



ENEMO Election Observation Mission

Parliamentary Elections - Armenia 2018

Statement of Preliminary Findings and Conclusions

Yerevan, 10 December 2018

Early parliamentary elections were held in a peaceful environment and in line with most international standards and national legislation. Voters had variety of candidates on their disposal who were able to campaign freely. Electoral day was generally orderly with occasional breaches of the established procedure by a number of PEC members, mainly due to lack of information about certain procedures. The Central Election Commission (CEC) worked in a timely and efficient manner. However, unfinished electoral reform as well as lack of education of the voters leaves space for concern.

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 9th 2018, European Network of Election Monitoring Organizations (ENEMO) deployed an Election Observation Mission (EOM) to Armenia on November 12th.

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 deployed 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 preliminary report is based on the ENEMO observers' findings from the field, where they focused on the work of election administration bodies, the conduct of election participants, the overall conduct of elections during Election day in terms of opening, voting, counting and the transferring of election materials, election-related complaints and appeals and other election related activities.

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Kingdom of the Netherlands

Preliminary conclusions

Lack of comprehensive and inclusive electoral reform which would include introduction of mechanisms for providing integrity in decision making process of Central Electoral Commission represents a risk for next elections. Current electoral administration performance is fully depending on political will of the central state authority.

The CEC's performance during the campaign period and on the Election Day was assessed as efficient and transparent.

According to the assessment of the PECs' performance, made by ENEMO observers, there are still some points which need further improvements, especially referring to the counting procedures. The average vote of PECs performance in the fields of opening, voting and counting procedures respectively are the following 3.7, 3.6 and 3.4.

As for TECs' performance and material transferring, ENEMO evaluated it as good with the voting of 3.5.

This evaluations suggest that while the electoral commissions perform their duties with competence, there is a necessity for further education of its members.

ENEMO EOM observed that there was a high level of women representation at PECs.

According to the reports made by ENEMO LTO and STO teams, the low levels of voter education on election procedures and processes remains one of the lingering issues which needs to be addressed with major attention through campaigns organized by the CEC, NGOs and other relevant institutions.

The mobile (home) voting procedure is restricted and is available only for those who are staying in medical institutions on the Election Day. Moreover, ENEMO acknowledges that this type of voting entails some privacy issues and could potentially be used to influence and pressure the voters.

ENEMO notes that the use of video observation system is an important asset which can ensure both increase of public trust in and transparency of the electoral procedure. However, there are some technical issues which need to be addressed more carefully such as: the improvement of Internet connection and broadcasting quality; placement and number of cameras covering the PS; inclusion of the audio stream would provide better observation of the electoral processes and better understanding of specific situations.

ENEMO EOM has not received any major complaints regarding the accuracy of voters' list. The voters had a chance to request changes to the voters' list till November 29, and according to this update there were 3.333 less voters registered for this election. The current number is 2.573.779 while before elections it was 2.577.112.

The low turnout of the voters implies an imperative need of both assessing and enhancing accuracy of the voter registry as well as conducting campaigns aimed at improving voters' education and participation.

The VAD system has significantly contributed to the increase of public trust in electoral processes, but several technical aspects still need to be improved and addressed properly.

The election campaign has been assessed as low intensity, free and without major restrictions. The use of hate speech and focusing on mutual accusation between candidates rather than discussing political agendas and programs – were some of the most distinguishing of this campaigning process.

Background

Early Parliamentary Elections were held on 9th December 2018. Early elections were caused by Prime Minister Pashinyan's resignation from the office on October 16th. Following Prime Minister's resignation and failed attempt to form new Government the parliament was disbanded and the President of Armenia, Armen Sarkissian, called the early parliamentary elections. Voters were called to elect a minimum of 101 MPs.

Previously to early parliamentary elections, 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).

Parliament has not succeeded to adopt new electoral law. The electoral bill, narrowly defeated by a single vote¹, 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.

Legal Framework and Electoral System

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

¹The 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).

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 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 2nd 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 *marzes*. 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 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

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

A. Central Electoral Commission (CEC)

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 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.

CEC performance during the reported period as effective and efficient. ENEMO criticized decision of CEC not to provide ENEMO EOM with the number of international observers per organization, same as they did for domestic ones. After ENEMO reaction CEC decided to publish those data.

B. Territorial Electoral Commission (TEC)

The TECs were last formed in 2016. The TECs are 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.

C. Precinct Electoral Commission (PEC)

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

There 11 candidate list for seats in the Parliament. From that number 9 are nominated by political parties and by 2 party alliances. Individual candidacies are not allowed. Contestants must submit a financial deposit, which is reimbursed if the list receives more than 4% of the valid votes. There were 1444 candidates in the race.

Judges, prosecutors, military personnel, police officers, other categories of civil servants, and election commissioners may not stand as candidates. The eligible candidate should have attained the age of 25 and have resided in Armenia at least 731 days within the last 4 years before the nomination. In addition, a candidate must have a command which shall be certified by a graduation document issued by the relevant educational institutions (on having received education in the Armenian language institutions or having completed studies of the Armenian language). In case a candidate lacks the graduation, document certifying the command of the Armenian language, it shall be tested as prescribed by the regulations of the Ministry of Education and Science.

Registration of Voters

According to the Central Electoral Commission's official data, there are 2 577 112 eligible voters in the Republic of Armenia and 2010 electoral precincts throughout the country.

The voters had a chance to request changes to the voters' list till November 29, and according to this update there were 3.333 less voters registered for this election. The current number is 2.573.779 while before elections it was 2.577.112.

There were 12.549 who requested to be enlisted in different PS, 6000 of which are members of the commissions.

Police checked – on their own initiative – if there were deceased people who were not registered in their database and found out that a number of 2762 people needed to be removed from the list. The CEC initiated an information campaign which was aimed to influence citizens to check proactively the inconsistencies in the list. The system allows an automatic reflection relating to the changes of the citizen's status in the voting list. In addition, in case a citizen registers in another PS, he/she is being automatically removed from initial list

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. Eligible voters who have attained the age of 25, have resided in and have been citizens of only Armenia for the preceding 4 years as well as have a command of the Armenian language (there are reasonable and objective criteria for evaluating language proficiency) may be elected as MPs.²

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.

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.

² The evaluation of the language command follows the same pattern prescribed for the candidate registration.

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 were 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 voter's 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.

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.

Moreover, following the practice which was settled for the 2017 parliamentary elections, the CEC plans to equip 1502 polling stations which represents 74.7% percent of total number of polling stations.

VADs have been reported to work properly at 94.8% of the observed polling stations. Reports have indicated that the most frequent problems with VADs work have been the following: VADs could not authorize identification documents of voters (1.3% of PS); Some voters could not be found on VADs (1.6% of PS); There were some technical issues with VAD's work (1.3%); There were issues with printing voting passes (2.3%).

Electoral Campaign and Campaign Finance

The official campaign for the Early Elections to the National Assembly of Armenia started on November 26th and lasted only 12 days. This campaign period was approximately two times shorter compared to the usual practice. Many of our interlocutors from different political parties noted that they did not have enough time to prepare for elections and present properly their programs to the voters. Nevertheless, since the Electoral Code did not explicitly entail any restrictions or prohibitions on campaigning prior to the official campaign period, some parties actively used this omission in the law and started to place their campaign banners before the start of the official campaign.

The election campaign was organized in the context of post-revolutionary euphoria, which mainly determined its character. The main focus during the campaign was not put on discussion of the agenda of political reforms or the programs of the parties, but rather on mutual accusations between representatives of the old and new authorities.

The campaign has been assessed by ENEMO LTOs as low intensity and extremely smooth. Majority of candidates used mostly personal meetings with voters while some others conducted door-to-door campaign and car rallies, during which they distributed leaflets and fliers with party programs as well as their biographies and messages. Beside these campaign methods, the candidates largely used social networks for the purposes of their campaigns.

Candidates were able to campaign freely and without restrictions. Parties and candidates were 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.

All political parties which took part in the election run running were respectively entitled with 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. Debates among candidates were held on public TV.

The Electoral Code regulates in detail the expenditure of candidates for advertising on television, radio and print media. Moreover, expenses related to the online campaigning (online media outlets and social networks) are not, in fact, not regulated at all by the relevant legal framework. Many parties and candidates took advantage of this. Parties used Facebook, most actively, as online campaigning platform, and the latter social network was “flooded” with paid political advertising. In addition, advertisements relating to a number of candidates appeared on social networks even during the “day of silence” and the election day.

LTO team from Tavush region reported that only Sipan Pashinyan's ("My Step" Alliance) posters were torn down on a daily basis, but would be replaced in less than 24 hours. His team obtained both email and residential addresses of their targeted voting population in Tavush and "personally" reached them through post and email. ENEMO voices concerns on how did Pashinyan's team obtain the voters' personal information (emails and addresses).

The Yerevan LTO team noted that in most places it has visited, the campaign posters were not posted in accordance with the regulations prescribed by the Electoral Code.

LTO team from Shirak reported that the Governor of the region, who is also a candidate of the "My Step" Alliance, Mr. Karen Sarukhanyan had his headquarter stationed in the public building, located in Amasia village. When LTOs asked the Governor about that situation, he informed LTOs that the building was a private property and the owner rented it to him free of charge. In the same building there is a library and the Governor stressed that it was a private property. Given his contradictory rhetoric, the LTO assistant checked the information and confirmed that the library was a public property.

The Prime Minister's 10-hour long march through the streets of Yerevan on November 24th – organized two days before the official campaign started, and similar to those organized during the Velvet Revolution – most certainly represented something new in the purview of campaign logic in Armenia. Members of the Cabinet and deputies of the "My Step" Alliance took part in the march while their followers chanted slogans in support and waved the flags of this political force. Moreover, Pashinyan himself declared that the march was not an agitation event and that he simply missed ordinary people.

Media reported an act of violence, which took place in Yerevan on December 6th, during which Mesrop Papikyan, candidate of the "My Step" Alliance, and Sevak Mlqonyan, from "We" Alliance physically attacked each other.

Another concerning fact is that a number of candidates from the Republican Party were summoned to testify before the National Security Service (SNB) in connection with statements they made during the election campaign.

ENEMO interlocutors noticed that the use of hate speech as one of the most common features of this electoral campaign, and its use was largely motivated by the previous socio-political and economic context which permitted accumulation of different kinds of pressure, poverty, fears and finally hate. But they noted as well that a distinction should be made between the organized and centralized hate speech and the one which is being created as a reaction to the people's intolerance.

Woman Representation

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.

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.

Complaints and Appeals

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.

The Police reported on having considered 144 alerts (36 in Yerevan, 108 in regions). Out of the total number, 58 were alleged violations and 86 cases are still awaiting a verification. A number of 7 out of 58 violations were submitted to the territorial divisions of the Military Police, 1 to the General Prosecutor's Office, 1 to the Ararat Marz Investigation Department of the RA Police, and the other 49 cases were examined by the police divisions.

The alleged violations included the following: giving or receiving bribes (3), impeding the free exercise of the citizen's electoral right (18), impeding the exercise of the PEC, candidate or his / her proxy, observer rights (2), attempts to vote more than once or instead of another person (34) (mainly due to technical problems with the authentication device); violation of the secrecy of voting (1).

The General Prosecutor Office reported on having considered 252 reports: 97 were identified during the media monitoring and records made by voters in social media, 69 – voters' applications, 86 – from Police.

Out of total 252 cases: 144 cases were or contained general information, 108 cases – subjects to investigate: 82 refers to voting more than once or instead of another person attempts, 3 to impede the exercise of the powers of a proxy, 5 hindering the free exercise of the electoral right, 2 hindering the voter's free will, 10 violation of the secrecy of voting, 3 giving election bribes. Of this 252 cases, 144 cases contained general information and were dropped; 108 cases were subjects to investigate; 82 referred to the attempts to vote more than once or instead of another person; 3 cases of impeding the exercise of the powers of a proxy; 5 - hindering the free exercise of the electoral right, 2 - hindering the voter's free will, 10 - violation of the secrecy of voting, 3 - giving election bribes.

Media

A. Traditional media

Prior to the Velvet Revolution, the auto-censorship was deliberately chosen by the journalists who wanted to avoid reporting on certain, politically delicate reports. On the other side, as a contradicting phenomenon and by taking advantage of the existing media reality, some outlets, keen on presenting rumors as facts, managed to flourish. In order to counter these kinds of misuse of the sources of public information, Armenian media outlets need to: on one hand, adapt to technical innovations), and, on the other, counter social problems by raising political awareness and provoking the popular response.

In the post-revolutionary era, media outlets have been asserted as certainly more free, but still rather confused due to two conflicting realities: the period preceding the Velvet revolution (political influence and constant fear of repercussions) and post-revolutionary period (many outlets perceived the Revolution as their own victory and the acting government seems to be more caring about media-related freedoms). In this regards, many interlocutors voiced concerns about the Public TV which is perceived as politically biased due to previous practice of supporting the Government and the ruling party. Moreover, it is a rather common opinion that this practice will not change despite the fact that the acting government and potentially the one elected on 9 December does not require it.

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.

In Gegharkunik, Kyavar TV made an effort to include all 11 parties in the program through 10 debates on different topics and has 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 “Zangezour TV” informed them that while the TV outlet had no intention of organizing debates (given the bad previous experience), it would advertise campaigns of different political parties and broadcast Voter Educational clips from the CEC. As for Kentron TV, owned by Gagik Tsarukyan, ENEMO observers have perceived it as a rather active campaigning platform its candidate. In addition, Anna Hakobyan, current prime minister’s wife is still the editor-in-chief of the Armenian Times newspaper. Our interlocutors for the latter newspaper confirmed their dedication and readiness to preserve objectivity and neutrality no matter the obvious links to the acting Prime Minister.

The relevant legislative framework prohibits representatives of the political parties to own media outlets, but many have found an alternative way and do it via their family members or cousins. An emblematic example in this regard is the “Pan Armenian Media Group” (comprising both media and advertising outlets), which is owned by the former prime minister’s son in law. Even though the Group declared its reporting and operations as impartial and neutral, it seems rather impossible to exclude the probability of manipulation and unmotivated attacks towards the acting Government.

In opinion of some ENEMO interlocutors there are, however, examples of good practices and some key figures in information centres with nationwide coverage and importance, are leaving aside their personal political affiliations and orientations in the name of transparency and neutrality.

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 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. But this social network, as it seems was not only used for campaigning but as an informative and educational platform. The title "Today is the E-day" entailed two options: the first one referring to the information on whether the user of the account voted and the second one relating to elections which transfers the user on the CEC's webpage.

Many ENEMO EOM interlocutors have expressed concerns in regard to the online dissemination of fabricated pieces of information (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 and restrictions 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.

Election Day

During the Election day on 09th December, ENEMO deployed 4 Long Term observers and 50 Short Term observers that monitored the opening of 30 PECs, voting in over 310 PECs and closing of 30 PECs. Also, through video observation ENEMO's video observers followed procedure in 283 PECs.

A. Opening

Opening procedures have been monitored by 29 STO teams, deployed in eight (8) regions/marzes. Overall 30 polling stations were covered, including prison stationed in the Lory region.

According to the reported data by STO teams, 96.7% of monitored polling stations were open on time (8am), while 3.3% were opened with a delay of less than 15 minutes. Most of the opening procedures were running in accordance with the protocol. Precinct set-up has been assessed as acceptable, information on voting procedure and liability for violations have been posted at all monitored polling stations. Some minor irregularities have been reported, but none of them affected the opening procedures. Minor technical issues with VAD have been reported from 3.3% of monitored polling stations and 3.3% of polling stations have been dealing with crowds.

PEC generally conducted the opening in order and according to the procedures, as reported by all STO teams. The work of precinct election commission has been graded with an average grade of 3.7, on a scale from 1 (very bad) to 4 (very good). 3.3% of PECs were evaluated as bad, comparing to 73.3% of PEC that have been evaluated as very good while 23.3% of PEC that have been evaluated as good.

6.6% of PECs have been encountering complaints. At 3.3% of polling stations, PEC encountered the interference by present observers (namely Journalist Asprez Club NGO).

B. Voting

During the E-day, STO teams observed voting procedures at 310 polling stations (15.4%), across 10 regions/marzes. There were no variations in numbers of total PEC members and present PEC members.

The precinct set-up has been evaluated as acceptable at 98.1% of monitored polling stations, while 1.9% of precinct were reported to have unacceptable set ups, mostly due to the number of voting booths and their position that reportedly violated the privacy of the voters and obstructed the observation.

At all monitored polling stations were posted the posters containing information on voting procedure and liability for violations, and 42.9% of the visited polling stations had visibly posted national list of political parties.

Web cameras were not installed at 14.2% of polling stations visited by ENEMO STOs, comparing to 85.8% polling stations which had web cameras installed. The voting process was broadcasted live stream at 48.1% of visited polling stations.

Ballot boxes have not been sealed properly, as reported from 1.0% of polling stations.

Secrecy of voting has been respected at 95.5% of polling stations.

At 1.3% of monitored polling stations, voters could not vote in secrecy due to an inappropriate setup off booths, while at 0.6% of polling stations voters could not vote in secrecy due to the overcrowded PS. Reports from 5.5% of polling stations indicate a number of cases of more than one person entering the voting booth. Family voting cases have been reported from 1.6% of monitored pooling stations.

83.2% of monitored polling stations have functioned properly. 15.2% of polling stations have been indicated as crowded, but PEC managed it well. 1.6% of polling stations have been disorganized, overcrowded and made impossible to monitor. PEC lost control over PS 0.3%.

Campaign posters were placed in the immediate vicinity of 9.0% of PS.

According to the reports, 3.5% of PEC(s) have received complaints and most of them have not affected the voting procedures.

The presence of unauthorized persons inside the polling stations has been reported from 5.8% of monitored polling stations.

Work of PEC has been evaluated as satisfying, with an average grade of 3.62 on a scale from 1 (very bad) to 4 (very good). More than half of monitored PEC (64.5%) have been evaluated as very good; 33.2% as good; 1.9% as bad and 0.3 as very bad.

C. Counting

Counting procedures have started on time at most (86.2%) of the observed polling stations. Delays in starting counting procedures have occurred at 13.8% of observed polling stations due to the cut in electrical power and minor disagreements and low organization of present observers. According to reported data, 17.5% of PECs somewhat deviated from the counting procedures, but without damaging legitimacy of process.

Proxies from parties and candidates have been present during the counting at 96.6% of observed polling stations. Domestic observers have been present at more than half of monitored polling stations (65.5%) while international observers have been present at 20.7% of observed polling stations. Accredited media representatives have attended counting process at 17.2% of observed polling stations. At 6.9% of polling stations there were no other observers during the counting. Presence of police has been reported from 10.3% of observed polling stations.

As reported by all observers, counting process was transparent and observers had unrestricted view. There were minor or unfounded complaints, as reported from 10.3% of polling stations. Precinct electoral commissions have been evaluated with an average grade of 3.45, on a scale from 1 (very bad) to 4 (very good). At 48.3% of observed polling stations PEC work has been assessed as very good.

According to reported data, all of observed transport to TEC was made in an orderly manner by required composition of PEC members. 3.4% of observed TEC has been reported as disorganized and confusing.

There were some minor, not substantial complaints at 3.4% of observed TEC activity.

As prescribed by the legal framework and relevant procedures, some corrections have been made to PEC protocols, as reported from 65.5% of observed TEC activity. There was one case of TEC ordering recounting of votes, as observed by 3.4% of observing teams. Work of TEC has been evaluated with an average grade of 3.55, on a scale from 1 (very bad) to 4 (very good). Majority of observing teams have evaluated TEC’s work as very good (58.6%).

D. Video observation

The video broadcasting of the PSs was organized for the second time in the history of Armenia. It happened for the first time during the 2017 Parliamentary elections. Out of 2010 PSs, 1502 were equipped with cameras, which is ¾ of the total quantity of precincts. It should be mentioned, that broadcasting was available beforehand and that let to learn the system and create methodology for evaluating the broadcasting.

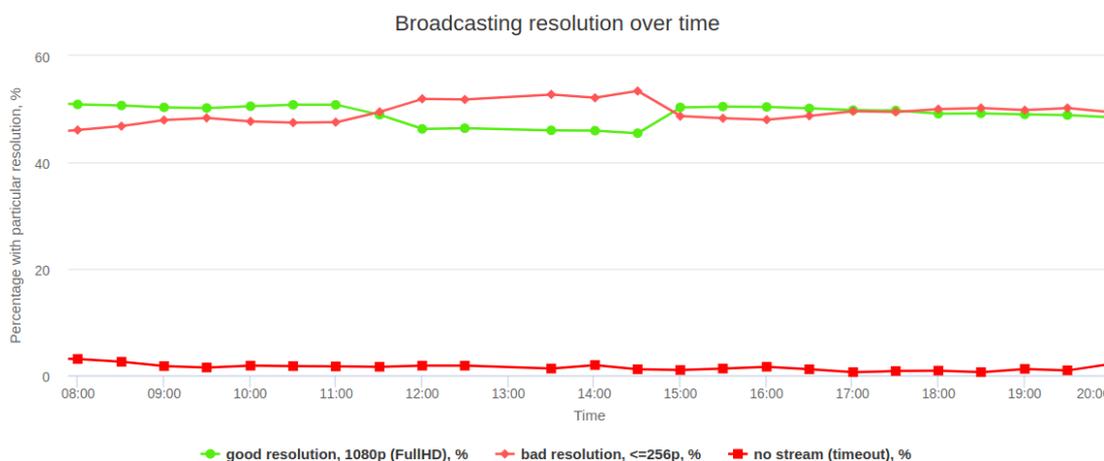
For the first time in the international observer’s mission history, ENEMO EOM in Armenia has made a complex research referring to the video broadcasting quality and the evaluation of the electoral procedures on the Election day with the help of cameras.

The methodology, which let us analyze the main characteristics of broadcasting, was developed by the group of experienced ENEMO video observers. Experts have evaluated technical characteristics of the broadcasting and visualization assessment of the main elements of the electoral procedure as well as assessment of the registered violations.

Additionally, the experts analyze the availability and the resolution of the broadcasting from every of 1502 PSs in real time.

Video stream resolutions

The resolution check is performed for each of 1502 video streams every 30 minutes.



At the very beginning of the elections 44 cameras (2,9%) were not available while at the closing this number was 10 (0,66%). ENEMO has registered that 20 cameras switched off due to power outage in Spitak city during the first 30 minutes after the end of the elections.

Approximately half of the PSs had a high quality video broadcasting (1080p) from 8 a.m. to 8 p.m. on the Election day. The other half of the PSs had low quality (256p or less), which largely

limited the possibility of conducting a proper video observation. We registered broadcasting lag of a few minutes in most of the observed cases.

Experts checked 289 cameras, which were picked randomly. This figure represents 19,24 % of total PSs number.

The absence of broadcasting was registered in case of 6 PSs (2,1%) and they were excluded from the further analysis. Thus 283 streams were evaluated. 11 streams (3,9%) were blurred or out of focus. At 8 PSs (2, 8%) there was no sufficient illumination.

There were no timestamps in 149 observed cases (56,7%), which made it hard to detect the observing time period, especially when the broadcasting lagged. Without timestamps it is also very complicated to use recorded broadcasting as clear evidence.

The broadcasting of the Election day from most of the PSs was conducted permanently without serious interruptions. At the same time broadcasting quality of many streams was not sufficient for the wide evaluation of procedures at the PS.

In many cases the position of the cameras on the PSs did not let us to see the key elements and the electoral procedure. Observers could not observe VADs at 129 PSs (45,5%), ballots handing out at 91 precincts (31,8%), voting booths at 78 PSs (27,5%) as well as voting boxes at 103 precincts (36,4%). The observation was hindered by the presence of some outlying, disturbing objects, overcrowded stations and dead zones.

Besides technical problems and low quality of broadcasting, the experts evaluated PECs work as highly qualified. Ballots handing out were organized without violations according to the video streams. In some cases, however, the observers reported that it was impossible to evaluate the process given the impossibility of proper observation due to some of the previously mentioned reasons. Secrecy of voting could be interrupted on 33 stations (11,6%). We registered, that PECs orderly conducted all 283 cases. A number of 10 polling stations were overcrowded at the time of evaluation, but this fact did not have major impact and influence on the procedure.

At the PS 2/11, the time code clearly did not correspond to reality. Video observers witnessed separate episodes of problems with functioning of VAD at the PS 32/33 and adjustments to the viewing angle of the surveillance camera at the PS 20/11.

Video observers found a mistake referring to the displayed PS number: PSs 32/33 and 32/35 were mixed up.

Rare cases of obscure behavior were also noted, in particular, regarding the activity of police officers in some PSs. The lack of sound made it impossible to understand the nature and causes of the incidents.

Observers

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

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.

A. International Observers

Eight international observation missions were accredited by the CEC for Early Parliamentary Elections: OSCE/ODIHR (246), CIS (84), ENEMO (72), OSCE Parliamentary Assembly (50), SILBA (29), CIS Inter-Parliamentary Assembly (23), PACE (13) and European Parliament (11).

B. Domestic Observers

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.

International observers have been present at 27.7% of monitored by ENEMO polling stations. More than half of polling stations (51.6%) have been monitored by domestic observers. 82.9% of polling stations were observed by proxies from parties and candidates. 18.7% were hosting accredited media.

About ENEMO

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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