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Speaking on the publication on August 16 in “Hraparak” daily newspaper in regard with non-vanishing stamps it should be noted that a very imperative and nowadays issue has risen. Sharing the opinion on the issue raised in the article, however the Ombudsman gives some clarifications on certain items.

The Human Rights Defender records a violation in two cases:

1. When a state body violates legitimate interests of citizens.
2. When there is an apparent violation of a law.

In the case raised by Karen Heqimyan (citizen of Armenia) his and others interests have been essentially violated. At the same time the violation was made as a result of **uncertain legislative regulation** and not a **violation of law**.

Taking into consideration the fact that the current legislation has given rise to various interpretations, and that allegations on apparent violations of law may be highly controversial, the Ombudsman had a preference to submit to the Central Electoral Commission (CEC) a proposal of initiatives of legislative amendments.

Herewith presenting some facts on records of the Ombudsman and the CEC.

The Ombudsman’s note: “... Following Article 12 of the Law of RA “About Human Rights Defender” asking for clarifications on violations of provisions set out in Part 5 of Article 66 of the Electoral Code of RA”.

The CEC reply: “... Presence of a stamp for at least 12 hours is the purpose and meaning and use of the content of the provision set out in the Electoral Code”. The following legal norm defines no time limits on terms of removal of an ink used for stamps, therefore its maintenance do not contradict the mentioned norm of the Electoral Code”.

The Ombudsman’s note: “...According to the Venice Commission and the OSCE/OHDIR Joint Final Opinion on the Electoral Code of Armenia - “According to Part 5 of Article 66 of the Electoral Code the stamp ink should vanish approximately in 12 hours, which may solve the problem of possible terror (persecution, pressure) towards citizens because of presence of a stamp in passports”.

Therefore, the legislative requirement for the ink disappearance is not an end in itself, but it pursues voting privacy with the view of keeping citizens from pressure in future”.

“...Recommending you to take measures for making proposals in the National Assembly of RA on legislative amendments for the prescription of an order for changing passports with the stamps free of charge according to Part 2 of Article 49 of the Electoral Code of RA”.

The CEC reply: “... the Law of RA “About Human Rights Defender” does not prescribe authority for the Human Rights Defender to give such recommendations to the RA Central Electoral Commission or to refer to the content of proposals submitted to the NA of RA by the CEC”.

The Ombudsman’s note: “...According to Article 16 of the Law of RA “About Human Rights Defender” the Defender is authorized to submit advisory clarifications and recommendations to

state and local self-government bodies and their officials on the basis of the results of analysis of the information on human rights and freedoms with the view of summarizing results of studies”.

The Ombudsman Office is hopeful that the issue presented will be discussed in the next session of the National Assembly of RA, and as a result the appropriate legislative change will take place.

Human Rights Defender's Staff
of the Republic of Armenia