Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1304 (2002)[1]

Honouring of obligations and commitments by Armenia

Parliamentary Assembly

1. The Parliamentary Assembly acknowledges that, since its accession to the Council of Europe on 25 January 2001, Armenia has made substantial progress towards honouring the obligations and commitments it accepted as listed in Opinion No. 221 (2000).

2. On the matter of conventions, the Assembly notes with satisfaction that:

Armenia has ratified the European Convention on Human Rights and its Protocols Nos. 1, 4 and 7, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its Protocols, the General Agreement on Privileges and Immunities and its Protocols, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters, the Convention on the Transfer of Sentenced Persons, the European Charter for Regional or Minority Languages and the European Charter of Local Self-Government;

Armenia has signed twenty other treaties, including the European Social Charter, the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

3. The Assembly cannot accept that Armenia has not honoured its commitment to ratify Protocol No. 6 to the European Convention on Human Rights, concerning the abolition of the death penalty, within a year of its accession.

4. Concerning domestic law, the Assembly acknowledges the major effort Armenia has made in the last year-and-a-half, and particularly welcomes the adoption of a new electoral code, the law on political parties, the law on NGOs and the law on the civil service.

5. It takes note of the adoption at first reading of the new criminal code. It notes that homosexual relations between consenting adults have been decriminalised. However, it is shocked by the National Assembly's decision to maintain capital punishment for people who commit certain crimes, in violation of its commitment to abolish the death penalty in the criminal code within the year following its accession. It takes note of the position presented by the Armenian delegation to the Parliamentary Assembly that the criminal code will be finally adopted before the end of 2002.

6. The Assembly calls for the complete abolition of the death penalty, without any exceptions or restrictions. The Assembly notes the existence of a de facto moratorium since 1991 and takes note of the formal assurances of the authorities that no death sentence has been carried out since then.

7. However, the Assembly welcomes the assurance given to the rapporteurs by the President of the Republic of Armenia to sign, once the criminal code has been approved, a decree commuting the sentence of the persons currently sentenced to death to life imprisonment.

1. Assembly debate on 26 September 2002 (31st Sitting) (see Doc. 9542, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: Ms Belohorská and Mr Jaskiernia). Text adopted by the Assembly on 26 September 2002 (31st Sitting).

8. The Assembly urges the authorities to pursue the reform of the judicial system, in full co-operation with the Council of Europe, and in particular:

to approve the draft criminal code taking fully into account the recommendations the Council of Europe's experts will be making to them;

to revise the Code of Criminal Procedure without delay, bringing it into line with the Council of Europe's standards;

to amend the law on the police, in order to clarify the roles of the different judicial bodies in terms of investigation and arrest, in keeping with the recommendations made by the Council of Europe's experts;

to fully guarantee the independence of the judges, in keeping with Council of Europe standards;

to open a training centre for judges, operating under the supervision of the Council of Justice.

9. The Assembly further invites the authorities to revise the Administrative Code without delay. It urges them to abolish the provisions concerning administrative detention and to refrain from applying them in the interim. It warns the authorities of the abuses their application leads to, which are seriously at variance with the principles of the Organisation.

10. It invites the authorities to defer the adoption of the law on the ombudsman no longer.

11. The Assembly notes that in spite of the commitment entered into, the draft law on the media has still not been submitted to the National Assembly.

12. The Assembly notes that the allocation of radio and television broadcasting licences gave rise to strong protests in April 2002; it calls on the authorities to amend the law on broadcasting without delay, taking into account the recommendations made by the Council of Europe; it takes note of the authorities' firm commitment to organise a new call for tenders for new frequencies on 25 October 2002.

13. The Assembly welcomes the attention the authorities are giving to a draft law on alternative military service. Whatever the case, it draws attention to the authorities' commitment to introduce an alternative service that is in conformity with European standards. It regrets that young conscientious objectors to military service continue to be prosecuted and sentenced by the authorities.

14. The Assembly encourages the authorities to speed up reforms in the area of local government, and to improve the recently enacted Law on Local Self-government; it regrets that certain legislation has not been enacted prior to the local elections to be held in October in spite of commitments to that effect.

15. The Assembly urges the authorities to register the Jehovah's Witnesses as a religious organisation. 16. The Assembly encourages the authorities to embark resolutely on combating corruption, and to implement the recommendations made in the national anti-corruption strategy. It also invites them to sign and ratify the Council of Europe's Criminal and Civil Law Conventions on Corruption.

16. The Assembly welcomes the transfer of the prisons and detention centres from the Ministry of the Interior to the Ministry of Justice, and acknowledges the significant improvements in detention conditions. It calls on the authorities to continue their efforts, in particular to improve medical care for detainees. In this respect it salutes the considerable work accomplished in Armenia in recent years by the International Committee of the Red Cross.

17. It notes, however, that the detention centre of the Ministry of National Security has not yet been transferred to the Ministry of Justice, and asks the authorities, pending an effective transfer, to ensure that the conditions of detention there are in conformity with European standards.

18. Concerning the revision of the constitution which is currently in progress, the Assembly takes note of the authorities' determination to adopt the draft text of the new constitution by next spring and to submit it to the nation for approval by referendum. It asks the authorities to continue their co-operation with the Venice Commission and to heed the recommendations made. It nevertheless invites the authorities to examine the possibility in the draft constitution of increasing the parliamentary supervision role of the National Assembly.

19. The Assembly calls on the authorities seriously to investigate the acts of torture, violence, ill treatment and bribery perpetrated by law enforcement bodies.

20. With the increase in the number of seats allocated by proportional representation, the Assembly urges the political parties to open up their lists to Armenian women in order to secure gender parity in parliament.

21. The Assembly is sensitive to the consequences of land and property privatisation operations in urban or rural areas for many middle-income or poor families, refugees or persons belonging to the Yezidi community. It asks the Armenian authorities to give all their attention to this question and to find equitable solutions that do not disadvantage one group to the advantage of another, more affluent group.

22. The Assembly expresses its disappointment at the lack of development of regional co-operation in the Caucasus region, and recalls that the accession to the Organisation of the three countries concerned gave rise to great hopes of democratic stabilisation in the region.

23. Concerning the settlement of the conflict in Nagorno-Karabakh:

the Assembly acknowledges and welcomes the undeniable efforts Armenia has made to maintain regular high-level contacts with Azerbaijan and the positive influence that they have on the Armenians in Nagorno-Karabakh with a view to arriving at a suitable peaceful solution;

the Assembly strongly hopes that the negotiation process in progress will soon lead to an acceptable settlement of the Nagorno-Karabakh conflict, in keeping with the principles of the Council of Europe and of international law;

it recalls that it can envisage closing the monitoring procedure only if the state concerned has honoured all its main commitments, which, in the case of Azerbaijan and Armenia, include an agreement on the peaceful settlement of the Nagorno-Karabakh conflict – including the question of the occupied territories and other issues dealt with by the Minsk Group – which has been going on for more than fourteen years now.

24. In view of the above considerations, and the obligations and commitments which remain to be fulfilled, the Assembly, while acknowledging that Armenia has made substantial progress since its accession, decides to continue the monitoring procedure, in close collaboration with the Armenian delegation.

25. The Assembly expects the Armenian authorities, without delay, to ratify Protocol No. 6 to the European Convention on Human Rights and adopt a criminal code in conformity with the standards and principles of the Organisation. If that does not occur before June 2003, the Assembly may decide to annul the ratified credentials of the Armenian parliamentary delegation to the Council of Europe at the June 2003 part-session of the Parliamentary Assembly, in conformity with Article 12 of Resolution 1115 (1997) and Rule 9 of its Rules of Procedure.