

***Ensuring free and fair election campaign  
in the Republic of Armenia***

In the social and political life of any country elections are considered to be the most important event. Holding elections in compliance with international standards comes to speak about the stability of the country, its domestic political situation, its position on the world scene and - what is most significant - it indicates the degree of state democracy.

In newly independent states which still don't have long-recognized democratic traditions the role of elections is inestimable while developing civil society and fostering civic engagement. Accordingly, the conduct of elections should be aimed at applying one major principle, that is to be of service to voters, in other words- to create necessary conditions for securing voters' active participation in the voting process and ensuring free expression of their will.

Within a year the Republic of Armenia has had 3 events of national significance, i.e. regular elections to the National Assembly and elections to the local self-government bodies both held in 2012, as well as Presidential elections of 2013.

Bearing in mind the responsibility and the level of accountability towards the public in terms of holding those elections in line with international standards, Armenian authorities and the Central Electoral Commission in particular took up a

wide scale of necessary preparatory activities which are divided into three main groups:

1. Trainings for poll workers; within a year more than 40.000 PEC members underwent trainings and refresher courses which overwhelmingly conducted to the engagement of competent, knowledgeable and well-prepared poll workers in the organization of the voting process thus resulting in more effective election administration.
2. Technical modernization of election commissions, implementation of new voting technologies (the implementation of e-voting system providing diplomatic servants with the opportunity to vote via internet), the streamlined operation of “Elections” automated system and modernization of the internal computer network of the Central Electoral Commission. With the help of this efficient system linking Central and Territorial Electoral Commissions, voting results are received and publicized expeditiously by precincts in “real-time” regime on election day. In fact, the Central Electoral Commission, mass media representatives and the public get the information simultaneously.

In the efforts to ensure publicity and transparency of elections and, as a result, raising public awareness and establishing public confidence towards the whole electoral process, undoubtedly, access to information plays a pivotal role. Thus, during the last parliamentary and presidential elections the Central Electoral Commission with the technical support of the OSCE Yerevan Office and IFES/Armenia initiated on-line broadcasting of its sessions making the electoral process more transparent and open to public knowledge and scrutiny, further maintaining trust towards elections. A huge number of educational materials, guidebooks have been published for commission members, observers, proxies. The Central Electoral Commission launched voter education spots on television

aimed at having engaged and informed citizens with high level of awareness of electoral issues. All these endeavors were also acknowledged by the OSCE/ODIHR election observation mission.

But the confidence towards the electoral process is *inter alia* achieved when general respect for fundamental human rights, particularly the right of citizens to freely take part in the governing of their country is secured. This right is guaranteed by the Universal Declaration of Human Rights, the OSCE 1990 Copenhagen Document and a number of other internationally recognized documents. In this light let me refer to the OSCE/ODIHR election observation mission report of 2013 presidential elections of Armenia, ***“The election campaign was characterized by general respect for fundamental freedoms and contestants were able to campaign without hindrance.”*** It goes without saying that the legal framework in its turn should be brought to conformity with European electoral heritage to ensure the aforementioned respect for fundamental freedoms.

3. Here we come to the third group of reforms that were made in Armenia, i.e. the election legislation amendments based on the OSCE/ODIHR and Venice Commission recommendations.

Let me touch upon election legislation novelties pertaining particularly to the use of administrative recourses during election campaign; this issue was substantially addressed by Armenian authorities while amending the electoral law. Specifically, the ODIHR EOM previously noted that in order to reduce the potential emergence of unequal campaign conditions, legislation should clarify under what conditions State and local self-government officials may legitimately be involved in a candidate’s campaign. Toward this end, in the main principles of election campaign it was stipulated that state government bodies and local self-government bodies, as

well as state and municipal servants, and the pedagogical staff of educational institutions during the performance of their duties, members of the Constitutional Court, judges, prosecutors, officers serving in the Police, the National Security Service, and penitentiary institutions, military servicemen, as well as members of electoral commissions are prohibited from conducting campaign activities and disseminating any campaign materials.

A wide range of restrictions was enacted for candidates holding political, discretionary, or civil positions, as well as candidates that are state or municipal servants. Accordingly, those candidates who hold political, discretionary, or civil positions, as well as candidates that are state or municipal servants shall conduct the election campaigns subject *to the following restrictions*: it is prohibited to make direct or indirect statement urging to vote for or against a candidate or political party during one's performance of official duties; to use for election campaign purposes areas, transportation and communication means, or material and human resources provided for the performance of official responsibilities.

The coverage of the activities of these candidates via mass media, except for cases prescribed by the Constitution, for official visits and receptions, as well as activities carried out by them during natural disasters is also prohibited. Where other activities of candidates who fall under this category are covered, then the mass media performing terrestrial broadcasting shall consider it when covering the activities of other candidates in order to comply with the non-discrimination principle of equal coverage.

Another provision aimed at prohibiting the use of administrative recourses is the ban of locating election campaign offices of candidates in buildings occupied by state government bodies and local self-government bodies (except for cases where

election campaign offices occupy an area not belonging to such bodies), or in buildings in which electoral commissions are functioning.

The new Electoral Code of Armenia more specifically regulates the procedure of using campaign posters and print campaign materials during the campaign period. Thus, it is prohibited to post campaign posters on buildings occupied by state government bodies or local self-government bodies, on or inside public catering or trading facilities and on or inside public transportation means, irrespective of the form of ownership. This amendment is based on the OSCE/ODIHR another recommendation to prohibit the displaying of campaign materials on any public property, except in specially designated areas.

The new Electoral Code further stipulates that community leaders should designate spaces for posting campaign posters which are provided free of charge to all the candidates by safeguarding equal conditions.

During the election campaign period free campaigning conditions are also safeguarded by state government and local self-government bodies by means of providing free halls and other premises for meetings with voters, and other election-related events. Moreover, the list of all those halls and premises is posted on the website of the Central Electoral Commission for candidates' information.

For the purpose of clear separation between the State and political parties the new Electoral Code obliges the candidates for the President of the Republic, with the exception of those holding political positions, to be exempted from the performance of their work duties, from the time of their registration as candidates till the summarization of the election results, i.e. to take a formal leave of absence. Candidates for the President of the Republic of Armenia do not have the right to

use their official position for gaining an advantage during the campaign period. Same restrictions are in place when it comes to candidates for a deputy to the National Assembly, i.e. employees of state government and local self-government bodies are temporarily exempted from the performance of their work duties from the time of being registered as a candidate for a National Assembly deputy until the end of the election campaign, with the exception of persons holding political positions. For those holding political positions the restrictions mentioned above are applied.

The activities of all those advertising companies that own or manage outdoor advertising billboards is also specifically regulated; these companies should ensure equal, non-discriminatory and impartial conditions for candidates making those billboards for placing campaign posters available to all candidates on equal terms. Companies submit to the Central Electoral Commission the information on the number, surface area, location and the rental fees for billboards provided during the election campaign period. The Central Electoral Commission then posts such information on its website for informing candidates, who, in their turn, may apply to the Central Electoral Commission for the purpose of placing campaign posters on particular billboards they want to and get the requested area.

As you can clearly see, the electoral legislation of Armenia and the public policy as well provide a comprehensive and sound basis for clear separation of state and political parties during the campaign period thus conducting to the conduct of political campaign in a fair and free atmosphere where candidates have all the opportunities to freely present their views and platforms and for the voters to express their will without any hindrance. The vivid proof of the aforementioned is the assessment of the presidential elections of February 18, 2013 by the OSCE/ODIHR EOM, "... elections were generally well-administered and were

characterized by a respect for fundamental freedoms. Contestants were able to campaign freely. Media fulfilled their legal obligation to provide balanced coverage... The electoral legal framework is comprehensive and conducive overall to the conduct of democratic elections...Election commissions administered the election in a professional, transparent manner...Various measures undertaken by the authorities contributed to the improved quality of the voter lists...The election campaign was characterized by general respect for fundamental freedoms and contestants were able to campaign without hindrance...”

Thank you!