



## **ENEMO Election Observation Mission**

### **Parliamentary Elections - Armenia 2018**

#### **INTERIM REPORT**

**12 November – 30 November 2018**

*Yerevan, 4 December 2018*

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*First part of the electoral campaign was calm and peaceful despite the fact it contained cases of hate speech which must not remain unchallenged. There is a significant improvement in prevention of state resources' misuse comparing to previous electoral processes but also with regard to performance of electoral administration.*

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Following the official invitation issued by the Chairman of Central Electoral Commission of the Republic of Armenia to observe the upcoming Early Elections to the National Assembly, scheduled for December 9<sup>th</sup> 2018, European Network of Election Monitoring Organizations (ENEMO) deployed an Election Observation Mission (EOM) to Armenia on November 12<sup>th</sup>.

The ENEMO EOM, led by Head of Mission Zlatko Vujovic, is comprised by 6 Core Team members and 8 long-term observers deployed in 4 LTO teams to observe electoral environment throughout the national territory. For the purposes of the election day procedure observation and with the aim to enhance the compliance of the election process with international practice and standards, ENEMO EOM will have additional 50 short-term observers originating from 14 different countries.

ENEMO is a network of 21 leading election monitoring organizations from 18 countries of Europe and Central Asia, including 3 European Union countries.

This interim report is based on the ENEMO observers' findings from the field, where they focused on the work of election administration bodies, registered political parties and candidates, conduct of the election campaigns, election-related complaints and appeals and other election related activities.

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Kingdom of the Netherlands

## Executive summary

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Following Nikol Pashinyan's official resignation from the prime minister's office on October 16<sup>th</sup> and failed attempt to elect a new prime minister through a double-round voting, the national parliament was disbanded by virtue of law and the President of Armenia, Armen Sarkissian, called early to the National Assembly, scheduled for December 9<sup>th</sup>.

On December 9<sup>th</sup>, Armenian citizens will be called to elect a minimum of 101 MPs through a two-tier proportional system, with candidates elected both from a single national list and 13 open district lists, 4 in Yerevan and 9 in regions (marzer).

To qualify for the distribution of seats, political parties must pass a threshold of 5%, while alliances must obtain at least 7% of the total votes. If a stable majority is not achieved as a result of the elections, or by forming a coalition within 6 days after the election results' announcement, a second round is held between the top 2 candidate lists 28 days after the election day.

The elections in Armenia are administered by a three-tiered system, comprising the CEC, 38 Territorial Election Commissions, and 2010 Precinct Election Commissions.

ENEMO EOM sees CEC performance during the reported period as professional and efficient. However, ENEMO EOM has noticed that sessions of CEC are lacking the debate. There is a high level of transparency in the work of CEC. Sessions are broadcasted live on their web page. CEC's web page is regularly updated. It is unclear why CEC refused to provide ENEMO EOM with the number of international observers per organization, same as they did for domestic ones.

Candidate lists are submitted by 9 political parties and 2 party alliances. While a list may include non-party members, the law does not provide a possibility for candidates to run individually in parliamentary elections. More than 1400 candidates are registered for the early parliamentary election race.

According to the official data, each party acted in accordance with provisions regarding the system of 25% gender quota for closed national lists. The National Progress Party has 52% of women on its list, followed by the Citizen's Decision Social Democratic Party with 43%. On the bottom of the list we find Menq with 25%, "My Step" Alliance and ARF with a total of 26% of women in their midst.

The Armenian legislation system prescribes the passive voter registration, and the voter registry is based on the state population register maintained by the Police Passport and Visa Department. According to the Central Electoral Commission's official data, there are 2,574,916 eligible voters in the Republic of Armenia and 2010 electoral precincts throughout the country: (1) The city of Yerevan – 847.998, (2) Ararat region – 221.655, (3) Armavir region – 233.632, (4)

Aragatsotn region – 117.534, (5) Gegharkunik region – 188.045, (6) Lori region – 237.837, (7) Kotayk region – 239.847, (8) Shirak region – 229.542, (9) Syunik and Vayots Dzor regions – 151.687, (10) Tavush region – 107.139.

ENEMO has been reported that the Voter registry is not fully accurate, but also noted that overall impression is that inconsistencies in the Voter registry will not affect the outcome of the elections.

The official campaign for the Early Elections to the National Assembly of Armenia started on November 26<sup>th</sup> and will last only 12 days, which is approximately two times shorter than the usual campaigning period. The Electoral Code does not prescribe any restrictions or prohibitions on campaigning prior to the official campaign period, and this omission in the law was actively used by many political parties.

ENEMO EOM has noticed cases of hate speech, but the overall assessment shows that the campaign within the reporting period was calm and peaceful. There is a significant improvement in prevention of state resources' misuse comparing to the previous electoral processes.

Each one of the competing political parties provided CEC with financial reports on their incomes relating to one year-period preceding the date of their official registration for the elections. In addition, up until now, parties have complied with provisions regarding the submission of reports to the CEC's Oversight and Audit Service (OAS), which is responsible for monitoring campaign expenditures. There were no irregularities reported to the state authorities regarding campaign financing regulations' breach.

The Central Electoral Commission is responsible for deciding on complaints and appeals concerning elections, except for those that fall under the jurisdiction of the court. To date, the General Prosecutor Office reported on having considered 25 complaints.: 19 were identified during the media monitoring, 1 – from CEC, 1 – from a political party, 1 – from a candidate, 3 – from citizens (voters). There are no data on complaints which came to the CEC.

In this electoral cycle, the social media have been identified as the main campaigning platform, but the traditional sources of information obtaining still have a clearly important role in shaping public opinion especially in rural areas of Armenia due to hampered access to internet.

ENEMO EOM shares concerns with regard to the online dissemination of fabricated pieces of information concerning campaigns and absence of legislative initiatives aimed at enhancing disclosure of online advertisements.

For Early Parliamentary Elections, the Central Electoral Commission of the Republic of Armenia has received applications for accreditation from 8 international observation missions and 22 citizens observers' organizations. The total number of domestic observers is 17,813.

ENEMO EOM shares concerns with regard to some domestic observer's groups whose alleged connection to one of the competing parties threatens the impartiality and effectiveness of the observation.

ENEMO EOM assessed procedural requirements concerning the invitation of the international observation missions as arbitrary, which makes the space for decision making more complicated.

## Background

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In the light of the echoing call on civil disobedience and the prominent Velvet Revolution, the Armenian political scene has changed drastically in a matter of only few months. In this regard, the early parliamentary elections, besides political, have also a symbolic value as they represent the final phase of the Revolution. The longing for a trustworthy representative democracy, and desire to finally set rather needed socio-political changes in motion, impelled the nation to take its unfulfilled requests to the streets of the capital city, and ask for resignation of the government which continually failed to hear and address the popular voice.

It took tens of thousands of protesters and eleven days to force the former prime minister, Serzh Sargsyan, to comply with demands of the marching mass and resign from the office. Sargsyan's official yielding, and Nikol Pashinyan's election for the post of the prime minister on May 8<sup>th</sup>, marked a turning point in the purview of the revolutionary logic and posed fundamentals for tailor-made velvet democratization processes and nation building.

The first phase of the revolution created necessary conditions for dissolution of the National Assembly and paved the way for holding snap parliamentary elections which will supposedly restore the popular legitimacy to the parliament. Following Pashinyan's resignation from the office on October 16<sup>th</sup>, the failed attempt to secure the required 53 votes, through a double-round election, in favor of a single candidate for the post of prime minister (respectively on October 24<sup>th</sup> and November 1<sup>st</sup>), the parliament was disbanded and the President of Armenia, Armen Sarkissian, called the early parliamentary elections. At the early elections to the National Assembly, scheduled for December 9<sup>th</sup>, 2018, the voters will be called to elect a minimum of 101-seats in parliament.

In May 2018, the parliament made several amendments to the Electoral Code and related legislation, introducing: (1) measures against state resources' abuse, (2) lifting restrictions on the accreditation of media representatives for the elections, (3) setting greater sanctions and penalties for electoral offenses, (4) introducing possibilities for the CEC to pilot the use of new voting technologies (for local elections).

The pre-electoral period was marked by a heated political debate regarding the amendments to the Electoral Code, perceived by Pashinyan's government as rather necessary prerequisites for

holding free and fair elections and aimed at facilitating the proper election practice according to the international standards. The electoral bill, narrowly defeated by a single vote<sup>1</sup>, aimed at modifying the pattern of distributing seats in the National Assembly, contained provisions regarding: (1) removing the open district lists, (2) switching to a purely proportional electoral system with a 30% gender quota, (3) lowering thresholds for political parties and alliances to enter the parliament, (4) introducing measures to improve access for persons with disabilities, (5) setting new rules for political advertisements, and (6) introducing mandatory televised debates for candidates.

Lastly, the political discourse, characterizing this electoral cycle, reasonably focuses predominantly on internal policy agenda, given the recent events which greatly transformed the socio-political landscape in Armenia and are expected to provoke considerable changes in the parliament.

## Legal Framework and Electoral System

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### *A. Legal Framework*

In Armenia, parliamentary elections are primarily regulated by the Constitution (last amended in 2015) and the 2016 Electoral Code (last amended in May 2018). The legal framework encompasses several laws, including the Law on Political Parties and the Law on Freedom of Assembly. Legal electoral framework is widened with provisions of the Civil Code, Criminal Code, Administrative Code, as well as decisions of the Central Election Commission (CEC) and regulations of the National Council on Television and Radio (NCTR).

Armenia has accepted and adhered to major international and regional instruments related to the practice of holding democratic elections, including the 1950 European Convention on Human Rights, the 1966 International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the UN Convention on the Elimination of All Forms of Discrimination against Women (1979), the UN Convention against Corruption (2003) and the 2006 Convention on the Rights of Persons with Disabilities (CRPD). Armenia is also a member of the Council of Europe's Venice Commission and the Group of States against Corruption (GRECO).

The Electoral Code encompasses a broad framework for the national elections, as well as fundamental civil and political rights. The law focuses on protecting the voting rights of national

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<sup>1</sup>The proposed electoral bill, requiring three-fifths majority in order to be approved, was voted down twice in the parliament: first on 22 October (56 votes for and 3 against) and subsequently on 29 October (62 votes for and 2 against).

minorities, the military and persons with disabilities, as well as on administering minimum standards for voter registration and comprehensive regulation of campaign financing.

In April 2018, Armenian Prime Minister formed a new government that engaged in a series of reforms, including the electoral framework. The reforms represented an unambiguous reaction to an overall lack of public confidence and trust in the election processes (the last parliamentary elections took place on April 2<sup>nd</sup> 2017) due to vote-buying practice and pressure on civil servants and employees of private companies.

Despite the fact that reforms in the electoral field are yet unfinished, the recent criminalization of intentional impersonated voting, vote selling/buying, giving money or goods under the name of a charity will have a deterring effect against potential irregularities of this kind in the following parliamentary elections.

In September 2018, the parliament made several amendments to the Criminal Code by introducing changes in the provisions related to criminalization of votes' selling and buying and by adding an article on provision or making promises of free money and goods under the name of a charity. The prescribed punishment for vote selling is up to 3 years in prison or a fine of up to 700,000 drams, whilst vote buying entails more severe penalties, i.e. up to 5 years of imprisonment or a 4 000 000 dram fine.

In June 2018, the country's "Law on Charity" was amended to set up a new regulatory body to approve, monitor and register charitable activities in the country. The body will report directly to the office of the prime minister.

## ***B. Electoral System***

The national electoral system remains the same as the one used in the 2017 parliamentary elections. A minimum of 101 members of parliament (MPs) are to be elected through a two-tier List Proportional system (PR List System) with preferential voting on the regional (district) level.

Electoral system contains differential electoral thresholds requesting from a political party to reach 5% of the votes and a coalition 7% in order to qualify for the process of seat allocation. There are two types of candidate list. National and district lists. First level of seat allocation is between those lists that passed the threshold. Half of the party seats is distributed to national and half to district candidates. National list is closed and blocked. Districts list are closed non-blocked. Voter can cast vote only for candidate within the party list. Voter can cast only one preferential vote on a district level. There are 13 districts, 4 in Yerevan and 9 in *marzer*. Seats in national list are allocated to candidates following the list order. Seats from districts lists are allocated to candidates based on preferential votes they won. Candidates who obtain a district

seat are removed from the national list in the process of seats allocation on that level. District candidates have to appear on the national list as well.

The ballot paper includes one part with a closed national list and one part with an open district list, on which a voter can give a preference vote to one district candidate in addition to choosing a national list. For voters there is no possibility to vote against all candidates.

The Electoral Code provides provisions regarding the system of 25% gender quota for a closed national lists and ensures and obliges that one out of every four candidates needs to be of a lesser represented gender. If a candidate of the underrepresented gender does not assume or vacates her/his seat, it is awarded to the next candidate on the list of the same gender.

The system provides for a total of up to four reserved seats, one for each of the four largest national minorities. Each contestant is permitted to include a sub-part on the national list, with candidates from each of the minorities. If the winning contestant does not have a minority candidate, the seat passes to the next party with the largest number of votes which has one.

The so-called “stable parliamentary majority” (defined as 54% of the seats) must be achieved to form a government. Should the winning list or coalition obtain a simple majority but less than 54% of seats, it will be assigned additional seats in order to obtain the required stable majority. Also, should the winning contestant or coalition receive more than two-thirds of the total seats, smaller parties will be assigned additional seats.

If a stable majority is not achieved as a result of the elections, or by forming a political coalition within 6 days after the election results announcement, a second round elections is held between the top two candidate lists 28 days after the election day. All mandates received as per first round will be preserved. Moreover, the top two contestants can form new alliances, which may include other parties that ran in the first round. The party which wins in the second round of elections will be given an additional number of mandates to reach the required 54% of the seats.

## Election Administration

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The elections in Armenia are administered by a three-tiered system, comprising the CEC, 38 Territorial Election Commissions and 2010 Precinct Election Commissions.

The CEC is responsible for the overall conduct of elections and is entitled with extensive powers and responsibilities, including issuing binding instructions, registering candidate lists, training lower-level commissioners, accrediting observers and media representatives, and monitoring campaign financing.

The CEC is a permanent and professional body composed of seven members elected by the parliament with at least three fifths of the MPs for a six-year term. In October 2016, all current CEC members, 3 women included, were re-appointed.

The CEC officials who met with the ENEMO EOM members appeared competent and committed to delivering elections in line with rules and within the established deadlines. The CEC website is widely used as a platform to provide the voters with information on a variety of election-related topics, as well as with guidance and training materials for election officials.

The CEC sessions are broadcasted live at the webpage of the institution and the agenda of the sessions is transmitted to media in advance, although sometimes it occurs that topics are introduced in the agenda shortly before the start of a session. All adopted decisions are published on the CEC's webpage in the official language.

The TECs were last formed in 2016. The TECs are professional bodies composed of 7 members appointed by the CEC for six-year terms. At least 2 members in each TEC should be women. The TECs supervise PECs, handle complaints against PECs and any recounts, and tabulate and transfer the results to the CEC.

The parliamentary parties should submit their nominations for the PEC members to the CEC between 20 and 18 days before the early elections. The PECs organize voting, counting, and transfer of results to the TECs.

PECs are composed of at least 7 members. Members of PECs are appointed by: (1) political parties (alliances of political parties) having a faction in the National Assembly - 1 member each where the number of factions is more than 4, and 2 members each where the number of factions is less than 5. The relevant TEC – 2 members.

TEC members (except for the chairperson) appoint 2 members of the PECs. If there are, overall, more than 2 member suggestions from the TEC members (each of them has a right to nominate one candidate), there should be a drawing of lots to select 2 candidates who will be appointed as PEC members.

The positions of chairpersons and secretaries in Precinct Election Commissions are to be distributed among political parties (alliances of political parties) having a faction in the National Assembly. It means that the number of PECs chairpersons' positions will be distributed to political parties as following: Republican party of Armenia – 1100, Tsarukyan block (Prosperous Armenia Party) – 594, Yelk Alliance (Pashinyan's Civil Contract party, Bright Armenia, Hanrapetutyun Party) – 172, Armenian Revolutionary Federation – 134. Their distribution by electoral precincts is carried out electronically, through an automated "elections" system.



## Registration of Candidate's Lists

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Candidate lists are nominated by 9 political parties and 2 party alliances. While a list may include non-party members, the law does not provide a possibility for candidates to run individually in parliamentary elections. Contestants must submit a financial deposit, which is reimbursed if the list receives more than 4% of the valid votes.

More than 1400 candidates are in the race.

## Registration of Voters

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According to the Central Electoral Commission's official data, there are 2,574,916 eligible voters in the Republic of Armenia and 2010 electoral precincts throughout the country.

The official police report suggests that votes distributed in marzer and the capital city are as it follows: (1) The city of Yerevan – 847.998, (2) Ararat region – 221.655, (3) Armavir region – 233.632, (4) Aragatsotn region – 117.534, (5) Gegharkunik region – 188.045, (6) Lori region – 237.837, (7) Kotayk region – 239.847, (8) Shirak region – 229.542, (9) Syunik and Vayots Dzor regions – 151.687, (10) Tavush region – 107.139.

### *A. Voter Registry*

All citizens over the age of 18 on election day are eligible to vote, except those recognized as incapable by a court decision or imprisoned for serious crimes. Eligible voters who have attained the age of 25, have resided in and have been citizens of only Armenia for the preceding 4 years (an eligible candidate should have resided in Armenia at least 731 days within the last 4 years before the nomination), and have a command of the Armenian language (there are reasonable and objective criteria for evaluating language proficiency) may be elected as MPs.

Judges, prosecutors, military personnel, police officers, other categories of civil servants, and election commissioners may not stand as candidates.

The Armenian legislation system prescribes the passive voter registration method, and the voter lists are based on the state population register maintained by the Police Passport and Visa Department.

The police is tasked to extract and compile the voter lists for each electoral precinct. Preliminary voter lists are posted for public scrutiny at the polling stations, and on the police's and CEC's websites no later than 20 days before the early elections.

Special voter lists are prepared and submitted to the CEC by heads of prisons and pre-trial detention facilities, police and military units commanders, and heads of in-patient healthcare facilities.

Voters who expect to be away from their polling station on election day can request inclusion in a voter list according to their place of temporary stay within the country.

Diplomatic and military staff posted abroad, and their family members can vote online.

Voters can file applications with the police to correct inaccuracies in the voter lists (including those relating to other individuals) until 10 days before the election day. The PECs are provided with the final voter lists no later than three days before the elections. In case of an omission, and following a police or a court decision, a PEC may add voters to supplementary voter lists before and on the election day.

As in previous elections, the nationwide voter register is electronic. According to Electoral Code legislation, the voter register of the Republic of Armenia is to be a document maintained on a permanent basis which is generated as per electoral districts and communities. Citizens of the Republic of Armenia included in the state population register, registered in any community of the Republic of Armenia and entitled with the right to vote are to be included in the voter register.

As in previous elections, and to combat potential impersonation and double voting in the precincts, voters at PSs will be identified through the use of Voter Authentication Device (VAD), which contains an electronic copy of the voter list. VADs are not connected to the Internet.

### ***B. System of Electronic Identification of Voters***

As during the previous elections, the nationwide voter register is electronic. Voter lists are to be generated based on the addresses of the voters place of registration. The voter register is to be a document maintained on a permanent basis which is generated as per electoral districts and communities. Citizens of the Republic of Armenia included in the state population register, registered in any community and having the right to vote are to be included in the voter register.

The voter lists shall be drawn up by the authorized body in an electronic format as well, through special software. The electronic lists shall – in the format and the manner prescribed by the CEC – be downloaded beforehand in the VAD.

Two days prior to the election day, the chairperson of a PEC shall post a copy of the voter list, including the supplementary list of persons undergoing inpatient treatment at the polling station,

in a place visible to everyone. These lists shall remain posted at the polling station until the 7th day following the voting.

Moreover, following the practice which was settled for the 2017 parliamentary elections, the CEC plans to equip more than 70 percent of polling stations with web cameras.

With the aim to combat potential impersonation and double voting at polling stations, the voters will be identified through the use of VADs, which contain an electronic copy of the voter lists. In addition, voter lists disclosing data on those who voted will be published for public scrutiny, following the election day.

Most ENEMO EOM interlocutors expressed confidence in the integrity of election infrastructure and assessed positively efforts made on all levels of administration to mitigate cyber security risks and conduct post-election audits.

## Electoral Campaign and Campaign Finance

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The official campaign of the Early Elections to the National Parliament of Armenia started on November 26<sup>th</sup> and will last only 12 days, which is approximately 2 times shorter than the usual campaigning period for the National Assembly elections. At the same time, the national Electoral Code does not entail any restrictions or prohibitions on campaigning prior to the official campaign period. Many parties actively used this omission in the law, having started to place their campaign banners before the start of the official campaign.

The campaign itself is quite intense due to the tight deadlines. Many of our party interlocutors note that they do not have enough time to prepare for elections and present their programs to the voters.

According to Article 21 of the Electoral Code of Armenia, the parties participating in the elections have no restrictions on the distribution of printed and other campaign materials. Printed campaign materials should contain information about the customer, printing and circulation, while the Code on Administrative Offences of Armenia foresees specific measures and fines for those who do not adhere to these regulations.

Parties and candidates should be provided with space for posters and places for meeting with voters in equal conditions. CEC published information on allocating free places for posting campaign posters and list of places for meeting with voters in a timely manner. Campaign materials can also be placed on private buildings and vehicles with the consent of the owner. Campaigning involving usage of state and public buildings is prohibited.

A political party running in elections is entitled to use respectively no more than 60 to 120 minutes of airtime on public television and radio free of charge, and in addition respectively 120 to 180 minutes of paid airtime. Although the Electoral Code does not prescribe a mandatory requirement for organizing debates among candidates, such debates are held on public TV.

Something new for the campaign in Armenia was a 10 hour long march of Prime Minister Nikol Pashinyan through the streets of Yerevan on November 24<sup>th</sup>, organized two days before the official campaign started. Pashinyan organized such marches during the events which shaped the Velvet Revolution. Members of the Cabinet and deputies of the “My Step” Alliance took part in the march. The demonstrators chanted slogans in support of Pashinyan and his party, and also waved the flags of “My Step” Alliance. At the same time, Pashinyan himself declared that the march was not an agitation event and that he simply missed ordinary people.

Campaign activities in the regions are performed mainly in a peaceful manner. ENEMO LTOs reported that campaign activities in their areas of responsibility have been quiet and without any significant problems or incidents until now. Political parties have similar campaigning plans: rallies, campaigning in the villages, meetings with the citizens, printed materials, campaign vehicles, hanging posters and banners, advertisement via social media. Most parties started their campaigns by presenting their candidates in the regions, however they all plan to arrange larger rallies in the capital city of Yerevan, at the end of the campaign period. The main and most common topics of all the competing parties across the regions are: local infrastructure, roads, transportation, employment, as well as water supply.

At the same time ENEMO draws attention to numerous cases of hate-speech use and black PR during and prior to the official election campaign.

Pashinyan himself repeatedly spoke rather harshly about his political opponents, thereby provoking a wave of hate speech directed against them. In one of his speeches, Nikol Pashinyan said that he would personally “throw out of the offices and smear on the asphalt those community mayors who would support the Republican Party using illegal methods, like they did in previous years”.

We urge candidates and parties to refrain from using hate-speech and any form of discrimination in their rhetoric, which directly contradicts the article 10 of the European Convention on Human Rights.

Political parties running in elections provided CEC with financial reports on their incomes relating to one year-period preceding the date when the documents for respective registrations were submitted. According to these reports, 6 out of 11 contestants have been funded from the state budget for passing 3% threshold in the previous elections. Republican Party of Armenia received more than all other parties together - AMD 84,394,800. Five other parties have been

given the following amounts: Prosperous Armenia – AMD 46,974,900, Armenian Revolutionary Federation - AMD 11,287,900, Civil Contract (“My Step” Alliance) - AMD 4,857,100, Bright Armenia - AMD 4,257,000 and Hanrapetutyun (“We” Alliance) - AMD 4,257,000.

Political parties have placed an electoral deposit of AMD 10 million to the account of CEC. The amount of the electoral deposit should be returned in case the political party receives more than 5% of ballot papers with affirmative vote cast for all parties.<sup>2</sup>

Political parties running in the elections are entitled with the right to spend an amount not exceeding the AMD 500 000-fold of the minimum salary (i.e. AMD 500 million) for the purposes of their campaigns. Contributions may be received from candidates, parties as well as voters.

Contributions made by legal entities and foreign or anonymous sources are prohibited. All registered candidates opened bank accounts for campaign transactions, as prescribed by the Electoral Code.

The CEC’s Oversight and Audit Service (OAS) is responsible for checking campaign finance. Candidates should submit 2 finance reports to OAS – the first one, 4 days before the E-day, and the second report, 4 days after the E-day.

## Woman Representation

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According to the official data contained in CEC’s reports on registered lists of the competing political forces, and with regard to the women representation in this election process, the findings are listed in table.

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<sup>2</sup> Art 25 of the Electoral Code of Armenia  
ENEMO Election Observation Mission  
Armenia, Parliamentary Elections, 9 December 2018  
Interim Report (12 – 30 November 2018)

Candidate list	# Candidates on the list	# Female candidates	% Female candidates
National Progress Party	83	43	52%
Citizen's Decision Social Democratic Party	81	35	43%
Country of Law Party	131	50	38%
Sasna Tsrer	174	64	37%
Republican Party of Armenia	125	45	36%
PAP	176	56	32%
Bright Armenia	156	44	28%
Cristian Democrats	85	23	27%
My Step" Alliance	182	48	26%
ARF	152	39	26%
Menq	134	34	25%

The National Progress Party has 43 women out of the 83 listed persons (52 %), followed by the Citizen's Decision Social Democratic Party with 35 female representatives on a 81-person list (43%). The Country of Law Party is placed third with 50 out of 131-person list being women (38%) while Sasna Tsrer and the Republican Party of Armenia secured respectively 37% (64 out of 174) and 30% (45 out of 125) female quota. Bright Armenia and Menq have respectively 28 (44 out of 156) and 25% (34 out of 134) female quota, while "My Step" Alliance (48 out of 182 ) and ARF (39 out of 152) are even with a total of 26% of women on their lists.

The RPA, Bright Armenia and Christian Democratic Rebirth are the only parties having women as second candidates on their party lists. "My Step" Alliance places a woman representative at number 3 on their list.

## Complaints and Appeals

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The CEC makes efforts to increase the level of trust in electoral institutions, to a degree which permits an effective resolution of electoral disputes. It should be observed that cases may not under any circumstances be referred to the court ex officio: a case must be brought by an applicant. The Central Electoral Commission is responsible for deciding on all election-relating complaints and appeals, except for those that fall under the jurisdiction of the court. Under the Electoral Code, decisions, actions and inactions of election commissions can be appealed to the

superior commission, while complaints against the CEC fall within the jurisdiction of the Administrative Court. Compared to the previous – rather formal and sometime politicized – practice of CEC’s management of appeal and complaints, in this electoral cycle the CEC’s work (due to political milieu changes) can be assessed as rather oriented to settling electoral disputes and most of all enhancing the exercise of the voter’s rights.

Complaints regarding inaccuracies in the voter lists can be filed to the police, the decision of which can be further appealed to a district court. All election-related complaints can also be submitted to the courts, but parallel handling of complaints at election commissions and courts is prohibited by the Electoral Code.

Complaints may only be filed by voters, media representatives, and observers with respect to violations of their individual rights and by proxies or commission members with respect to violations of their rights and those of other parties, candidates and stakeholders.

Contestants, candidates, proxies (if they were present during the vote count) and members of the PEC in question may challenge precinct voting results at the TEC and further appeal TEC decisions to the Administrative Court. Only a contestant can appeal the final election results to the Constitutional Court, which, then, has 15 days to decide on it.

CEC also provides further clarifications on the electoral legislation. For instance, Union of Informed Citizens applied to the CEC for clarification of the law, since Article 61.2. of the EC suggests that “ballot papers, ballot envelopes, self-adhesive labels and seals shall be stored in a fire-resistant safe located in the PS. The procedure for storing election-related documents, technical equipment and other supplies shall be established by the CEC”, while in elections, with 11 political parties participating, only the number of ballot papers in each PS with around 2000 voters might reach 22000, making it physically impossible to fit all the ballot papers and envelopes in a standard fire-resistant safe. The CEC included this topic in the agenda of the session which was held on November 29<sup>th</sup>, agreed that this might raise issues, and clarified that since ballot papers and envelopes without self-adhesive labels and going through the whole circle of voting cannot be regarded as documents of strict accountability. It will be reasonable to keep all seals and self-adhesive stamps in a fire-resistant safe, while ballot papers and envelopes which do not fit in the safe can be put in the voting room, together with VADs.

## Media

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### *A. Traditional media*

Despite significant changes which have characterized the socio-political environment in the recent period, the miscellaneous media landscape in Armenia remains largely marked by a

severe lack of transparency, effective regulation and access to information. This state of affairs creates indispensable premises for promotion of specific political and ideological affiliations and agendas, which narrows the space for autonomous maneuvers and objective reporting, as well as for breaking free from the vicious circle of politically dominated reality of this sector.

Even though the social media represent the main campaigning platform in this electoral cycle, the traditional sources of information managed to preserve their vivid role in shaping public opinion especially in rural areas of Armenia due to lack of access to internet.

According to the findings of ENEMO LTO teams, some TV channels have intention of organizing debates with the candidates participating in parliamentary elections.

On December 5th the National Public Broadcast will host all the eleven political subjects for a debate.

In Gegharkunik, Kyavar TV makes an effort to include all 11 parties in the program through 10 debates on different topics and has already conducted four structured interviews with individual candidates which have been published on their website, social media and broadcasted on their TV channel. The LTO team which was deployed to Kapan reported that their interlocutors from “Zangezur TV” informed them that while the TV outlet has no intention to organize debates (given the bad previous experience), it will advertise campaigns of different political parties and will broadcast Voter Educational clips from the CEC. As for Kentron TV, owned by Gagik Tsarukyan, it has been noticed that it is most actively engaged in campaigning for its candidate. In addition, Anna Hakobyan, current prime minister’s wife is still the editor-in-chief of the Armenian Times newspaper.

As for the Public Radio's electoral campaign-related platform, it has been noticed that 3 electoral contestants, namely the Republican Party of Armenia, “My Step” Alliance and Sansa Tsrer have been given more space for advertisement due to limited material provided by other contestants and their intentional underrepresentation on this outlet’s advertising platform.

With regard to the Public Radio's compliance with the provisions and methodology – established by the National Commission on TV and Radio's (NCTR) – concerning the campaign-related airtime and advertisement, it has been assessed that, so far, this outlet operated in accordance with the prescribed framework and in a transparent manner.

### ***B. Social Media and Cyber Security***

In addition to traditional media and in-person campaigning, the use of social media for the purposes of electoral campaigns continues to increase, whether as a way to communicate directly with voters or as a platform for targeted advertisements. Given the increasing number of social media users and expansion of the social media’s influence, political parties, candidates and



activists rely more on social networks for disseminating their ideas, programs and opinions. Out of many different social platforms that are available, there has been registered a growing number of individuals who seek to receive and disseminate information via Facebook. The latter social network has also become one of the most large-scale platforms for election activity, greatly influencing the electoral environment and largely determining the voters' behavior.

Many ENEMO EOM interlocutors have expressed concerns in regard to the online dissemination of fake news (via online news agencies, namely: 168.zam and analitik.am) concerning campaigns and its effects on the current electoral process. They have also voiced concerns regarding transparency of online advertising. At the moment there are no legislative initiatives to enhance disclosure of online advertisements.

On the other hand, security focus should be expanded from traditional abusive behavior (such as account hacking, malware, spam and leaks) to include more subtle and insidious forms of misuse, including attempts to manipulate political discourse and deceive citizens. Taking into account lack of online media outlets' regulations and with regard to the conduct of electoral campaign, some information operators – through the adept use of social media – may attempt to distort public discourse, recruit supporters, or affect social and political outcomes.

## Observers

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The Election Code contains provisions relating to election process observation both by local and international organizations as well as representatives of election contestants.

In Armenia, the civil society is largely able to operate freely. Several civil society representatives declared that they plan to conduct a comprehensive election observation, focusing on potential abuse of state resources and media monitoring, as well as deploying large number of short-term observers for the E-day.

Meanwhile the legal framework for international observers can be assessed as complicated due to procedure requirements aimed at regulating the invitation of EOMs. The final list of observers awaiting accreditation should be submitted to the CEC no later than 15 days before the E-day which causes additional issues for EOMs.

Eight international observation missions were accredited by the CEC for Early Parliamentary Elections: OSCE/ODIHR, ENEMO, PACE, CIS, CIS Inter-Parliamentary Assembly, OSCE Parliamentary Assembly, European Parliament and SILBA. The CEC did not publish any official data on the total number of registered international observers, and moreover, the representative of the CEC refused to provide the ENEMO mission with this information.

CEC received 22 applications for accreditation of citizen observer organizations with a total of 17,813 observers. Four organizations applied for more than one thousand observers: “Chamber of United Leaders” – 5411, Student Council of Abovyan – 5406, “Helsinki Citizens’ Assembly Vanadzor Office” – 1850, “Union of Informed Citizens” – 1805 observers.

ENEMO shares concerns over the engagement of politically biased observation missions during Parliamentary elections, whose impartiality could potentially abuse and discredit the institute of observation in general.

ENEMO urges all observers’ organizations to adhere to and comply with the Declaration of global principles for non-partisan election observation and monitoring by citizen organizations and the Code of conduct for non-partisan citizen election observers and monitors, i.e. to maintain political neutrality and act in accordance with the observation methodology settled.

ENEMO notes that the CEC and government agencies have supported and facilitated the work of the 2018 ENEMO EOM to Armenia.

## About ENEMO

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The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded on September 29, 2001 in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 18 countries of Central and Eastern Europe and Central Asia, including three European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO’s international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all of its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 27 international election observation missions to eight countries: Albania (2005 parliamentary elections), Georgia (2008 early presidential elections), Kazakhstan (2005 presidential elections), Moldova (2009 parliamentary elections, 2016 presidential elections and 2019 parliamentary elections), Kosovo (2009 municipal elections; 2010 parliamentary elections, 2013 municipal elections), Kyrgyzstan (2005 presidential elections; 2005 parliamentary elections; 2007 early parliamentary elections; 2009

presidential elections and 2010 parliamentary elections), and Ukraine (2004 presidential elections; 2006 parliamentary elections; 2006 mayoral elections in Chernihiv, Kirovograd and Poltava; 2007 parliamentary elections; 2010 presidential elections, 2012 parliamentary elections, 2013 parliamentary repeat elections in 5 districts, 2014 early presidential elections and 2014 early parliamentary elections).

*ENEMO member organizations are: Centers for Civic Initiatives - Bosnia and Herzegovina, Center for Democratic Transition – Montenegro, Center for Free Elections and Democracy – Serbia, Center for Monitoring and Research CeMI – Montenegro, Coalition for Democracy and Civil Society – Kyrgyzstan, Committee of Ukrainian Voters - Ukraine; Election Monitoring Center – Azerbaijan, GONG – Croatia, ISFED – Georgia, It's your choice – Armenia, Citizens Association MOST – Macedonia, Republican Network of Independent Monitors – Kazakhstan, Golos – Russia, , ObcianskeOko – Slovakia, Belarusian Helsinki Committee - Belarus, Society for Democratic Culture – Albania, Promo LEX – Moldova, KRIIK Albania Association, Foundation for Support of Civic Initiatives – Kazakhstan; Kosovo Democratic Institute – Kosovo, Transparency International Center TIAC - Armenia.*

**The English version of this report is the only official document. An unofficial translation is available in Armenian.**

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