The poll attracted very little attention from the media, which focused on incidents relating to the election campaign.

79. Similarly, the political forces represented at the poll showed very little commitment to the election and did not therefore seem to attach the necessary importance to local democracy and governance. Most of the political parties were already preparing for the presidential elections, particularly the smaller parties, which were saving their limited financial and human resources for that occasion. The opposition and civil society had doubts that any real changes would come about as a result of the elections.

80. In view of the lack of importance attached to these elections, they did not attract any major players and this poses a problem for local autonomy. Given that they have few own resources, local authorities have limited capacities and remain very dependent on grants from central government.

81. With regard to gender equality, women were well represented on polling station electoral commissions but few women were candidates or stood for election to executive posts. Ten women were elected but only as village community heads on 9 and 23 September 2012.

82. From the technical and administrative standpoint, the practical organisation of the poll was satisfactory and the polling stations functioned normally under the leadership of both men and women, although there were a number of shortcomings. The members of polling station commissions were generally well prepared and did their very best to apply the instructions given to them by the territorial commissions and the Central Electoral Commission. In some cases, the heads of the polling station control in a sometimes tense atmosphere.

83. People who are ill or have disabilities still have little opportunity to exercise their civic rights, despite the fact that technical aid was sometimes proposed. Abuse was sometimes made of the possibility of offering assistance.

84. While some progress has undeniably been made in the way in which local elections are conducted in Armenia and the legal framework has been improved with comprehensive procedures and politicians and voters still have little confidence in the institutions. In addition to ensuring equal conditions for all participants, the electoral administration needs to show determination in preventing the use of administrative resources by some politicians or political parties and to combat certain financial practices, such as vote-buying, that are incompatible with democratic elections.

85. Finally, in a political landscape where a weak and divided opposition is having difficulty in establishing itself, the main issue is that of political pluralism and the voters' freedom of choice.



The mission of the Congress of Local and Regional Authorities of the Council of Europe calls for a strong commitment of political parties to local democracy in Armenia.

"Our satisfaction with the fact that these elections take place according to international standards is mitigated by the lack of engagement of political parties with local governance," said Henry FERAL (France, EPP), head of the delegation for the observation of local government elections in Armenia.

Following the observation of part of local elections conducted on 9 and 23 September 2012 * the Congress noted with satisfaction that the voting took place in a serious and calm atmosphere and the level of participation was satisfactory. No observer detected any obvious fraud though the issue of possible vote buying was raised by many stakeholders.

However, the delegation noted the lack of commitment of political parties with regret. While recognizing that this is due to various reasons, such as lack of financial resources, staff and candidates, it believes that political parties do not pay enough attention to democracy and governance at the local level.

Moreover, while acknowledging the existence of initiative from citizens who have participated in the electoral process, the Congress calls for greater involvement of all of civil society.

The Congress was the only international observer to follow part of the local elections. The mission took place from September 6 to 10 and 19 to 25 September 2012. The Congress delegation comprising of 14 members plus four members of the Committee of the Regions of the European Union, met with representatives of the Government, members of Parliament, representatives of political parties, members of the diplomatic corps, representatives of the international community as well as representatives of the media and NGOs.

* On September 9, 2012 the Congress mission worked in the marzes of Armavir, Ararat, Lori, Shiraz; on September 23, 2012 they worked in the marzes of Gegharquniq, Aragatsotn, Kotayq, Tavush, Vayots Dzor.

Local by-elections in Armenia, 9 September 2012 Programme of the observation mission from 6 to 10 September 2012

Members of the Congress of Local and Regional Authorities of the Council of Europe

Henry FERAL (France/EPP/CD/Local)	Head of Delegation and Rapporteur, Mayor of Puycelci
Irmeli HENTTONEN (Finland/ILDG/Local)	Member City Council Lappeenranta, Member of the Board, Regional Council of South Carelia
Ludmila SFIRLOAGA (Romania/SOC/Regional)	Councillor, Prahova County Council

Members of the Committee of the Regions of the European Union

Brian MEANEY (Ireland/EA)	Clare County Council and Mid-West Regional Authority

Secretariat of the Congress of Local and Regional Authorities of the Council of Europe

Antonella CAGNOLATI	Director
Muriel KREYDER GRIMMEISSEN	Co-secretary of the Current Affairs Committee

Programme

Thursday 6 September 2012

Arrival of the delegation

Friday 7 September 2012

Briefing

10.00 – 10.30	Information meeting with Ms Silvia ZEHE, Special Representative of the Secretary General of the Council of Europe to Armenia
10.30 – 11.30	Meeting with Mr Armen GEVORGYAN, Deputy Prime Minister and Minister for Territorial Administration
11.30 – 12.30	Meeting with NGO representatives
	 Sakharov Armenian Human Rights Centre, Shirak regional branch Helsinki Committee of Armenia Helsinki Citizens Assembly, Vanadzor Office (Lori Region) Transparency International "Capacity and Development for Civil Society"
12.30 – 13.30	Meeting with media representatives
	- Yerevan Press Club - Goris Press Club (Syunik Region) - Asparez Journalists club of Gyumri (Shirak Region) - Gala TV (Shirak Region) - Radio Free Europe (RFE)/ Radio Liberty (RL) - Public TV - Public Radio
15.00 – 15.45	Meeting with Mr Tigran MUKUCHYAN, Chairman of the Central Electoral Commission of Armenia (CEC)
16.00 – 17.00	Political analysis of the elections by the diplomatic corps and international organisations
	 Mr Jean-Michel KASBARIAN, Councillor at the French Embassy Mr Ninel GAVANESCU, <i>Chargé d'Affaires</i>, Embassy of Romania Mr Onno SIMONS, Head of the Political, Economic, Press and Information Section, Delegation of the European Union to Armenia Ms Rusanna BAGHDASSARYAN, Good Governance Programme, OSCE Office in Yerevan
17.15 – 19.40	Meeting with representatives of the factions in Parliament
	 Armenian Revolutionary Federation: Dr Artsvik MINASYAN, Deputy Chair of the Standing Committee on Financial-Credit and Budgetary Affairs Rule of Law: Mr Mher SHAHGELDYAN, Secretary Prosperous Armenia: M. Stephan MARGARYAN, Chair of the Standing Committee on Territorial Management and Local Self Government Republican Party: Mr Araik HOVHANNISYAN, Vice-Chair of the Standing Committee on Territorial Management and Local Self Government, Ms Ruzanna MURADYAN, Mr Hovhanness SAHAKYAN, Secretary
20.30	Working dinner with Mr Emin YERITSYAN, Head of the Armenian delegation to the Congress, M. Vache B. TERTERYAN, Vice- Minister for Territorial Administration, at the invitation of the Communities Association of Armenia

Saturday 8 September 2012

09.15 - 10.15Meeting with Mr Armen GEVORGYAN, Deputy Prime Minister and Minister
for Territorial Administration10.15 - 14.00Social programme and lunch at the invitation of the Communities Association
of Armenia

Briefing

Sunday 9 September 2012

- ELECTION DAY Election of mayors and/or municipal councillors in the Regions of Ararat, Armavir, Lori, Shirak and Syuniq
- 07.00 23.00 Deployment of the teams in the Regions of Ararat, Armavir, Lori and Shirak

Monday 10 September 2012

Departure of the delegation

Local by-elections in Armenia, 23 September 2012 Programme of the observation mission from 19 to 25 September 2012

Members of the Congress of Local and Regional Authorities of the Council of Europe

Leo AADEL, Estonia (R, ILDG)	Mayor, Local Council of Haljala
Fleur BUTLER, United Kingdom (L, ECR)	Councillor, Richmondshire DC
Henry FERAL, France (L, EPP/CD)	Head of Delegation and Rapporteur, Mayor of Puycelci
Irmeli HENTTONEN, Finland (L, ILDG)	Member of the City Council of Lappeenranta, Member of the Board, Regional Council of South Carelia
Jon HERMANS-VLOEDBELD, Netherlands (L, ILDG)	Mayor of Almelo
Jaroslav HLINKA, Slovak Republic (L, ILDG)	Mayor, Municipal office of the urban part Kosice Juh
Françoise JEANNERET, Switzerland (L, SOC)	Municipal Councillor of Neuchatel
Mihkel JUHKAMI, Estonia (L, EPP/CD)	Chair of the Rakvere City Council
Marie-Madeleine MIALOT-MULLER, France (R, SOC)	Vice-President of the Regional Assembly, Region "Centre"
Mihali NJILAS, Serbia (L, EPP/CD)	President of the Municipality of Kanjiza
Fabio PELLEGRINI, Italy (L, SOC)	Municipal Councillor, Rapolano Terme
Ludmila SFIRLOAGA, Romania (R, SOC)	Councillor, Prahova County Council
Jean-Louis TESTUD, France (L, EPP/CD)	Deputy Mayor of Suresnes
Line VENNESLAND, Norway (L, ECR)	Councilor, Vennesla Municipality

Members of the Committee of the Regions of the European Union

Brian MEANEY, Ireland (EA)	Speaker of the Committee of the Regions,
	Clare County Council and Mid-West Regional
	Authority
Väino HALLIKMÄGI, Estonia (ALDE)	Member of Pärnu City Council
Ursula MÄNNLE, Germany (EPP)	Member of the Bavarian State Assembly
Jerzy ZAJĄKAŁA, Poland (EA)	Mayor of Lubianka Municipality

Secretariat of the Congress of Local and Regional Authorities of the Council of Europe

Antonella CAGNOLATI	Director
Muriel KREYDER GRIMMEISSEN	Co-secretary of the Current Affairs
Committee	

Programme Wednesday 19 September 2012

Arrival of the delegation

Thursday 20 September 2012

Briefing meeting

10.00 – 10.30	Information meeting with Ms Silvia ZEHE, Special Representative of the Secretary General of the Council of Europe to Armenia
10.30 – 11.00	Political analysis of the elections by the diplomatic corps and international organisations
	 Ms Isabelle GUISNEL; First Adviser, French Embassy Mr Christoph BREUNIG, Adviser, Embassy of Germany Mr. Paolo BONISSONE, Adviser, Embassy of Italy Mr Dragos ZAPFIRESCU, Ambassador of Romania Mr Konstantin OBOLENSKY, Ambassador of Switzerland Mr Traian Laurentiu HRISTEA, Head of the European Union Delegation to Armenia Ms Ruzanna BAGHDASARYAN, Good Governance Programme Officer, OSCE Office in Yerevan
11.00 – 12.00	Meeting with NGO representatives
	- Helsinki Committee of Armenia - "Electoral Systems Centre" - Helsinki Citizens Assembly, Vanadzor Office (Lori Region) - "Regional Development and Research Center" (Gegharkunik Region)
, 12.00 – 13.15	Meeting with media representatives
	- Public Radio - Yerevan Press Club - Gala TV (Shirak Region) - Caucasus [Media] Institute
15.15 – 17.45	Meeting with representatives of political parties
	 Heritage: Mr Armen MARTIROSYAN, Vice-Chair, Hovsep KHURSHUDYAN, speaker Armenian Revolutionary Federation: Mr Artak AGHBALYAN, Mr Artsvik MINASYAN Rule of Law: Mr Khachik HARUTYUNYAN, Mr Mher SHAHGELDYAN Prosperous Armenia: Mr Vahe HOVHANNISYAN, M. Stepan MARGARYAN, Mr Tigran URIKHANYAN, Mr Elinar VARDANYAN Republican Party: Mr Araik HOVHANNISYAN, Mr Artak ZAKARYAN
18.00 – 19.00	Meeting with Mr Armen GEVORGYAN, Deputy Prime Minister and Minister for Territorial Administration

Friday 21 September 2012: National Day

- 10.00 14.00 Social programme arranged by the Communities Association of Armenia
- 20.00 Dinner with Mr Emin YERITSYAN, Head of the Armenian delegation to the Congress, at the invitation of the Communities Association of Armenia

Saturday 22 September 2012

12.00 – 13.00	Meeting with Mr Tigran MUKUCHYAN, Chairman of the Central Electoral Commission (CEC)
13.30 – 16.30	Deployment of six teams in the Region of Gegharquniq, Tavush and Vayots Dzor
16:30 – 18.00	Meetings with candidates (women and men) from the Republican Party, the opposition and self-nominated, then with the Chairs of the Territorial Election Commission (TEC) in Sevan (Gegharquniq Region), Dilijan (Tavush Region) and Yeghgnadzor (Vayots Dzor Region)

Accommodation of six teams on the spot

Sunday 23 September 2012

ELECTION DAY	Elections of mayors and/or municipal councilors in the Regions of Aragatsotn, Gegharquniq, Kotayq, Tavush and Vayots Dzor
07.15 – 23.00	Deployment of four teams in the regions of Aragatsotn and Kotayq

Monday 24 September 2012

Debriefing meeting

10.00 – 11.00	Meeting of the Head of delegation with Mr Armen GEVORGYAN, Deputy Prime Minister and Minister for Territorial Administration
12.00 – 13.00	Press Point
20.00	Dinner with Mr Emin YERITSYAN, Head of the Congress delegation of Armenia on the invitation of the Communities Association of Armenia

Tuesday 25 September 2012

Departure of the delegation

Local by-elections in Armenia - 9 September 2012 (Regions: Ararat, Armavir, Shirak, Lori, Syunik)

Deployment

Opening of the polling stations: 8.00 – 20.00.

Team	Region in which team was deployed	Composition of the team
1	Ararat and Armavir	Antonella CAGNOLATI Henry FERAL
2	Shirak	Muriel KREYDER GRIMMEISSEN Irmeli HENTTONEN
3	Lori	Brian MEANEY Ludmila SFIRLOAGA

Local by-elections in Armenia - 23 September 2012 (Regions: Aragatsotn, Gegharquniq, Kotayq, Tavush and Vayots Dzor)

Deployment

Opening of the polling stations: 8.00 – 20.00.

Saturday 22 and Sunday 23 September 2012

Team	Region in which team was deployed	Composition of the team		
1	Gegharquniq	Brian MEANEY		
		Ludmila SFIRLOAGA		
2	Gegharquniq	Irmeli HENTTONEN		
		Mihkel JUHKAMI		
3	Vayots Dzor	Fleur BUTLER Jerzy ZAJĄKAŁA		
4	Vayots Dzor	Mihali NJILAS		
		Line VENNESLAND		
5	Tavush	Väino HALLIKMÄGI		
		Jaroslav HLINKA		
6	Tavush	Leo AADEL		
		Jon HERMANS-VLOEDBELD		
Sunday 23 September 2012				
Team	Region in which team was deployed	Composition of the team		
7	Aragatsotn	Antonella CAGNOLATI		
		Henry FERAL		
8	Aragatsotn	Françoise JEANNERET		
		Marie-Madeleine MIALOT-MULLER		
9	Kotayq	Muriel KREYDER GRIMMEISSEN		
		Ursula MÄNNLE		
10	Kotayq	Fabio PELLEGRINI		
		Jean-Louis TESTUD		