



EUROPEAN PARLIAMENT

ELECTION OBSERVATION DELEGATION TO THE PRESIDENTIAL ELECTIONS IN ARMENIA

(18 February 2013)



**Report by
Milan Cabrnich, Chair of the Delegation**

Annexes:

- A. Final programme (including list of participants)**
- B. International Election Observation Mission Preliminary findings and conclusions**
- C. Declaration of the Chair of the EP Delegation at the Press Conference of the IEOM**

Introduction

Following an invitation sent by Mr. Hovik Abrahamyan, President of the National Assembly of the Republic of Armenia, the Conference of Presidents of the European Parliament authorised, on 17 January 2013, the sending of an Election Observation Delegation to observe the presidential elections in Armenia scheduled for 18 February 2013.

The European Parliament Election Observation Delegation was composed of Mr. Milan Cabrnoc (ECR, Czech Republic), Mr. Joachim ZELLER (EPP, Germany), Ms Elena BĂSESCU (EPP, Rumania), Ms Eva JOLY (V/ALE, France) and Mr. Ryszard CZARNECKI (ECR, Poland). Mr. Andres PERELLO RODRIGUEZ and Mr. Pawel KOWAL had to cancel their participation at the last moment. Mr. Milan Cabrnoc was appointed Chair of the Delegation at its constitutive meeting.

The Delegation conducted its activities in Armenia from 16 to 19 February 2013 and was integrated within the framework of the International Election Observation Mission (IEOM), with OSCE/ODIHR in charge of the long-term mission. The EP Delegation cooperated closely with the Parliamentary Assembly of the Council of Europe (PACE) headed by Ms Karin Woldseth (Norway) and the OSCE/ODIHR mission headed by Ms Heidi Tagliavini (Switzerland). The cooperation with the Delegation of the Parliamentary Assembly of the Council of Europe and with Ambassador Tagliavini and the ODIHR long-term mission was excellent, as it was with the EU Delegation in the country.

The Parliamentary Assembly of the OSCE (OSCE/PA) however, before the beginning of the Observation, decided not to participate in the IEOM, thus confirming, and putting into practice, the decision of the OSCE/PA Bureau at its meeting in Dublin in December 2012, to consider the 1997 Co-operation Agreement which regulates the relationship between OSCE/PA and OSCE/ODIHR no longer valid.

The European Parliament Delegation performs election observation in accordance with the Declaration of Principles of International Election Observation. Members of the EP Delegation signed the Code of Conduct for Members of the European Parliament Election Observation Delegations, in conformity with the decision of the Conference of Presidents of 13 September 2012.

Armenia- EU Relations

The legal framework for the EU-Armenia relations is the Partnership and Cooperation Agreement (PCA) which entered into force in 1999. Together with Azerbaijan and Georgia, Armenia was included in the European Neighbourhood Policy (ENP) in 2004. Armenia is also an active member of the Eastern Partnership.

In July 2010, negotiations on an Association Agreement were launched and ten rounds of negotiation have taken place so far (the last in October 2012). This new agreement will significantly deepen Armenia's political association and economic integration with the EU. It aims to establish a Deep and Comprehensive Free Trade Area underpinned by regulatory approximation leading to convergence with EU laws and standards.

In fact, the economic ties between Armenia and the EU are already tight and the key trade figures have been increasing remarkably over the past few years. In January 2013, the imports from the EU have grown by 22.8% and the exports by 81.5% in comparison to January 2012. The trade volume with the EU now represents almost one third of Armenia's total foreign trade. On the other hand, Russia and the CIS also have significant share in the country's trade figures.

Political Situation in Armenia

Armenia has gradually recovered from the political crisis that followed the controversial presidential elections of 2008 and their violent aftermath. The country could be still characterised as a 'managed democracy'. In such a system there is genuine competition between different political forces, but the ruling elite preserves its power through use of "political technologies", repressive measures and, if need be, occasionally also violent actions.

In contrast to the contested presidential elections of 2008, which sparked wide protest in Armenia, later violently put down by the authorities, the parliamentary elections in May 2012 were a step forward and a considerable improvement, as confirmed by the OSCE/ODIHR observation mission, in which an EP delegation was integrated. The OSCE/ODIHR final report concluded that the elections *“were characterized by a competitive, vibrant and largely peaceful campaign, which was, however, marked by a low level of confidence in the integrity of the process. Some violations of campaign provisions by electoral contestants, including the use of administrative resources and attempts to limit voters’ freedom of choice, created an unequal playing field and ran counter to OSCE commitments”*.

The parliamentary elections in May 2012 saw the victory of the ruling Republican Party of Armenia (RPA), led by incumbent President Serzh Sargsyan, with 69 of the 131 seats in parliament. Other parties represented in the parliament are Prosperous Armenia (PA, with 37 seats), Rule of Law (RoL, with 6 seats), the Armenian Revolutionary Federation – *Dashnaktsutyun* (ARF, with 6 seats), Heritage (with 5 seats), and the Armenian National Congress bloc (ANC, with 7 seats). The current government is a coalition of RPA and RoL.

The 2013 Presidential Candidates

Campaign activities for the presidential elections were low-key and took place against the backdrop of decisions of PA, ANC and ARF to not nominate or endorse any candidate. Out of the eight candidates, only the incumbent was nominated by a parliamentary party. The other party-nominated candidate was Mr. Bagratyan (Freedom Party, which is a member of the ANC). Mr. Hovannisyan (Heritage) and Mr. Hayrikyan (NSDP) are the leaders of their respective parties but were self-nominated. ANC did not nominate a candidate after the announcement of Former President Levon Ter-Petrosyan not to run in the election due to his age, lack of financial resources and of trust in the electoral process. PA and ARF did not specify why they did not nominate candidates.

Campaign activities were of limited scope and were based on personalities not on programmes and policies or ideologies.

Despite the lack of strong challengers to the incumbent President Serzh Sargsyan, the 18 February elections were seen as an important test for the country's democratic credentials, even if the "absence of alternatives" caused apathy among the public and the abstention was expected to be the main contender.

Republican Party-nominated incumbent Serzh Sargsyan was the heavy favourite to win the election and secure a second five-year term in office. Only eight candidates registered out of the initial fifteen potential candidates.

The other candidates were:

Raffi Hovannisian, chairman of the opposition Zharangutiun (Heritage) party he founded in 2002. Hovannisian served under Ter-Petrosian from 1991 to 1993 as Armenia's first post-independence foreign minister.

Hrant Bagratyan, served as prime minister under Ter-Petrosian from February 1993 to November 1996.

Paruyr Hayrikyan, a former Soviet dissident, was wounded by unknown gunmen in Yerevan on 31 January 2013.

Andrias Ghukasyan, a political analyst. He started a hunger strike in front of the Armenian National Academy of Sciences in Yerevan demanding that the Central Election Commission (CEC) annul the candidacy of President Serzh Sargsyan and calling for an international observer boycott of the elections.

Aram Harutiunyan, leader of the National Concord Party, also staged a hunger strike, calling on other candidates to quit the race in order to leave the incumbent without a challenger and render the election "illegitimate." On February 12, Harutiunian announced his withdrawal as a presidential candidate.

Arman Melikyan, candidate in the 2008 presidential election and Head of the NGO "Refugees and International Law".

Vardan Sedrakyan, presidential candidate and epic poet expert, was arrested on 5 March on suspicion of ordering the assassination attempt on Paruyr Hayrikyan.

The Electoral Context

The electoral legal framework underwent significant reform in May 2011, when a new Electoral Code was adopted. The 2013 election was the first presidential election to be held under this Code. The OSCE/ODIHR and the Council of Europe's European Commission for Democracy through Law (Venice Commission) have assessed the Code as comprehensive and providing a sound basis for the conduct of democratic elections with however, areas where it could benefit from improvement, including the accessibility of voter lists, the introduction of a gender quota for election commissions, and greater campaign finance transparency, among other things. At the same time, certain shortcomings remain, such as the possibility to easily de-register candidates, insufficient separation of state and party structures, unnecessary obstacles for citizen observers' accreditation, and an ineffective complaints and appeals procedure.

Voter registration is passive and based on the state population register. Around 2.5 million voters were registered, some 200,000 increase since 2008 presidential election, in spite of Armenia demographic crisis and emigration. Some presidential candidates (and political parties ANC and NSDP) voiced their concerns regarding the voter lists, alleging that the

number of registered voters was highly inflated and could be used for impersonation of voters residing abroad on Election Day, but no evidence of this was provided to the IEOM prior to election day.

According to ODIHR's long-term mission, the election campaign was characterized by general respect for fundamental freedoms and contestants were able to campaign without hindrance. The campaign of the incumbent President was most active and visible. According to ODIHR, misuse of administrative resources, including cases of pressure on voters, lack of impartiality on the part of the public administration, participation of public and civil servants in the campaign of the incumbent as well as several instances of campaign offices located in buildings occupied by state or local government bodies blurred the distinction between the state and the ruling party which is at odds with paragraphs 5.4 and 7.7 of the 1990 OSCE Copenhagen Document.

The media gave wide attention to political and election-related information, and media monitored by the ODIHR's long-term mission regularly covered all candidates. They gave more coverage to Serzh Sargsyan and Raffi Hovannisyan reflecting the greater extent of their campaign activities. Public television and radio complied with their legal obligation to provide free airtime and balanced coverage of the contestants and all candidates utilized their free airtime. However, the coverage of the campaign was mostly formal and did not provide analytical comment, and no debates were organized between candidates.

Election commissions and courts received a limited number of complaints. According to ODIHR's long-term mission, the Electoral Code limits the right to file complaints to those whose personal electoral rights are at stake, essentially restricting the right of voters and observers to seek judicial remedy for breach of electoral rights. Court decisions on electoral rights may not be appealed, which limits effective legal redress.

Programme of the EP Election Observation Delegation

Before Election Day, OSCE/PA, PACE and the EP delegations were extensively briefed by experts from the ODIHR mission. Presentations were made on the political environment, the campaign activities, the media landscape and the legal framework of the parliamentary elections. The joint briefing programme for the Parliamentary Assemblies Delegations also included roundtables with media representatives and NGOs, meetings with the electoral administration, candidates and leaders of factions in Parliament. In addition to the joint briefings, a working lunch with the EU Member States Ambassadors was organised by Mr Traian Hristea, Head of the EU Delegation to Armenia.

The Heads of EP and PACE Delegations together with Ambassador Tagliavini met the Delegation of CIS observers.

Election day

On Election Day, the EP Delegation split into three teams deployed in Yerevan, Sevan, and Armavir regions.

The three teams visited a significant number of polling stations from opening to the closure and the counting process.

According to the IEOM observers, including the observations from the EP Election Observation Delegation, the voting process was orderly, calm and well organized in the majority of polling stations visited. Undue interference in the process, mainly by proxies representing the incumbent, and some cases of serious violations, including intimidation of voters, was observed in a number of polling stations.

The ink for stamping voters' passports was deficient, as it proved to be easily removable from voters' passports. The majority of vote counts observed by the IEOM was assessed positively, although irregularities and procedural violations were at times noted. Tabulation was assessed positively by IEOM in all but one of the 41 Territorial Election Commissions; however IEOM observers were prevented from adequately observing entry of results into the computer system in 12 cases.

Candidate's proxies were only present in a limited number of polling stations; except for the incumbent. Citizen observers were present in more than half of the polling stations observed by the IEOM.

IEOM Press conference and preliminary statement

The EP Delegation participated in the very constructive discussions on the preliminary findings together with OSCE/ODIHR and PACE. The EP Chair consulted extensively the other Members of the EP Delegation, who agreed to the approach of subscribing to the preliminary findings and conclusions.

The Press Conference of the IEOM took place on 19 February and attracted high media attention. It was interrupted by a group of activists that claimed "Stop Legitimizing Fraudulent Elections in Armenia". After an interruption of 30 minutes, the press conference was resumed.

Results

The Central Election Commission (CEC) on 19 February announced preliminary election results, indicating that incumbent President Serzh Sargsyan was re-elected in the first round, with (an unexpected high) turnout of 60,18%. The second-placed candidate, Raffi Hovannisyan, disputed the results and claimed that he won the election.

On 25 February, the CEC unanimously adopted the final results protocol:

Serzh Sargsyan 861,373 votes (58.64 percent)
Raffi Hovannisyan 539,693 votes (36.75 percent)
Hrant Bagratyan received 31,643 votes (2.15 percent)
Paruyr Hayrikyan 18,096 votes (1.23 percent)
Andrias Ghukasyan 8,329 votes (0.57 percent)
Vardan Sedrakyan 6,210 votes (0.42 percent)
Arman Melikyan 3,520 votes (0.24 percent)

The number of invalid ballot papers was 50,776.

Post-electoral developments

As usual, ODIHR long-term observation Mission remained in the country until the completion of the appeals procedure. It issued a Post-election Interim Report on 2 March, raising some important concerns:

"The OSCE/ODIHR EOM analysis of final results as published by the CEC show a close correlation between the voter turnout and the number of votes for the incumbent, with PECs with above-average turnout also having a higher share of votes for Mr. Sargsyan. Out of the 1,988 polling stations, 1,746 have 300 or more registered voters. In 144 of those, voter turnout exceeded 80 per cent, which seems implausibly high; the incumbent received above 80 per cent of the votes cast in 115 of these stations. In 198 out of the 303 stations where turnout was between 70 and 80 per cent, the incumbent received more than 70 per cent of the votes. Among 249 stations where turnout was below 50 per cent, Mr. Sargsyan received more than 50 per cent in 40, and Mr. Hovannisyanyan received more than 50 per cent in 155. The tendency of higher results for the incumbent observed at the majority of stations with high turnout raises concerns regarding the confidence over the integrity of the electoral process".

The post-election interim report of the ODIHR notes that the media coverage of the Press Conference focused mostly on the positive aspects of the preliminary statement, ignoring the criticisms.

Finally, the interim report highlights that a limited number of complaints were filed with the election administration on election day, and over 80 after the election (since the the Electoral Code limits the right to file complaints to those whose personal electoral rights are at stake, essentially restricting the right of voters and observers to seek judicial remedy for breach of electoral rights). Almost all complains were rejected. The police and the Prosecutor General investigated over 300 possible offences and initiated criminal proceedings in some 10 of them.

Appeals to the Constitutional Court

Mr. Raffi Hovannisyanyan who contested the results of the election, appealed to the Constitutional Court on 4 March. Mr. Andrias Gukasian, also appealed to the Constitutional Court the same day. On 14 March 2013, the Court rejected both appeals and thus approved the validity of the elections.

Conclusions

Once more, this election demonstrates that election observation concerns the whole electoral process and not only Election Day. For this reason, the EP, a signatory of the Declaration of

Principles for International Election Observation, always observes elections in cooperation with a long-term mission.

The OSCE/ODIHR long term mission will remain in the country until the end of the election process and will issue a comprehensive final report, including recommendations for improvements, some eight weeks after the completion of the election process.

Following the 2012 parliamentary elections, a working group composed of government and other state officials was established by presidential decree to explore the recommendations offered in the OSCE/ODIHR EOM Final Report and by other observer organizations, and to put forward an action plan for their implementation. In his speech at the Press Conference, the Head of the EP Election Observation Delegation emphasized the importance that the European Parliament attaches to the follow up of the recommendations of the International Election Observation missions. He welcomed the good will that the authorities have showed in this regard after the last parliamentary elections, hoping to see same efforts in implementing the recommendations that the ODIHR will issue after the presidential elections, through an even more inclusive process that would involve all the relevant stakeholders in the society.

The European Parliament Election Observation Delegation recommends that the democracy support and Election Coordination Group, the Foreign Affairs Committee and the Delegation to the EU-Armenia Parliamentary Cooperation Committee follow-up closely the conclusions and recommendations of this final report.

EUROPEAN PARLIAMENT
ELECTION OBSERVATION DELEGATION
PRESIDENTIAL ELECTIONS IN ARMENIA
18 FEBRUARY 2013

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