

Consolidating Democratic Transition in Armenia

The transitional government, formed as a result of the Velvet Revolution in spring 2018, declared its priority of “holding early parliamentary elections that will be truly free, fair, transparent, democratic” within one year and with an improved legal framework and a full proportional system without the district lists. For the purposes of making amendments to the electoral legislation, the Republic of Armenia (RA) Electoral Legislation Reform Commission adjunct to the RA Prime Minister was established on 19 June 2018 by the decision of the Prime Minister. The bill prepared in consultation with all relevant stakeholders proposed amendments to 70 articles of the current code. The Draft Electoral Code was put to a vote in the National Assembly on October 22 and 29 2018 but did not receive enough votes to be adopted. Early parliamentary elections on 9 December 2018 were organized and held based on the Electoral Code adopted in 2016 and amended in May 2018.

December 9 early parliamentary elections in Armenia were held with due regard for fundamental freedoms and enjoyed broad public trust that needs to be preserved through further electoral reforms. Open political debate, including in the media, contributed to a vibrant campaign. The peaceful revolution, in conjunction with the political will of the current authorities, enabled the holding of democratic elections although cases of online hate speech and provocative rhetoric caused concern.

The PACE noted that it has observed every election in Armenia since 1995 and, despite the complex electoral system and reported instances of intimidation via social media, the electoral irregularities which tainted many elections in the past were absent. At the same time, the PACE expressed its willingness to closely cooperate with the Venice Commission and representatives of the Republic of Armenia to launch legal reforms to consolidate the democratic process in the country. The OSCE ODIHR, which cooperated with the OSCE PA, the PACE and the delegations of the European Parliament during the observation mission, reaffirmed the assessments in its preliminary findings and conclusions and in the PACE Report, and also expressed a willingness to assist the authorities in improving the electoral process and implementing the recommendations given in the reports.

The OSCE/ODIHR priority recommendations referred to “consolidating trust in the integrity of the electoral process by eradicating electoral gaps and ambiguities in the electoral legislation, guaranteeing the protection of voters’ private data, promotion of women’s political participation, improvement of accounting and reporting of all campaign-related expenditures, promoting editorial independence of media, and enhancing Precinct Election Commission (PEC) trainings.¹

In March 2019, the Parliamentary factions started a dialogue on the priorities of the electoral reforms and established a timeline that included changes to the Law on Political Parties, electoral system for local government, Constitutional Amendments, and larger amendments to the Electoral Code focusing on the Parliamentary elections. Fully approving and supporting the pace and process of these changes, HCA Vanadzor expects the following key changes to be reflected in the amendments:

Amendments to the Law on Political Parties

- Ease the provisions for forming and registration of political parties by removing the requirement to have regional offices and lowering the minimum number of founding members
- Prohibit donations from legal persons, including through paid services provided by the political party
- Allow donations from non-citizen residents for local elections to facilitate their involvement in local elections
- Ensure full financial accountability of political parties through allowing only non-cash transactions and delegating the task to the new anti-corruption body (to be formed on the basis of the Ethics Commission of High-ranking Officials), including the oversight of campaign finances and declarations from the members of governing bodies
- Increase public funding for political parties including for those receiving a minimum of 2% votes in local proportional elections and provide additional funding for parties ensuring higher participation of women

¹ Early parliamentary elections in the Republic of Armenia, 9 December 2018: ODIHR Election Observation Mission, Final Report, <https://res.elections.am/images/doc/OSCE09.12.18.pdf>

- Introduce measures to increase inclusiveness and representativeness of political parties via such measures as quotas for registration and governing bodies, and mandatory policies adopted by the parties to ensure and facilitate meaningful participation of women, people with disabilities, and minorities as candidates, leaders, and regular members of the party
- Introduce gradual sanctions as opposed to the current provision of suspending the activity of the political party immediately upon not submitting an annual report
- Allow for the Ombudsman to file a suspension request to the Constitutional Court in case of continued rhetoric and propaganda of violence and gross human rights violations by a political party.

Amendments to the Electoral Code with regards to local government

- Increase the number of communities electing the local councils through the proportional system
- Eliminate the bonus system allowing parties receiving over 40% of the votes to get additional mandates to reach simple majority of 50+%
- Increase gender representation quotas to have a minimum of 40% of each sex in candidate lists and within a faction
- Ease the requirements for calling local referenda and expand the issues eligible for them
- Lower the threshold for local elections
- Allow for coalitions on the local level

Amendments to the Constitution with regards to elections

- Eliminate the requirement for stable political majority and restrictions on coalitions (specified further in the Electoral Code)
- Eliminate the possibility of the second round of elections and prolong the time for forming coalitions instead
- Ensure universal suffrage by removing the provisions for recognizing a person legal incapable and depriving them of the right to vote. Introduce supported decision making mechanisms

Amendments to the Electoral Code with regards to the Parliament

- Remove district lists and introduce a full proportional system of elections
- Lower the threshold for entering the Parliament
- Eliminate the limit on the number of political parties to form a coalition
- Eliminate the bonus system allowing parties receiving over 50% of the votes to get additional mandates to reach stable majority of 54%
- Increase gender representation quotas to have a minimum of 40% of each sex in candidate lists and within a faction
- Ensure continues training for territorial and precinct electoral commissions
- Ensure full accessibility of all polling stations and electoral materials for persons with disabilities
- Clean up voter lists by allowing only those with valid identification documents to be allowed to vote
- Digitalize the registration of observers and other participants of the electoral processes
- Allow observer organizations to dispute electoral violations and allow for complaints to be submitted electronically
- Provide sufficient time for effective investigation and examination of complaints prior to announcing the final results
- Require full accountability for all expenditures during the campaign period by the parties and individual candidates
- Set sanctions for hate speech and disinformation, including on online platforms
- Consider simultaneous electronic tabulation of results

The EU Delegation in Armenia could be instrumental in closely following the government and providing assistance and expertise for the ongoing reforms.

The EU should encourage the Armenian government to strongly denounce the attacks against genuine civil society, including HCA Vanadzor, in light of the growing discrediting campaigns against reputable organizations and donors.