



Strasbourg, 12 July 2002

Restricted
CDL (2002) 109
English only

Opinion no. 212/2002

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**CONCLUSIONS OF THE MEETING
OF THE WORKING GROUP ON
LEGISLATIVE REFORMS
TO BE CARRIED OUT
IN THE REPUBLIC OF ARMENIA
BEFORE THE ENTRY INTO FORCE
OF THE REVISED CONSTITUTION**

(Strasbourg, 11-12 July 2002)

In its last progress report (CM (2002) 79 revised) the Ago group asked the Venice Commission to look into pragmatic ways of overcoming the difficulties resulting from the postponement of the adoption of the revised Constitution. The present meeting was held at the suggestion of the Armenian Authorities between a Working Group of the Venice Commission and a delegation from Armenia led by Vice-Speaker Torosyan. The participants in the meeting arrived at the following

CONCLUSIONS

The participants

1. Underlined the need to pursue both legislative reforms bringing Armenia closer to Council of Europe standards as well as efforts to have the revised Constitution adopted as soon as possible;

As regards local self-government

2. Noted that important improvements on the basis of comments to be made by Council of Europe experts could be made to the recently adopted law on local self-government and that there was willingness to consider such improvements on the side of the Armenian parliament;

3. Noted that some issues such as the status of Erevan will have to be reconsidered following the entry into force of the revised Constitution;

As regards constitutional justice

4. Noted that a full implementation of the Armenian commitment on access to the Constitutional Court requires the entry into force of the revised Constitution;

As regards the independence of the judiciary

5. Noted that the pertinent rules and practices within the Armenian judicial system should be reviewed in co-operation with the Council of Europe even before the entry into force of the revised Constitution;

As regards the death penalty

6. Welcomed that the present text of the draft Criminal Code does not provide for the imposition of the death penalty for crimes committed following its entry into force and expressed concern that the death penalty would remain possible for certain crimes committed before its entry into force;

7. Urged that Protocol N° 6 to the European Convention on Human Rights should be ratified as soon as possible ;

8. Noted the expressed willingness of the Armenian Authorities to fulfil their commitments to the Council of Europe in this respect both through a revision of the Criminal Code and other measures such as presidential pardons for persons already sentenced to the death penalty;

As regards the broadcast media

9. *Noted that, even before the entry into force of the new Constitution, the law on Television and Radio should be amended in order to guarantee the independence of the Council of Public Television and Radio and the National Commission of Television and Radio, responsible respectively for regulating the public and private broadcasting sectors; in particular, democratic and transparent procedures for appointing the members of these bodies should be prescribed in the Law;*

As regards the ombudsman

10. *Noted that it is appropriate to adopt the law on the Human Rights Defender even prior to the reform of the Constitution, it being understood that this Law should provide that the appointment of the Defender is done by the President in consultation with the political forces represented in Parliament and that direct access of the Defender to the Constitutional Court shall only be provided after the reform of the Constitution;*

As regards co-operation in general

11. *Stressed the importance of co-operation between the Council of Europe and the Armenian Authorities in all these fields;*

12. *Noted the willingness of the Venice Commission to continue to contribute to this process in particular in the framework of the present working group.*

LIST OF PARTICIPANTS

ARMENIA:

Mr Tigran TOROSYAN, Vice-President, National Assembly of the Republic of Armenia, M. Baghramyan Ave 19, Erevan
Tel.: 374 1 52 67 70 Fax: 374 1 58 12 59
e-mail: toros@parliament.am

Ms Lucine HAROUTYUNYAN, Expert, 47 Mashtots Ave, ap. 77, 09 YEREVAN
Tel. 374 1 22 71 56 Fax: 374 1 58 29 52
e-mail: lucineh@yahoo.am

VENICE COMMISSION:

FINLAND:

Mr Kaarlo TUORI, Professor of Administrative Law, University of Helsinki, PO Box 4, Yliopistonkatu 3, 00014 Helsinki, **Chairman**
Tel.: 358 9 19 12 31 42 Mobile: 358 0 50 32 45 267 Fax: 358 9 19 12 30 76
e-mail: kaarlo.tuori@helsinki.fi

LATVIA:

Mr Aivars ENDZINŠ, Chairman, Constitutional Court, 1 Alunana Street, 1010 Riga
Tel.: 371 7 22 14 12 Mobile: 371 922 59 55 Fax: 371 7 22 05 72
e-mail : aivars.e@satv.tiesa.gov.lv

LIECHTENSTEIN:

M. Gerard BATLINER, Membre du Conseil scientifique du Liechtenstein Institut, Am Schrägen Weg 2, 9490 Vaduz
Tel. : 423 239 78 78 Fax : 423 239 78 79
e-mail : office@bwb-law.li

SECRETARIAT

Mr Thomas MARKERT
Mrs Simona GRANATA-MENGHINI
Mr Schnutz DÜRR

SECRETARIAT OF THE COUNCIL OF EUROPE

Mr Philip BLAIR, for item on local self-government
Mr Artemy KARPENKO, for item on local self-government
Mrs Danuta WISNIEWSKA-CAZALS, for item on the independence of the judiciary
Mrs Caterina BOLOGNESE, for item on the death penalty