

Armenian Election Monitoring Groups protest against pushing forward constitutional reform by the presidential administration



On September 4, 2013, President Serzh Sargsyan made a unilateral decision to introduce amendments to the Constitution of the Republic of Armenia. A final version of the amendments' proposal was submitted by the Specialized Commission for Constitutional

Reforms under the President's Administration^[1] to the National Assembly on August 21, 2015. On October 5, 2015 the draft received the majority vote; hence the referendum might take place in December 2015.

The proposed amendments to the Constitution of the Republic of Armenia embrace a large volume of issues and change all but the first two articles, hence the proposal qualifies for a new constitution rather than «amendment». Most importantly, the draft introduces a change of the system of government from a semi-presidential to parliamentary one. It radically modify the system of checks and balances by reserving almost all the decision- making powers of the state to the parliament to be ruled by a stable majority of one political party. It also dilutes some critical responsibilities in areas such as defense and international affairs, and weaken the state's role in the protection of a number of human rights. During the preparation of the final draft, no public debate which would include broad spectrum of the Armenian civil society and opposition parties took place.

The referendum was pushed forward by the authorities rather quickly and aggressively. Many international standards for referendums, as set forth in Venice Commission's Code of Good Practice on Referendums (2007)^[2] are not observed. In particular, the authorities did not ensure the right to universal suffrage, equal voting rights, equality of voters' opportunity and the freedom of voters to form an opinion. It also fails to ensure reliability of electoral registers, stability of referendum law, and organization of the referendum by an impartial body, effective observation of the referendum, and effective system of appeal.^[3]

There is a strong discontent among oppositional political parties, civil society groups and legal experts on the preparation of the amendments by the Specialized Commission which acts de facto under control of the presidential administration. There are serious concerns among the Armenian civil society that the constitutional changes allow the incumbent president to stay in power after the expiration of his second and final term as a leader of the future government and that the monopoly position of the Republican Party of Armenia will be further consolidated.

We urge the Armenian authorities not to appoint the constitutional referendum without a substantial public debate. Giving the fact that all recent elections were criticized by the international and domestic election observers, we urge the authorities to implement the main recommendations of ODIHR and Armenian independent observers to ensure the integrity and transparency of the entire voting process.

We appeal to the international institutions who promote democracy and human rights not to support the constitutional referendum in Armenia in the situation of the distrust towards the authorities or stay neutral towards the antidemocratic measures of the Armenian government. Such organizations shall express their principled standing on the negative developments in the country and, in particular, shall support the Armenian civil society's claim of publishing the signed voters' lists in order to assure the Armenian public in the honesty of the referendum process and its outcomes.

We regret the role of the Venice Commission of the Council of Europe in the de facto promotion of the constitutional referendum which puts its professional reputation and impartiality into question. The Venice Commission should bear the responsibility for the consequences of its opinions and refrain from political statements supporting particular political forces.

[1] See <http://www.president.am/hy/decrees/item/947/>

[2] Venice Commission, *Code of Good Practice on Good Referendums*, available on <http://www.venice.coe.int/webforms/documents/default.aspx?pdf=CADL-AD%282007%29008-e>

[3] See reports: <http://transparency.am/en/news/view/1086> and http://hcav.am/wp-content/uploads/2015/09/EN_HCA-Vanadzor-assessment-of-constitutional-Reforms.pdf