

INTERIM REPORT
12-25 November 2018

28 November 2018

I. EXECUTIVE SUMMARY

- On 1 November, the President announced early parliamentary elections to be held on 9 December. These elections are a result of a tactical resignation by the Prime Minister on 16 October, aimed at dissolving the parliament, following a political agreement to hold early elections.
- The legal framework for parliamentary elections was last amended in May 2018. Amendments to the electoral code and pertinent legislation enhanced measures to prevent abuse of state resources, lifted restrictions on representatives of the media and set greater sanctions and penalties for electoral offenses. On 17 October, the government submitted draft amendments aimed at changing the electoral system to a purely proportional one and other significant adjustments but ultimately did not receive a required three-fifths' majority in the parliament.
- A minimum of 101 MPs are elected through a two-tier proportional system, with candidates elected from a closed, ordered national list and 13 open district lists. In case no majority can be formed within six days of official results, a second round is held between the top two candidate lists 28 days after election day. Four seats are reserved for candidates coming from the largest national minorities.
- Elections are administered by the Central Election Commission (CEC), 38 Territorial Election Commissions (TECs) and 2,010 Precinct Election Commissions (PECs). The CEC is holding regular sessions and reaching decisions collegially and unanimously. No concerns were raised so far about the confidence in the CEC and TECs. All four parliamentary parties and alliance submitted nominations for PEC members by 21 November and the PEC trainings are underway.
- The voter register is passive and based on the population register. Preliminary lists have been posted for public scrutiny with a total of 2,577,112 registered voters. By law, after elections, the CEC will scan and publish all signed voter lists and post them on its website. A number of ODIHR Election Observation Mission (EOM) interlocutors expressed concerns about privacy of citizens' data.
- The CEC registered candidate lists of nine political parties and two party alliances. All contestants met the 25 per cent gender quota. No concerns were raised about the candidate registration process.
- The campaign officially starts on 26 November but early campaigning is not prohibited. Party interlocutors expressed confidence to the ODIHR EOM about the possibility to campaign freely, but some raised concerns about potential abuse of state resources, vote-buying and pressure on voters, especially in rural areas. Majority of ODIHR EOM interlocutors voiced concerns about intolerant and inflammatory rhetoric, particularly online.
- All contestants opened dedicated campaign bank accounts. Some organizational expenditures such as for office space do not need to be paid from campaign funds. Contributions may be received from voters, candidates and political parties, but are not allowed from foreign or anonymous sources. The CEC's Oversight and Audit Service is charged with the campaign finance oversight.

- The media are diverse but many outlets are perceived as politically affiliated, including the public television. In addition to the broadcast media, social networks are significant platforms for political information. Some ODIHR EOM interlocutors noted improvements but characterized the public discourse as not conducive to criticism of the acting government, particularly the prime minister.
- Complaints may only be filed by voters, media representatives, and observers with respect to violations of their own rights, and by party proxies and commission members with respect to violations of their rights and those of other stakeholders. Thus far, no complaints have been received by the election administration or the courts.
- The law provides for international and citizen observers and party proxies at polling stations. By the 24 November deadline, the CEC received 22 requests for accreditation of civil society organizations.

II. INTRODUCTION

Following an invitation by the President of Republic of Armenia to observe the 9 December 2018 early parliamentary elections and based on the recommendation of the Needs Assessment Mission conducted from 23 to 25 October, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 12 November.¹ The EOM, headed by Ambassador Urszula Gacek, consists of 13 experts based in Yerevan and 24 long-term observers who were deployed throughout the country on 18 November. Mission members are drawn from 20 OSCE participating States. For election day, ODIHR requested participating States to second 250 short-term observers to observe election day procedures.

III. BACKGROUND AND POLITICAL CONTEXT

Following constitutional changes in 2015, Armenia transitioned from a semi-presidential to a parliamentary republic with legislative powers vested in a unicameral parliament (National Assembly). Executive power is exercised by a prime minister elected by a majority of votes in the parliament. The last parliamentary elections took place on 2 April 2017 and resulted in four political parties and alliances entering parliament. Following the elections, a government was formed by a coalition between the Republican Party of Armenia (RPA) with 58 seats and the Armenian Revolutionary Federation (ARF) with 7 seats, while the Tsarukyan Alliance (31 seats) and Way Out Alliance “YELK” (9 seats) comprised the opposition. Women are underrepresented in public office, holding 19 per cent of seats in the last convocation of the parliament, 1 of the 21 acting ministerial posts, and none of the 10 governor positions.²

Anti-government protests in April 2018, which organizers described as a non-violent ‘velvet revolution’, resulted in the resignation of Prime Minister Serzh Sargsyan. In a second attempt, on 8 May, the parliament elected opposition leader Nikol Pashinyan as the new prime minister. Prime Minister Pashinyan formed a government that engaged in a series of reforms and committed itself to holding new parliamentary elections within one year, as envisaged in the new government programme approved by the parliament.³

On 1 November, the President announced early elections to be held on 9 December. These elections are the result of a tactical resignation by Prime Minister Pashinyan on 16 October aimed at dissolving the

¹ See previous [ODIHR reports on Armenia](#).

² See the UN Committee on the Discrimination against Women [“Concluding Observations on Armenia”](#) (18 November 2016), CEDAW/C/ARM/CO/5-6, paragraph 21.

³ The [Government Programme](#) is available in the Armenian language.

parliament. A majority of members of parliament (MPs) agreed, in advance, not to elect a new prime minister so as to allow early elections.⁴

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the Constitution and the Electoral Code last amended in relation to parliamentary elections in May 2018. The legal framework encompasses a number of other laws, including the Law on Political Parties, Law on Freedom of Assembly, Criminal Code and Administrative Code, as well as decisions of the Central Election Commission (CEC).

The May 2018 amendments to the Electoral Code and other pertinent legislation introduced additional measures to prevent abuse of state resources, lifted restrictions on accreditation of media representatives, and introduced possibilities for the CEC to pilot the use of new voting technologies. In addition, greater sanctions and penalties were set for electoral offences, and criminal liability was introduced for forcing an individual to conduct political campaign, for facilitation of vote-buying and for charity organised for the purpose of influencing voters.

On 17 October, the government submitted to the parliament draft amendments to the Electoral Code in an attempt to introduce significant changes to the electoral system and other aspects of elections, including removal of open district lists and a switch to a purely proportional system with a 30 per cent gender quota and lower thresholds for seat allocation.⁵ The proposed amendments did not enjoy consensus among all parliamentary parties and ultimately failed to receive the required three-fifths majority in the parliament in a final vote held three days before the announcement of early elections.⁶

The Electoral Code prescribes that a minimum of 101 MPs be elected through a two-tier proportional system, with candidates elected from a single national list and 13 open district lists. The ballot paper includes both the closed national list and relevant district list in which a voter can mark a preference to one district candidate. District candidates must also be included in the national list.

To qualify for the distribution of seats, political parties must pass a threshold of five per cent (seven per cent for alliances). Seats are first distributed among contestants according to the number of votes received nationwide. Then, half of the seats are distributed to the national list according to the order of candidates and half to the district candidates according to the number of preferential votes received.

The system provides for a total of up to four reserved seats, one for each of the four largest national minorities according to the most recent census (currently Yezidis, Russians, Assyrians and Kurds). Each party or alliance is permitted to include a sub-part on the national list, with a candidate from each of the minorities. If a political party or alliance contesting the elections does not have a minority candidate, the seat passes to the party with the next largest number of votes that does have a minority candidate.

In line with the Constitution, a stable parliamentary majority (defined as 54 per cent of seats) is needed to form a government. Should the winning list or coalition obtain a simple majority but less than 54 per cent of seats, it will be assigned additional seats in order to obtain the required stable majority.⁷ If a stable majority is not achieved as a result of the elections, or by forming a political coalition within six

⁴ According to the law, the parliament is dissolved after a second failed attempt to elect a prime minister.

⁵ In addition, the proposed amendments included measures to improve access of persons with disabilities, new rules for political advertisements, and mandatory televised debates for candidates.

⁶ The parliament voted down the draft amendments on 22 October (56 votes for and 3 against) and on 29 October (62 votes for and 2 against). The amendments to the Electoral Code require a minimum of 63 votes in support.

⁷ Should the winning contestant receive more than two-thirds of the total seats, smaller parties or alliances that won seats will be assigned additional seats to reach a one-third minority.

days after the finalization of results, a second round is held between the top two candidate lists 28 days after election day.⁸

V. ELECTION ADMINISTRATION

Elections are administered by a three-tier system comprising the CEC, 38 Territorial Election Commissions (TECs) and 2,010 Precinct Election Commissions (PECs). The CEC is a permanent and professional body composed of seven members elected for a six-year term by a parliamentary vote of at least three-fifths of all MPs. All four male and three female CEC members were re-appointed in October 2016. The CEC is responsible for the overall conduct of elections and has extensive powers and responsibilities.⁹

The CEC has been regularly holding open sessions, streamed online and attended by observers, media, and party proxies. At the six sessions that the ODIHR EOM observed, the decisions were reached collegially and unanimously. Decisions are published on the CEC website in a timely manner. Thus far, no concerns have been raised by the electoral contestants or civil society about the performance or impartiality of the CEC.

The CEC raised concerns to the ODIHR EOM observers over the shortened period of time associated with early elections, especially as it affects preparation of Voter Authentication Devices (VADs) used for voter identification on election day and the nomination and training of the PEC members. The CEC has thus far complied with all legal deadlines.

The CEC has produced voter education materials about election day procedures, including with sign language, which have been broadcast on public media since 19 November. Nonetheless, the ODIHR EOM has not yet observed any other voter education activities in regions. As in previous elections, the CEC plans to equip the 1,500 largest polling stations with web cameras so that election day procedures can be recorded and observed by anyone over the Internet.¹⁰

The TECs were last formed in 2016 and are permanent professional bodies composed of seven members appointed by the CEC for a six-year term. At least two TEC members should be of a less represented gender.¹¹ The TECs supervise PEC activities, handle complaints against them, organize recounts, and tabulate and transfer the results to the CEC. The TECs with which the ODIHR EOM met appear to be experienced and enjoying the confidence of the contestants.

All four parliamentary parties and alliances submitted nominations to the CEC for PEC membership by the legal deadline of 21 November. The positions of PEC chairperson and secretary were distributed proportionally according to their parliamentary representation four days ahead of the legal deadline, in order to allow parties more time for finding suitable candidates. Training of PEC members organized by the CEC and supported by international community is underway.

⁸ These contestants can form new alliances, which may include other parties that ran in the first round.

⁹ Including issuing decisions, registering candidate lists, training lower level commissioners, accrediting international and domestic observers and media representatives, and monitoring campaign finance.

¹⁰ The Electoral Code provides for coverage of all polling stations with web cameras. According to the CEC, the coverage remains limited due to technical constraints.

¹¹ Women make up 32 per cent of all TEC members; 2 women are TEC chairpersons and 11 are TEC secretaries.

VI. VOTER REGISTRATION

All citizens over the age of 18 on election day are eligible to vote, except those declared incapacitated by a court decision or imprisoned for serious crimes.¹² Voter registration is passive, based on the state population register maintained by the Passport and Visa Department (PVD) of the Police.

There are 2,577,112 voters registered in the preliminary voter lists, which were posted at polling stations for public scrutiny by 19 November. The same day, the PVD published the entire voter register on its website, as required by law.¹³ Voters can request corrections, inclusions and deletions until 29 November.¹⁴ Final voter lists should be published by 6 December.¹⁵ In addition, as required by the Electoral Code, after election day, the CEC will publish scanned copies of the signed voter lists from all PECs on its website, as a deterrent to fraud. While ODIHR EOM interlocutors so far have not raised concerns regarding the accuracy of voter lists, some expressed concerns about privacy of citizens' data.

Special voter lists are prepared for prisons and pre-trial detention centres, police and military units, and in-patient healthcare facilities. Diplomatic and military staff posted abroad and their family members may register to vote via Internet, and in total 729 such voters applied to the CEC by the deadline of 17 November.

As in previous elections, and to combat potential impersonation, voters at polling stations will be identified through the use of VADs that contain an electronic copy of the relevant voter list. The CEC has been training VAD operators since 19 November.

VII. CANDIDATE NOMINATION AND REGISTRATION

Eligible voters who have attained the age of 25, have resided in and been citizens of only Armenia for the preceding four years, and have a command of the Armenian language may be elected. Judges, prosecutors, military personnel, police officers, other categories of civil servants and election commissioners may not stand as candidates. The law does not provide a possibility for candidates to stand individually.

By 19 November, the CEC registered all nine political parties and two alliances that had submitted candidacies.¹⁶ The CEC published the candidate lists online within the deadline.

Contestants had to submit a financial deposit that is returned if the list receives more than four per cent of valid votes.¹⁷ Only the Bright Armenia, My Step Alliance, Rule of Law and Prosperous Armenia registered lists of national minority candidates. All contestants met the 25 per cent gender representation threshold prescribed by the law (whereby at least one in every group of four candidates must be of the less represented gender). ODIHR EOM interlocutors did not express concerns with the candidate registration process.

¹² According to civil society representatives, court hearings on legal capacity are not conducted with due care and scrutiny. According to the Passport and Visa Department of the Police, there is no formal mechanism by which people declared incapacitated by a court are removed from the voter lists.

¹³ Published information includes voters' names, dates of birth and home addresses, listed by polling stations.

¹⁴ Voters can also request to re-register to vote according to temporary residence, by the same deadline.

¹⁵ PECs may add a voter to supplementary voter lists before and during the election day, in case the voter presents a decision by the PVD or a court.

¹⁶ Political parties registered are: ARF, Bright Armenia, Christian-Democratic Revival, Citizen's Decision, National Progress, Prosperous Armenia, RPA, Rule of Law, *Sasna Tsrer* Pan-Armenian Party. Registered alliances are: My Step Alliance and WE Alliance.

¹⁷ The deposit is AMD 10 million (some EUR 18,180; EUR 1 is approximately AMD 550 (Armenian *Dram*)).

VIII. CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

The campaign officially starts on 26 November and will finish at midnight on 7 December. Campaigning before this period is neither prohibited nor regulated by law. In early November, political parties and alliances began announcing in media who would be heading their national lists and prospective candidates began outlining their programme priorities. Contestants also reached out to potential voters largely through Facebook and began producing and disseminating campaign leaflets.¹⁸

Some contestants have indicated that, starting over the weekend of 23-24 November, their candidates will begin “journeys” or “walks” from towns in the regions that will culminate in Yerevan for the kick-off of their campaigns. Campaign billboards began appearing in Yerevan on 23 November.

During the official campaign, contestants are provided with equal access to public resources, space for posters and billboards, and premises for meeting voters. The CEC posted in a timely manner the list of halls and other premises that are provided by local authorities to contestants free of charge, as well as information about available billboards provided by advertisers.

Party interlocutors expressed confidence to the ODIHR EOM that they will be able to campaign freely, but some raised concerns about potential abuse of state resources, vote-buying, and pressure on voters, especially in rural areas.¹⁹ Majority of ODIHR EOM interlocutors voiced concerns about ongoing disinformation and intolerant and inflammatory rhetoric, particularly online.

Campaigning by government officials while performing their official duties is prohibited. Several political parties claimed in the media and to the ODIHR EOM that a 19 November event when the acting Prime Minister visited construction sites and attended a town celebration in the Gegharkunik region was an abuse of administrative resources.²⁰

The CEC confirmed that all contestants opened dedicated bank accounts for all campaign-related transactions by 23 November. Contributions may be received from voters, funds of candidates and parties.²¹ Contributions from legal entities and foreign or anonymous sources are not allowed. The law limits campaign expenses to AMD 500 million per contestant. The CEC’s Oversight and Audit Service (OAS) is in charge of campaign finance oversight. The OAS noted to the ODIHR EOM that its lack of staff may present an obstacle to the effective conduct of oversight activities.²²

Contestants may be fined and deregistered in case of excessive expenditure.²³ The OAS provided guidelines and met with contestants to discuss campaign finance rules. ODIHR EOM interlocutors are generally content with campaign finance regulations and indicated significant reliance on in-kind campaign contributions.

For early elections, contestants are required to submit two financial reports to the OAS – one on 5 December and another after election day, by 13 December. The OAS must publish the reports online within three days of receipt. As required by law, the Central Bank of Armenia submitted detailed

¹⁸ Leaflets may not be anonymous and should include information on the printing house and print run. ODIHR EOM interlocutors noted that this has been generally observed so far.

¹⁹ Some ODIHR EOM interlocutors alleged that ‘compensation for campaign workers’ could be used as a form of vote-buying.

²⁰ Mr. Pashinyan [responded](#) that the visit was part of his regular work and usual contact with citizens and local officials.

²¹ Respectively, up to AMD 500,000, AMD 5 million, and AMD 100 million.

²² In addition to three permanent staff, the parliamentary factions nominated four auditors to the OAS for these elections.

²³ By law, deregistration shall be applied by court if expenditures exceed the prescribed cap by 20 per cent, after the contestant paid a fine.

statements of contributions and expenditures of all campaign funds to the OAS on 23 November.²⁴ The OAS published summaries of these reports the same day.²⁵ It is not required to pay the organizational expenditures for leasing and equipping campaign offices, transportation and communication costs from campaign funds and they are thus not publicly reported.

IX. MEDIA

The media are diverse and include 103 television channels (including 8 with nationwide coverage), 24 radio stations, some 40 print publications. In addition, there are more than 200 online news portals.²⁶ Television remains the most important source of political information, especially outside the capital. The role of online media and social networks is growing rapidly. Facebook, in particular, has become a significant platform for political information and debate. Freedom of expression is guaranteed by the Constitution. Defamation was decriminalized in 2010, and a 2011 Constitutional Court decision encouraged the use of non-pecuniary measures, such as public apology and refutation.

The advertising market is limited, and only a few media are self-sustainable.²⁷ ODIHR EOM interlocutors indicated that many private outlets, including some major TV stations, are financed by businesses close to different political groups, and thus are perceived as strongly associated with political parties. The public TV, financed by the state budget, continues to be perceived as having a pro-government editorial policy. While several ODIHR EOM interlocutors noted improvements in media pluralism since the April 2018 events, some stated that public discourse is not conducive to criticism towards the acting government and, in particular, the acting Prime Minister.

On 20 November, the CEC conducted a lottery and allocated 30 minutes of free prime time on public TV *HI* and 60 minutes on public radio to each contestant.²⁸ Parties and alliances also have the right to purchase time for political advertising on public and private media, under equal conditions.

The Electoral Code stipulates that news programmes aired by both public and private broadcasters shall provide “impartial and non-judgmental information” on contestants’ campaigns. The Commission for Television and Radio (CTR) is tasked to oversee the implementation of media-related provisions during the campaign. Starting from 26 November, the CTR will start its own media monitoring and will issue one report during the campaign and one after election day.²⁹

On 19 November, the ODIHR EOM commenced its media monitoring with quantitative and qualitative analysis of five TV channels, three print and three online media outlets.³⁰

²⁴ By law, the Central Bank should provide the OAS with updates on campaign contributions and expenditures every three working days. The OAS is obliged to publish summarized data within two days of receipt.

²⁵ According to the OAS, by 22 November, the RPA received AMD 7 million in contributions, while all other contestants did not receive any funds on their campaign accounts.

²⁶ The numbers on print and online media are reported by the [IREX Media Sustainability Index 2018 – Armenia](#).

²⁷ On 6 October, the owner of nationwide TV channel H2 was detained under investigation of alleged involvement in bribery. His personal accounts used for financing the channel were frozen, allegedly endangering TV’s operation.

²⁸ The free airtime will be provided from 19:30 on public TV and from 13:30 and 19:45 on public radio. The evening radio bloc was initially scheduled at 21:15 and was eventually changed due to concerns that such timing is less attractive for the listeners, as raised by several contestants during the lottery.

²⁹ CTR’s monitoring will focus on allocation of free and paid airtime, and quantitative analysis of the newscasts and other programmes of eight broadcasters on a daily rotational basis, without assessing the tone.

³⁰ The monitoring is conducted daily from 18:00 until 24:00 in the case of *HI* (public TV), Armenia TV, *Kentron TV*, *Shant TV*, and *Yerkir Media* (private TV channels). Politics-relevant articles of the daily newspapers *Hayastani Hayrapetutyun* (state-funded), *Aravot* and *Haykakan Zhamanak* (private), as well as of the online media sources www.aztutyun.am, www.news.am and www.lin.am, are also monitored.

X. COMPLAINTS AND APPEALS

Decisions, actions, and inactions of an election commission can be appealed to the superior commission, while complaints against the CEC are under the jurisdiction of the Administrative Court. Complaints regarding inaccuracies in the voter lists can be filed with the PVD whose decision can be further appealed to a first instance court.³¹ All election-related complaints can also be filed with courts. However, if the complaint is also submitted to an election commission, the commission should not consider it.

Complaints may only be filed by voters, media representatives, and observers with respect to violations of their individual rights, and by party proxies and 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 has 15 days to decide on it. To date, the CEC and TECs have not received any complaints. The Administrative court received and rejected as unfounded one complaint against a PVD decision not to issue a citizenship certificate to a prospective candidate. The Prosecutor General has set up a working group to deal with election-related offences but reported no violations to date.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

The legal framework provides for both international and citizen observation. By law, citizen observer organisations are required to adopt an internal code of conduct for their observers and to hold their own trainings. The May 2018 amendments to the Electoral Code removed the limitation on the number of journalists a media outlet may accredit to observe the polls. By the deadline of 24 November, the CEC received 22 applications for accreditation of citizen observer organisations with a total of some 17,800 observers. Transparency International Anti-Corruption Center deployed long-term observers and is planning to deploy significant number of observers around election day.

XII. ODIHR EOM ACTIVITIES

The ODIHR EOM commenced its work in Yerevan on 12 November. The Head of Mission met with the President, Acting Minister of Foreign Affairs, the CEC Chairperson, the CTR, representatives of political parties and the resident international community. The ODIHR EOM has also established contacts with political parties, the media, civil society organizations, law enforcement bodies, and other electoral stakeholders. The OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament have announced that they will deploy observer delegations for Election Day observation. The OSCE Chairperson-in-Office has appointed Peter Osuský of Slovakia as Special Co-ordinator to lead the short-term OSCE observer mission for these elections.

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

³¹ According to the PVD, no official complaints were submitted so far in relation to the accuracy of the voter lists.