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Freedom in the World 2019 - Armenia

Partly Free

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Key Developments:

Key Developments in 2018:

- Serzh Sargsyan, the country's president since 2008, attempted to extend his rule in April by becoming prime minister under a new parliamentary system, prompting mass demonstrations across the country that led to his swift resignation and the parliament's election of protest leader Nikol Pashinyan to replace him in May.
- Ruling with an interim cabinet of deputies from his Yelq Alliance even as Sargsyan's Republican Party of Armenia (HHK) continued to dominate the parliament, Pashinyan attempted to enact electoral reforms, combat corruption, and improve socioeconomic conditions.
- Although the interim government was unable to pass electoral reforms, Pashinyan's new My Step Alliance swept snap parliamentary elections in December, taking 70 percent of the vote. The new parliament was set to convene in early 2019.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 20 / 40 (+5)

A. ELECTORAL PROCESS: 6 / 12 (+2)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4 (+1)

In late 2015, voters approved constitutional changes that, among other things, transformed the country from a semipresidential to a parliamentary republic. The president, who had been directly elected for up to two five-year terms, would henceforth be chosen by the parliament for a single seven-year term, and most executive power would shift to the prime minister, who would also be chosen by a

parliamentary majority. The new system took full effect in April 2018, when Sargsyan completed his second consecutive presidential term. The parliament elected diplomat Armen Sarkissian as president, and although Sargsyan had pledged to refrain from extending his rule by seeking the premiership, the HHK nevertheless nominated him and ushered him into the post. The move prompted mass antigovernment protests and led to Sargsyan's resignation after less than a week in office. Pashinyan, a deputy with the opposition Yelq Alliance who emerged as the leader of the demonstrations, sought and gained appointment as interim prime minister in May.

The executive elections held prior to 2018 had been dominated by the HHK, with incumbent elites benefiting from the abuse of administrative resources and severe limitations imposed on opposition candidates. However, Pashinyan and his new My Step Alliance swept the December parliamentary elections, which were markedly freer and fairer than elections in previous years, meaning the next chief executive—now the prime minister rather than the president—would be seated in early 2019 through a much improved democratic process.

Even before the December elections, there were signs of improvement at the subnational level. For example, municipal elections were held in Yerevan in September after the incumbent HHK mayor resigned amid corruption allegations, and very few irregularities were reported compared with previous balloting. Hayk Marutyan of My Step was chosen as mayor by the newly elected city council.

Score Change: The score improved from 1 to 2 because the resignation of Serzh Sargsyan as president and prime minister cleared the way for more free and fair executive elections at both the municipal and national levels in the subsequent months.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4 (+1)

The National Assembly consists of a minimum of 101 members elected for five-year terms through a combination of national and district-based proportional representation. Up to four additional seats are reserved for ethnic minority representatives, and further seats can be added to ensure that opposition parties hold at least 30 percent of the seats.

Pashinyan announced his resignation as prime minister in October 2018 in order to trigger snap parliamentary elections in December. Preliminary reports by local and international observers noted that the elections were credible. The Organization for Security and Co-operation in Europe (OSCE) found that "the general absence of electoral malfeasance, including of vote-buying and pressure on voters, allowed for genuine competition." The My Step Alliance won 70 percent of the vote and was allotted 88 seats, including the four ethnic minority mandates. Prosperous Armenia, headed by wealthy businessman Gagik Tsarukyan, took 8 percent and 26 seats, while Bright Armenia, a small liberal party that had been part of the Yelq Alliance, took 6 percent and 18 seats. The HHK failed to cross the 5 percent threshold for representation.

Score Change: The score improved from 1 to 2 because the December 2018 parliamentary

balloting featured fewer abuses and irregularities than past national legislative elections.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Members of Central Election Commission (CEC) are recommended and then confirmed by the National Assembly for six-year terms. The CEC has generally been subservient to the HHK and shown reluctance to investigate alleged electoral violations by the party. This has resulted in a low level of public trust in the election process and the CEC. However, the commission reportedly exhibited more professional conduct for the December 2018 snap elections, making preparations on a shortened timeline, conducting voter education campaigns, and handling voter rolls, candidate registration, and publication of results in a transparent manner.

Pashinyan and other critics of the electoral code put in place by the former government have argued that its complex system for voting and seat allocation gave an undue advantage to the HHK and affiliated business magnates. Pashinyan's interim government was unable to pass electoral reforms during 2018 due to resistance from HHK and other incumbent lawmakers.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16 (+3)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (+1)

The HHK's political dominance and control of administrative resources has historically prevented a level playing field among the country's many competing parties. However, the 2018 protest movement that forced Sargsyan from office also increased pressure on the HHK to refrain from interfering in party activities, giving opposition groups significantly more freedom to operate ahead of the December national elections.

Score Change: The score improved from 2 to 3 due to a decrease in government and ruling party interference in the peaceful political activities of rival parties and movements, including preelection campaigning.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4 (+1)

The HHK had been the main ruling party since 1999, and opposition groups had little chance of winning power in the flawed elections before 2018. However, the December parliamentary elections transformed the political landscape, leaving the HHK with no representation and paving the way for the opposition My Step Alliance to select the new prime minister in early 2019. Opposition parties also defeated the HHK in elections for key municipal councils that it had long dominated, including in the capital, Yerevan. The size of the new parliamentary majority raised some concerns at year's end that the two minor parties set to serve as the opposition would not be able to provide a sufficient check on the incoming government.

Score Change: The score improved from 2 to 3 because the My Step Alliance, comprising several opposition parties, was able to gain power through elections for the national parliament and a number of municipal councils.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4 (+1)

Local and national elections in 2018 featured a decrease in practices like vote buying, voter intimidation, and abuse of administrative resources, which the HHK and allied economic elites have historically used to distort citizens' political choices. In September, the parliament adopted legislation that criminalized various acts related to vote buying.

Score Change: The score improved from 1 to 2 due to a reduction in the use of bribery and intimidation to influence the choices of voters and candidates.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

A system introduced as part of the 2015 constitutional reforms mandates the inclusion of up to four members of parliament representing ethnic minorities. However, the four representatives are required to be elected on a party list. In the December 2018 voting, My Step won all four minority seats, representing ethnic Russians, Yazidis, Assyrians, and Kurds.

No openly LGBT (lesbian, gay, bisexual, and transgender) people have ever run in elections or been appointed to a public office in Armenia. Women remain underrepresented in politics and government, and most parties do little to address women's interests aside from meeting the 25 percent gender quota on candidate lists. Despite his praise of women's role in the spring protests and promises for equality, Pashinyan named just two female ministers to his 17-member cabinet after taking office as prime minister in May. In October, the city of Ejmiatsin elected the country's first female mayor.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

The HHK dominated parliamentary decision-making throughout the year, although Pashinyan's appointment as prime minister in May created some balance between the executive and legislative branches.

So-called oligarchs, or wealthy businessmen who have close relationships with the government, can exert undue influence over policymaking. Russia has significant influence in Armenia, and its strategic priorities have prompted some significant policy

changes in the past. However, Moscow refrained from interfering with the 2018 antigovernment demonstrations or the subsequent power transfer, and Pashinyan pledged to maintain close ties with Russia.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Armenia does not have effective safeguards against corruption. The parliament in power through 2018 included some of the country's wealthiest business leaders, who continued their private entrepreneurial activities despite conflicts of interest. Relationships between politicians and other oligarchs have also historically influenced policy and contributed to selective application of the law.

After Pashinyan took office as prime minister in May, law enforcement agencies initiated a number of high-profile corruption investigations, with targets including Yerevan mayor Taron Margaryan; parliament member Manvel Grigoryan and his son, Ejmiatsin mayor Karen Grigoryan; and Sargsyan's brother and nephew. While most observers agreed that there was abundant evidence of wrongdoing, some warned that there was a thin line separating sound legal cases from politically motivated ones. HHK-allied elites showed significant resistance to these probes and seemed likely to complicate the new government's anticorruption drive.

C3. Does the government operate with openness and transparency? 2 / 4

The government's level of openness and transparency has historically been limited, and enforcement of asset-declaration rules for public officials has been weak, though some legal improvements have been enacted in recent years. In 2018, Pashinyan and his allies made efforts to give citizens greater access to their representatives, speaking more frequently to the press and the general population, including through live video streaming on social media.

CIVIL LIBERTIES: 31 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16

D1. Are there free and independent media? 2 / 4

Independent and investigative journalists operate in Armenia, but their work is generally found online. Most print and broadcast outlets are affiliated with political or larger commercial interests. Many journalists practice self-censorship to avoid harassment by government or business figures. Small independent outlets provided robust coverage of the 2018 protests, challenging the narratives of state broadcasters and other establishment media. A number of reporters were physically assaulted by police during the protest period. There were no major restrictions on press freedom during the 2018 parliamentary election campaign, though politically aligned outlets continued to favor their affiliated parties and candidates.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Article 18 of the constitution recognizes the Armenian Apostolic Church as a “national church” responsible for the preservation of Armenian national identity. Religious minorities have reported discrimination in the past, and some have faced difficulty obtaining permits to build houses of worship.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Although the constitution protects academic freedom, government officials hold several board positions at state universities, leaving administrative and accreditation processes open to political influence. There is some self-censorship among academics on politically sensitive subjects.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is relatively free and vibrant. The law prohibits wiretapping or other electronic surveillance without judicial approval, though the judiciary lacks independence and has been accused of excessive deference to law enforcement agencies requesting consent.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12 (+1)

E1. Is there freedom of assembly? 3 / 4 (+1)

The right to free assembly is legally guaranteed but inconsistently upheld in practice. From March to May 2018, mass antigovernment demonstrations were organized across the country under the slogan Reject Serzh, aiming to stop the outgoing president from governing as prime minister. Despite some violent interference by police and the temporary detention of hundreds of protesters—including Pashinyan, the movement’s leader, in April—the demonstrations encountered fewer obstacles than those in past years.

Score Change: The score improved from 2 to 3 because antigovernment demonstrations were able to proceed with less police interference and other obstruction from authorities than in previous years.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) lack local funding and largely rely on foreign donors. There are a few outspoken human rights organizations and watchdog groups, mostly in Yerevan and in northern Armenia. Civil society was very active in the 2018 protests, subsequent consultations with the government on policy matters, and monitoring activities associated with the December elections.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The law protects the rights of workers to form and join independent unions, strike, and engage in collective bargaining. However, these protections are not well enforced, and employers are generally able to block union activity in practice.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 1 / 4

The courts face systemic political influence, and judicial institutions are undermined by corruption. Judges reportedly feel pressure to work with prosecutors to convict defendants, and acquittal rates are extremely low.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Authorities apply the law selectively, and due process is not guaranteed in civil or criminal cases. Lengthy pretrial detention remains a problem, and judges are generally reluctant to challenge arbitrary arrests. Pashinyan was among those who were subjected to arbitrary detention during the antigovernment protests in early 2018.

A number of jailed hard-line opposition figures were granted release following campaigns by Yelq lawmakers during the year. Some observers criticized an amnesty law passed in October for having political motives; it included amnesty for members of Sasna Tsrer, an armed opposition group that seized a police building in 2016 and caused the deaths of three officers, with the stipulation that victims could block the militants' release if they objected.

The raft of corruption investigations aimed at HHK elites after the change in government prompted concerns about the ability of the country's judicial and investigative mechanisms to ensure fair application of the law.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Reports of police abuse of detainees and poor conditions in prisons persist. After the change in government in May 2018, law enforcement agencies renewed dormant investigations into past cases of physical violence by police. Most controversially, former president Robert Kocharyan was investigated and later charged in July with attempting to overthrow the constitutional order for his alleged role in fatal clashes between police and protesters during the 2008 presidential election period.

Areas adjacent to Azerbaijan and Nagorno-Karabakh, an Armenian-majority territory that gained de facto independence from Azerbaijan following the breakup of the Soviet Union, remained tense in 2018, with a lingering risk of shelling and skirmishes across the line of contact.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Rights watchdogs have criticized the government for discriminating against asylum seekers who are not of ethnic Armenian origin. Although same-sex sexual activity was decriminalized in 2003, LGBT people continue to face violence and mistreatment at the hands of police and civilians. Women are reportedly subject to de facto discrimination in employment and education, despite legal protections.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The law protects freedom of movement and the rights of individuals to change their place of residence, employment, and education. In practice, access to higher education is somewhat hampered by a culture of bribery. Exit visas for foreign travel are required but simple to obtain; international travel is constrained by the country's closed borders with Turkey and Azerbaijan.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Economic diversification and simpler regulations have increased the ease of doing business in recent years, but a lack of transparency and persistent cronyism continue to create unfair advantages for those with ties to public officials. Armenian law adequately protects property rights, though officials do not always uphold them.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The constitution defines marriage as a union between a man and a woman. Domestic violence is common and not adequately prosecuted, and services for victims are inadequate. A new law on domestic violence that took effect in January 2018 placed an emphasis on "restoring family harmony," raising concerns that it would deter victims from leaving dangerous situations.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Legal protections against exploitative or dangerous working conditions are poorly enforced, and about half of workers are employed in the informal sector, where they may be more exposed to such conditions. Armenians are subjected to sex and labor trafficking abroad, and some children in the country work in agriculture and other sectors. According to the US State Department, the government has made efforts to address trafficking in persons in recent years, in part by raising awareness of the problem and training law enforcement authorities, but it has done little to identify victims proactively, and the number of successful prosecutions remains small.

Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in Nagorno-Karabakh, which is examined in a separate report.

ecoi.net summary:

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