Reform of the Population Registration System in the Republic of Armenia

Project Report
2001

Acknowledgements

Executive summary

- The most significant accomplishment of the project was development of two draft laws -- on personal ID number, on creation of a civil register – to complement the draft law on protection of personal data developed by the CoE;
- This project raised awareness among the government, the Parliamentarians and NGOs that the existing system of population registration in Armenia which has been inherited from the Soviet period does not ensure the right to choose one's residence inside the country;
- In addition, the project provided an opportunity for the OSCE to interact with a variety of governmental, parliamentary, and NGO partners in order to assist in developing a multi-agency approach to reform of the population registration system;
- The project also contributed to raising awareness for the need to decentralization and devolution of central authority on routine public tasks such as registration of population movements.

Background

The Republic of Armenia inherited from the Soviet Union a restrictive system of population registration known as *propiska*. *Propiska* tied a number of important human rights such as the right to work, the right to vote as well as access to a particular place of residence. Individuals were not allowed to move inside the country at will and had to seek permission of the Ministry of Internal Affairs to change a place of residence. Therefore, though controlling the choice of place residence the state had total control over a whole range of rights. A person who for some reason had to move within the country but could not obtain a permission to do so (i.e., to change *propiska*) could not be legally hired or access social services.[1]

Since gaining independence, Armenia has started along the path of market and democratic reforms. However, the legal basis for the reform of the *propiska* system was yet to be developed. Currently people with financial means can move freely within the country and access many social services (such as medical care) on fee-for-service basis without obtaining a permission from the state to change one's residence. Those lacking financial means can still face problems in exercising their rights when changing residence. For example, one of the problems at times of elections is compilation of voter registers. The current election law calls for local authorities to register voters. Yet this duplicates registration functions that are inherited from the Soviet period and that are supposed to be administered by the Ministry of Interior. Similarly, the internally displaced persons (IDPs) often live without having changed registration from place and cannot access certain services due to lack of registration.[2]

Approach

In view of the enormous complexity of the problem in the post-Soviet region, the ODIHR initiated and carried out round-table discussions on the subject of registration in the CIS countries (Kyiv, 1998), in Armenia (Yerevan, 1999), Kyrgyzstan (Bishkek, 1999), Kazakhstan (Almaty, 2000). In addition to Armenia, the ODIHR Migration Unit is carrying out projects on the reform of the *propiska* system in the Kyrgyz Republic and in Ukraine.

The project was initiated in 1999 with an ODIHR workshop on population registration systems in the OSCE region. International experts presented experiences of Denmark and Netherlands in this area. The workshop featured broad-ranging discussions on the needs of Armenia to replace the *propiska* system with a civil register and to develop appropriate legislation. Unfortunately, the project was stopped by some time due to the tragic shootings in the Armenian Parliament on October 27, 1999 and the period of uncertainty that followed. Upon the resumption of the project,

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[1] For a useful background on origins and consequences of the *propiska* system see Cynthia Buckley, "The Myth of Managed Migration: Migration Control and Market in the Soviet Period," *Slavic Review* 54, no. 4 (Winter 1995).

[2] The international community, after many years of neglecting the impact of the *propiska* system on the rights of IDPs, has shown signs of beginning to understand this issue. See Recommendation 1544 (2001) of the Parliamentary Assembly of the Council of Europe, "The *propiska* system applied to migrants, asylum-seekers and refugees in Council of Europe member states: effects and remedies."

the OSCE Centre in Yerevan was in place and fully staffed to assume day-to-day management of the project.

Detailed discussions were held with a number of key government structures, including the Presidential Administration, the Parliament, key ministries (Ministry of Internal Affairs, Ministry of Justice, Ministry of Social Security, Ministry of Foreign Affairs), the Association of Local Authorities as well as a number of NGOs to determine the needs for legislative development. The following gaps were identified:

(1) Armenia needed a conceptual and legal basis for creation of a state register.

(2) A law on Personal Identification Number (PIN) needs to be developed since a large percentage of Armenian population has similar last names. The new Armenian National Passport envisages introduction of a PIN, and leaves the space for it, but so far PIN has not been introduced.

It was also determined that the development of these laws needs to be closely co-ordinated with the law on data protection with development of which the Council of Europe is assisting the Armenian authorities.

A working group of prominent local lawyers and experts was established to draft these laws. UNHCR expressed interest in participating in the project and subsequently joined it and contributed financially to its implementation. UNHCR also brought to bear its expertise in registration of refugees. Workshops for targeted audiences (governmental authorities, Parliamentarians, NGOs) were organized to raise their awareness of the goals of the project and to periodically solicit their input. Multi-agency approach and input by many actors was one of the strengths of this project.

Upon completion of the drafting of the laws, they have been introduced in the Parliament by a group of Parliamentarians. The draft is viewed as a part and parcel of a group of decentralization measures since the responsibility for registration will be transferred from the Ministry of Interior to the Association of Local authorities. This also makes the Law on State Register consistent with the Electoral Code which places responsibility for compiling voter registers to local authorities.

In anticipation of the debate in the Parliament and the eventual introduction of a state register, the ODIHR and the OSCE Office in Yerevan have hired an expert to draft a public awareness pamphlet informing general population on why a register is needed.

Cooperation with other actors and follow-up: the reform continues

While the conceptual and legislative basis for a new registration system is important step, just as in important is technical implementation of the law. It was recognized by the ODIHR and the OSCE Office in Yerevan that partners for this purpose have to be identified. A project to improve collection of local taxes funded by the Eurasia Foundation already has had success of keeping records of places of residence of population on the local level using modern computer technology. While the software developed for the project lacks mechanisms for personal data protection,

the necessary adjustments are being made by a local NGO at the encouragement of the OSCE.

In addition, the OSCE had discussions with PADCO, a USAID contractor assisting the Ministry of the Social Security of Armenia with introducing a computerized system of recipients of social payments in Armenia, to also use the computer systems engaged in that project for the purposes of registration of population.

It is clear that after the passage of the registration law, there will be a need to hand over the technology-intensive portion of it to one of the aforementioned partners. The ODIHR's role after this hand-over will be advisory to the agency to whose jurisdiction registration of population will be turned over especially in terms of crafting by-laws and regulations guiding the implementation of the newly passed law.

Lessons learned

It was extremely important to acquire over the course of implementation of this project the knowledge about the competencies and sensitivities of various governmental agencies of the Republic of Armenia. It is clear that the Ministry of the Interior has not looked favorably at the idea that would transfer the responsibility for population registration to another agency. Yet given that Armenian citizens often saw the *propiska* system as a law enforcement instrument and often failed to report routine moves within the country to the Ministry of Interior, it was crucial to identify constituencies for change in the executive and in legislative branches. It was equally important to gain information of the executive and legislative branches priorities in terms of decentralization to fit the ongoing project with overall priorities thus reducing negative influences of bureaucratic politics and making the reform acceptable to important political actors such as the Presidential Administration. At the end, *local ownership* of the project became a reality.