



Resolution 2560 (2024)¹

The honouring of obligations and commitments by Armenia

Parliamentary Assembly

1. The Parliamentary Assembly commends Armenia for its continuous commitment to democratic development in spite of the considerable security challenges it is facing. Confronted with a complex international environment and challenges to the stability of the country, Armenia has been pursuing an ambitious reform agenda.

2. The Assembly has been following the developments in the country since the adoption of its [Resolution 2427 \(2022\)](#) “The functioning of democratic institutions in Armenia”. It refers to the information note following the visit in Armenia from 17 to 19 February 2023 ([AS/Mon \(2023\) 05 rev](#)) on the situation in the Lachin Corridor and on the border between Armenia and Azerbaijan, examined by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in March 2023, which called for immediate action and the cessation of the unlawful and illegitimate obstruction of the Lachin Corridor, and to its [Resolution 2508 \(2023\)](#) “Ensuring free and safe access through the Lachin Corridor”, in which it stressed that “the current situation is not sustainable and may well lead to the Armenian population being forced to leave their homes and communities”.

3. In September 2023, the Azerbaijani army entered the part of Nagorno-Karabakh remaining under the protection of Russian peacekeeping troops. Fearing the consequences, the vast majority of the population of the region fled to Armenia in a matter of days. The Assembly refers to its [Resolution 2517 \(2023\)](#) and [Recommendation 2260 \(2023\)](#) “The humanitarian situation in Nagorno-Karabakh”, in which it strongly regretted that almost the entire Armenian population of the region – more than 100 600 persons – had left its ancestral homeland and fled to Armenia, and called on Azerbaijan to release all detained representatives of Nagorno-Karabakh and all Armenian prisoners of war currently held in Azerbaijan. The Assembly also takes note of the “Observations on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region”, issued in January 2024 by Dunja Mijatović, the then Council of Europe Commissioner for Human Rights, in which she concluded that the Armenians of Nagorno-Karabakh “found themselves abandoned without any reliable security or protection guarantees by any party and that for them at that moment leaving home was the only reasonable option available”.

4. The fate of the Armenian population of Nagorno-Karabakh has provoked extremely strong reactions in Armenia. Some protests organised by opposition parties calling for the resignation of Mr Pashinyan’s government turned violent as protesters tried to storm the government buildings. The Assembly expresses its relief that clashes with the police forces during these events brought no casualties, in sharp contrast with the 10 deaths that had occurred in March 2008, as deplored in [Resolution 1837 \(2011\)](#) “The functioning of democratic institutions in Armenia” which called, *inter alia*, for the introduction of measures to avoid similar situations in the future.

5. The authorities of Armenia have remained engaged in the negotiations of a peace treaty with Azerbaijan, in accordance with their commitment to settle international disputes by peaceful means. Concerning the normalisation of relations between Armenia and Azerbaijan, the Assembly expresses its full support for the peace process based on the principles of mutual recognition of territorial integrity, respect of sovereignty, the inviolability of borders and the non-use of force. The Assembly also welcomes the start of

1. *Assembly debate* on 26 June 2024 (20th sitting) (see [Doc. 15994](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mr Kimmo Kiljunen and Ms Boriana Åberg). *Text adopted by the Assembly* on 26 June 2024 (20th sitting).



border delimitation based on the Alma-Ata Declaration of 1991, anticipating that the process will continue along the entire border. The Assembly commends the approach taken to unblocking regional communications based on the principles of respect of sovereignty, national jurisdiction, equality and reciprocity. In this context, the Assembly welcomes the initiative of the Armenian Government, entitled “The Crossroads of Peace”, which could contribute to peace and stability in the region.

6. The Assembly commends the ratification by Armenia of Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances (ETS No. 187), including for crimes committed in times of war and imminent threat of war.

7. The Assembly also welcomes the ratification by Armenia of the Rome Statute of the International Criminal Court.

8. With regard to the long-standing concerns relating to elections in Armenia, the Assembly commends the authorities for the inclusiveness and transparency of the legislative process that has led to the reform of the Electoral Code. It notes with satisfaction that the amendments to the Electoral Code and related legislation are in accordance with many of the recommendations of the European Commission for Democracy through Law (Venice Commission) and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), while regretting that some of these recommendations remain unaddressed.

9. The Assembly welcomes the holding of the elections to the Yerevan city council in September 2023, which despite being held in a period of extreme tension around the situation in Nagorno-Karabakh, met democratic standards as acknowledged by Recommendation 501 (2023) of the Congress of Local and Regional Authorities of the Council of Europe on Elections to the Council of Elders, City of Yerevan, Armenia. While the strengthening of the electoral legal framework and the reinforcement of the safeguards to eliminate the possibility of election fraud were welcomed by the Congress, the authorities were further invited to, *inter alia*, implement existing legislation and regulations related to the misuse of public resources, strengthen oversight and control mechanisms with regard to political party and campaign financing and strengthen the participation of women.

10. The 2023 elections in Yerevan were the third consecutive elections, after the 2018 and 2021 national elections, to be assessed by the international community as being free of the irregularities that had tainted many earlier elections and to be accepted as such by national stakeholders. In consequence, the Assembly considers that the objective to hold genuinely democratic elections which win the confidence of the Armenian people has to a large extent been achieved.

11. However, in order to further improve the electoral process in Armenia, the Assembly:

11.1. invites Armenia to implement the outstanding recommendations regarding the electoral framework, maintaining throughout this process the inclusiveness and transparency of the reform process;

11.2. draws the particular attention of the authorities to the need for implementation of the regulation on the misuse of public resources and the financing of political parties.

12. The Assembly regrets that the improvement in the electoral framework has not led to better co-operation and mutual respect between the ruling majority and the opposition. All electoral observation missions have reported excessive polarisation and stigmatisation of political opponents from all sides. Mutual tolerance and acknowledgement of the legitimacy of political opponents are necessary elements of democratic societies and cement the legitimacy of democratic institutions.

13. The Assembly considers that in the context of deep polarisation, it is essential to protect the independence of collegial bodies representing public interest from undue political pressure. In this regard, the Assembly refers to its [Resolution 2537 \(2024\)](#) “Relationship between the parliamentary majority and the opposition in a democracy” and the Venice Commission checklist “Parameters on the relationship between the parliamentary majority and the opposition in a democracy”. The appointment procedure to top positions outside the government or to independent collegial bodies and agencies should be depoliticised and, to the maximum extent possible, based on a cross-party consensus. Mechanisms in place should reduce the dominance of the parliamentary majority within such collective bodies or limit the relevance of the affiliation of the office holders with the governing party or coalition. In this regard, the Assembly expresses its concerns regarding the potential detrimental effects of the possibility for a party to appoint candidates single-handedly.

14. As a consequence, the Assembly:
 - 14.1. encourages all political stakeholders to enter into dialogue about how to improve the existing rules on the relationship between the parliamentary majority and the opposition;
 - 14.2. calls on the opposition to refrain from boycotting the work of the National Assembly and recalls that an organised boycott of the work of parliament by the opposition is permissible only in rare and extreme circumstances where the legitimacy of parliament is questioned;
 - 14.3. calls on the majority in parliament to exert self-restraint in the use of qualified majority decision and recalls that when the ruling coalition or party enjoys a large majority, it bears therewith a great responsibility to observe and safeguard the principles governing the smooth operation of democratic institutions, including the rights of the opposition;
 - 14.4. invites the political parties represented in the National Assembly to find cross-party consensus for the appointments which require a two-thirds majority, taking into account the Venice Commission checklist “Parameters on the relationship between the parliamentary majority and the opposition in a democracy”; and to introduce soft regulations or review the rules of the National Assembly in a consensual manner when necessary.
15. The Assembly commends the reforms aimed at safeguarding the independence of the judiciary and notes with satisfaction the openness of the Armenian authorities to a genuine dialogue with the Council of Europe and their continued effort to improve the system of judicial governance in line with European standards.
16. The Assembly regrets the still widespread perception that disciplinary procedures against judges are being abused in order to intimidate them or influence their decisions. It welcomes the minister of justice’s request for the Venice Commission’s opinion on a concept paper on potential directions of empowerment of the Ethics and Disciplinary Commission of the General Assembly of Judges of the Republic of Armenia, which illustrates the political will to co-operate with Council of Europe bodies on this matter.
17. With a view to strengthening the independence of judges, the Assembly:
 - 17.1. encourages the Armenian authorities to pursue the reform of the Ethics and Disciplinary Commission of the General Assembly of Judges; on the basis of the joint opinion prepared by the Venice Commission and the Directorate General Human Rights and Rule of Law (DGI) of the Council of Europe;
 - 17.2. calls on the Armenian authorities to ensure the political neutrality of the Supreme Judicial Council and to consider introducing restrictions for politicians to become Supreme Judicial Council members;
 - 17.3. hopes that, once the reform of the Ethics and Disciplinary Commission of the General Assembly of Judges is completed and has proved its efficiency, the power of the ministry of justice to initiate disciplinary proceedings will cease.
18. The Assembly commends the real determination showed by the authorities to fight the problem of systemic corruption, as evidenced by the creation of two specialised anti-corruption bodies and specialised anti-corruption courts, the reform of the police and the introduction of integrity checks for judges, prosecutors and persons holding autonomous positions in investigative bodies. The Assembly notes that the draft constitutional and legislative measures are currently under discussion in parliament and encourages the authorities to pursue these efforts.
19. With regard to freedom of information, the Assembly welcomes the decision to present a new draft law on freedom of information and public information, and the consideration given to public consultations on that draft; it encourages the authorities to pursue a comprehensive reform in the field of media, including a review of the 2020 Law on Audiovisual Media, in order to ensure alignment with Council of Europe standards on freedom of expression.
20. The Assembly welcomes the abolition of the criminalisation of defamation, in accordance with [Resolution 2427 \(2022\)](#), but expresses its concerns regarding the allegations of the selective use of the Criminal Code provisions on hate speech to target bloggers and activists opposing the ruling party. The Assembly reiterates its call for a uniform and restrictive application of the legislation on penalties for insult and defamation by the relevant authorities, to ensure that this legislation is not used in an arbitrary manner against individuals and the media.

21. The Assembly acknowledges the progress made by Armenia towards compliance with its obligations and commitments, in particular in the field of electoral law. It decides to pursue its monitoring procedure and will attach particular importance to the implementation of reforms regarding the justice system, and in the fields of media and freedom of expression. In particular, it will follow the implementation of the co-operation programmes related to the themes contained in the Council of Europe Action Plan for Armenia 2023-2026.

22. The Assembly invites the authorities of Armenia to translate this Resolution and the explanatory memorandum into the national language, and to make this translation public.