



Resolution 1837 (2011)¹

Final version

The functioning of democratic institutions in Armenia

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the general amnesty adopted by the National Assembly of Armenia on 26 May 2011, which was proposed by the President of Armenia. It notes with satisfaction that all those who remained in prison in relation to the events of 1 and 2 March 2008 have been released.

2. The Assembly takes note of the report of the Ad Hoc Parliamentary Inquiry Committee of the National Assembly and considers that, despite a number of shortcomings, its recommendations could constitute an adequate basis for addressing the underlying causes of the March 2008 events and for preventing similar situations from occurring in the future.

3. The Assembly reiterates its concern about the lack of results of the inquiry into the 10 deaths that occurred during the March 2008 events. It therefore welcomes the renewed impetus given by the President of Armenia in recent months. In relation to this inquiry, the Assembly considers that:

3.1. it should also focus on the issue of responsibility in the chain of command and the context in which the 10 deaths occurred, in order to avoid similar situations from recurring in the future;

3.2. in the event that individual responsibility for the 10 deaths cannot be established, the reasons for this should be fully explained in the report of the investigation;

3.3. transparency is crucial for the credibility of this inquiry; the report containing the findings and conclusions of this inquiry should therefore be made available for public scrutiny, even if it fails to establish individual responsibility for the 10 deaths;

3.4. timely publication is important to provide closure to this painful episode in Armenia's recent history; the authorities should therefore publish the report before the end of 2011 or, alternatively, consider publishing an interim report.

4. The Assembly welcomes the constructive response given by the opposition, and in particular by the Armenian National Congress, to the amnesty and to the renewed investigation into the 10 deaths during the March 2008 events. It congratulates the ruling coalition and the extra-parliamentary Armenian National Congress on their agreement to initiate a formalised open-ended dialogue on the normalisation of the political environment in Armenia. In addition, the Assembly expresses its hope that this dialogue will be supplemented with a similar dialogue between the ruling coalition and the parliamentary opposition in the framework of the work of the National Assembly itself.

5. Underscoring the importance of the dialogue between the ruling majority and the opposition – which it has consistently called for – the Assembly urges all parties to participate in this dialogue constructively and in good faith and not to restrict its discussions to a limited number of potentially contentious subjects. In the view of the Assembly, this dialogue should aim at ensuring the further normalisation of the political climate, ensuring the proper conduct of the upcoming parliamentary elections, as well as creating a political climate in which genuinely democratic elections can take place and which have the full confidence of the Armenian people.

1. Assembly debate on 5 October 2011 (33rd Sitting) (see Doc. 12710, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mr Prescott and Mr Fischer). Text adopted by the Assembly on 5 October 2011 (33rd Sitting).



6. The forthcoming parliamentary elections are crucial for the democratic development of the country. Democratic elections which result in a parliament that reflects all the relevant political forces in Armenian society, will consolidate the normalisation of the political environment and ensure the trust of the Armenian public in the political institutions of Armenia. In this respect, the Assembly:

6.1. welcomes the adoption of the new Electoral Code, on 26 May 2011, which was drafted in close consultation with the European Commission for Democracy through Law (Venice Commission), well before the elections are due;

6.2. considers that the new Electoral Code forms an adequate basis for the conduct of democratic elections, if implemented in good faith, but urges the authorities to address all recommendations and shortcomings that may be contained in the forthcoming opinion of the Venice Commission on the code as adopted;

6.3. stresses that the full implementation, both in letter and in spirit, of the new Electoral Code is a pre-condition for the conduct of democratic elections;

6.4. underscores that genuinely democratic elections necessitate the full trust of the public and all stakeholders in the election process and administration. The Assembly therefore calls on all political forces to actively contribute to a democratic election process and to refrain from any action or statements that could undermine public trust in the election process and its outcome;

6.5. considers that, in addition to domestic observers, international election observers have an important role to play in fostering public trust in the election process and therefore calls on the international community to ensure a large-scale election observation exercise and invites the Bureau of the Assembly to contribute to that process with a large delegation from the Assembly.

7. The Assembly is concerned about the functioning and lack of independence of the judiciary in Armenia, which impede its role as an impartial arbiter. It is equally concerned about persistent reports and allegations of endemic corruption in the Armenian judiciary. In this respect, it welcomes the importance and priority given by the authorities to the reform of the judiciary, especially with a view to ensuring its independence. It considers that the reform of the judiciary cannot be achieved through legislative changes alone and should be accompanied by a comprehensive policy for their implementation aimed at changing existing mentalities and practice.

8. The Assembly notes the persistent allegations of corruption in Armenia which negatively impact on the democratic development of the country. It therefore urges the Armenian authorities to intensify their ongoing efforts to combat corruption and to implement, without delay, the recommendations made in the latest evaluation report adopted by the Group of States against Corruption (GRECO).

9. In the opinion of the Assembly, the March 2008 events have clearly highlighted the need for a thorough reform of the police force in Armenia. In this respect, the Assembly:

9.1. welcomes the efforts by, and political will of, the Armenian authorities to fully reform the police force in line with European standards. In the light of the March 2008 events, the Assembly recommends that these reforms include a thorough review of crowd management policies and capacities of the police;

9.2. reiterates its call that the police should be brought under genuine civilian control and accountability and invites the Armenian authorities to consider the establishment of a ministry to which the police and security forces would be subordinate;

9.3. expresses concern about the reports of police brutality and misconduct and urges the authorities to step up their efforts to eradicate any form of ill treatment and abuse by the police;

9.4. considers the establishment of an independent police complaints mechanism essential. It welcomes the willingness of the authorities to establish such a mechanism and asks them to ensure that the necessary preconditions for it are met without delay.

10. The Assembly considers a genuinely pluralist media environment an essential condition for the democratic development of Armenia. The Assembly welcomes the amended Television and Broadcasting Act, which is an improvement on previous legislation, but reiterates its call to the Armenian authorities to ensure a pluralist media environment also in practice. In this respect, the Assembly:

10.1. takes note of the outcome of the tender for broadcasting licences which was held in Armenia in 2010 and of the subsequent decision of the Committee of Ministers to close the examination of the execution of the judgment of the European Court of Human Rights in the case of *Meltex and Mesrop Movsesyan v. Armenia* on the ground that a transparent tender had taken place;

10.2. considers that the outcome of the licensing tender has not resulted in a more pluralist media environment and therefore that the outcome of this tender is not in line with the requests of the Assembly in this regard;

10.3. reiterates its call on the Armenian authorities to amend the Television and Broadcasting Act in order to ensure that the composition of the National Commission on Television and Radio (NCTR) and the Armenian Public Television and Radio Council truly reflect, and are representative of, Armenian society;

10.4. calls on the authorities to introduce the legal obligation that licensing decisions of the NCRT should be guided by and reflect the need to increase the pluralism and diversity of the media environment in Armenia;

10.5. considers that a substantially lower barrier for interested groups to enter the media market is an important mechanism to increase the plurality of the media environment. Given the potential of digital broadcasting to increase the number of broadcasting licences available, the Assembly considers that the authorities should hold, when feasible, a new broadcasting licence tender with the explicit aim of increasing the pluralism and diversity of the media environment in Armenia.

11. The Assembly considers that the outcome of the latest general amnesty, the renewed impetus to investigate the 10 deaths during the March 2008 events and the resulting start of a constructive dialogue between the opposition and ruling coalition mean that the chapter on the March 2008 events can finally be considered closed for the Assembly, whilst its monitoring of Armenia's human rights and democracy obligations, including in respect of the investigation into the 10 casualties, will continue unabated. It welcomes the political will demonstrated by the authorities, and indeed all the political forces, to resolve this issue in line with Council of Europe standards and recommendations.

12. For the Assembly, the 2008 events and their aftermath have set clear priorities for the democratic development of the country: the conduct of genuinely democratic parliamentary elections; the creation of a robust democratic and pluralist political environment that has the full trust of the Armenian public; the establishment of an open and pluralist media environment; the reform of the police and the reform of the judiciary with a view to guaranteeing its independence both in law and in practice.

13. The Assembly welcomes the close and constructive co-operation between the Assembly and the Armenian authorities, which it considers to be an example for the development of co-operation in the framework of its monitoring procedure.

14. The Assembly resolves to closely follow the priorities mentioned in this resolution, while at the same time ensuring that they do not diminish the importance of the other obligations and commitments of Armenia to the Council of Europe.