

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## **Recommendation 344 (2013)<sup>1</sup> Election of the members of the Avagani (Assembly of Aldermen) of the City of Yerevan, Armenia (5 May 2013)**

1. Following an invitation by the Prime Minister of the Republic of Armenia, the Congress of Local and Regional Authorities of the Council of Europe decided to observe the elections of members of the Avagani (Assembly of Aldermen) of the City of Yerevan held on 5 May 2013. Stewart Dickson was appointed head of delegation and rapporteur.

2. The Congress refers to:

*a.* the Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto 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 laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by Armenia on 25 January 2002, and entered into force on 1 May 2002.

3. The Congress points to the importance of genuinely democratic elections and to its specific mandate and role in the observation of local and regional elections in Council of Europe member States.

4. The Congress stresses that it observes elections only upon invitation by the countries themselves. Similar to the monitoring process of the European Charter of Local Self-Government, election observation missions are conceived as activities carried out in dialogue with the respective authorities.

5. In conformity with its Resolution 306 (2010)REV on observation of local and regional elections – strategy and rules of the Congress, the Congress underlines the importance of this statutory activity and its complementarity to the political monitoring of the situation of local and regional democracy in Council of Europe member States.

6. The Congress notes with satisfaction that:

*a.* the elections of members of the Avagani (Assembly of Aldermen) of the City of Yerevan held on 5 May 2013 were, in general, technically well-prepared, conducted in an orderly manner and organised in accordance with the standards for democratic elections developed by the Council of Europe and other international institutions;

*b.* following the recommendations made by the Congress in 2009 (Recommendation 277 (2009) on first municipal elections of Yerevan, Armenia (31 May 2009)), progress was made, in particular with regard to a shift from a partisan to a non-partisan model at the level of the Central Election Commission and the constituency electoral commissions, ensured by the new Electoral Code; also the composition of precinct election commissions ensured better opportunities for the contesters to supervise each other;

*c.* further to Congress Recommendation 338 (2012) on local by-elections in Armenia (9 and 23 September 2012) which suggested limiting the number of people present in polling stations, there was more control in polling stations thanks to the provision that only 15 voters were allowed to enter at the same time and the clarification on providing assistance to voters in polling stations proved to be positive on Election Day;

*d.* on the whole, there was some progress concerning the strengthening of the system of checks and balances and with regard to media freedom and anti-corruption measures.

7. At the same time, the Congress has identified issues to be addressed which include:

*a.* the question of voter registration – concerning those citizens who no longer live in Yerevan but have stayed on the State Population Register and thus on the voters' lists – and possible misuse of voting rights in this respect;

*b.* the cameras present in each polling station and the practice of extensive filming by different stakeholders, as well as the extensive number of domestic observers present in polling stations;

*c.* the use of mobile phones in polling stations, in particular during the vote count;

*d.* the reports received by the delegation about pressure exerted on public service employees to vote in a certain way and to persuade other voters, as well as the recurring issue of vote-buying.

8. Taking into account the previous comments, the Congress invites the authorities of Armenia to take the necessary steps to:

*a.* make the Electoral Code more specific as to the habitual or main place of permanent residence, in order that residence – in addition to registration – be a condition for voting rights at local level, since local issues should be decided by the electorate actually living in a specific community;

*b.* change the provision in the Electoral Code concerning the rights of domestic observers, proxies and media representatives with regard to photographing and videotaping in polling stations, in order to discontinue extensive filming on Election Day which could create mistrust among voters about overly controlled electoral processes;

*c.* introduce a provision to limit the use of mobile phones in polling stations, in particular during the vote count in order to avoid practices obstructing electoral processes.

9. In accordance with international standards for free and fair elections which commit States to take action to combat any kind of electoral fraud,<sup>2</sup> the Congress urges the Armenian authorities to implement the applicable provisions enshrined in the Criminal Code, in particular with regard to financial incentives and the exertion of voting rights.

10. In line with the opinion of the European Commission for Democracy through Law (Venice Commission),<sup>3</sup> the Congress is convinced that although the Electoral Code of Armenia has the potential to ensure the conduct of democratic elections, legislation alone cannot ensure this. It therefore invites the authorities of the Republic of Armenia to

fully and properly implement the provisions of the Electoral Code and other laws referring to electoral matters.

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1. Debated and approved by the Chamber of Local Authorities on 30 October 2013, and adopted by the Congress on 31 October 2013, 3rd sitting (see Document CPL(25)3, explanatory memorandum); rapporteur: Stewart Dickson, United Kingdom (R, ILDG).

2. Code of Good Practice in Electoral Matters, Guidelines and Explanatory Report, CDL-AD(2002)23rev, Venice Commission.

3. Joint Final Opinion on the Electoral Code of Armenia, adopted on 26 May 2011, CDL-AD(2011)032, Venice Commission and OSCE/ODIHR.