



Opinion 221 (2000)¹

Armenia's application for membership of the Council of Europe

Parliamentary Assembly

1. The Republic of Armenia applied to join the Council of Europe on 7 March 1996. In Resolution (96) 21 of 15 May 1996 the Committee of Ministers invited the Parliamentary Assembly to give an opinion on this request in accordance with Statutory [Resolution 51 \(30A\)](#).
2. The Armenian Parliament obtained Special Guest status with the Parliamentary Assembly of the Council of Europe on 26 January 1996. This application was considered in the light of the adoption of [Recommendation 1247 \(1994\)](#) on the enlargement of the Council of Europe, in which the Assembly stated that "in view of their cultural links with Europe, Armenia, Azerbaijan and Georgia would have the possibility of applying for membership provided they clearly indicate their will to be considered as part of Europe".
3. Delegations from the Assembly observed the presidential election in March 1998 and the general elections in July 1995 and May 1999.
4. Since 1996 Armenia has been taking part in various activities of the Council of Europe through the intergovernmental co-operation and assistance programmes, and in the work of the Assembly and its committees through its special guest delegation.
5. Armenia is a party to the European Cultural Convention and the Council of Europe's Framework Convention for the Protection of National Minorities, a member of the Open Partial Agreement on the Prevention of Protection against and Organisation of Relief in Major Natural and Technological Disasters, and an associate member of the Venice Commission, with which it has developed close co-operation. The Assembly also takes note of the fact that Armenia has requested accession to the European Convention on Extradition and the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, and that it has recently signed six other Council of Europe conventions.
6. The Assembly considers that Armenia is moving towards a democratic, pluralist society, in which human rights and the rule of law are respected, and, in accordance with Article 4 of the Statute of the Council of Europe, is able and willing to pursue the democratic reforms initiated in order to bring its entire legislation and practice into conformity with the principles and standards of the Council of Europe.
7. In asking the Assembly for an opinion on the membership application, the Committee of Ministers reiterated that a closer relationship between the Caucasian countries and the Council of Europe would demand not only the implementation of substantial democratic reforms, but also their commitment to resolve conflicts by peaceful means.
8. The Parliamentary Assembly believes that the accession of both Armenia and Azerbaijan could help to establish the climate of trust necessary for a solution to the conflict in Nagorno-Karabakh.
9. The Assembly considers that the OSCE's Minsk group is the optimum framework for the negotiation of a peaceful settlement to the conflict.

1. Assembly debate on 28 June 2000 (21st Sitting) (see [Doc. 8747](#), report of the Political Affairs Committee, rapporteur: Mr Volcic, and [Doc. 8756](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Spindelegger). Text adopted by the Assembly on 28 June 2000 (21st Sitting).

10. The Assembly takes note of the letter from the President of Armenia in which he undertakes to respect the cease-fire agreement until a final solution is found to the conflict and to continue the efforts to reach a peaceful negotiated settlement on the basis of compromises acceptable to all parties concerned.

11. The frequency of meetings between the presidents of the two countries has been stepped up. The speakers of the parliaments of Armenia, Azerbaijan and Georgia have decided to institute regional parliamentary co-operation, consisting in particular of meetings of the speakers of the parliaments and parliamentary seminars to be held in the capitals of the three countries and in Strasbourg. The first meeting in the region, which was held in Tbilissi in September 1999, made it possible to establish an atmosphere of trust and détente between the parliamentary delegations of Armenia and Azerbaijan.

12. The Assembly calls on the Armenian and Azerbaijani authorities to pursue their dialogue with a view to achieving a peaceful settlement of the conflict in Nagorno-Karabakh and giving new impetus to regional co-operation.

13. The Parliamentary Assembly takes note of the letters from the President of Armenia, the speaker of the parliament, the Prime Minister and the chairmen of the political parties represented in the parliament, and notes that Armenia undertakes to honour the following commitments:

13.1. conventions:

- a. to sign, at the time of its accession, the European Convention on Human Rights (ECHR), as amended by Protocols Nos. 2 and 11 thereto, and Protocols Nos. 1, 4, 6 and 7;
- b. to ratify the ECHR and Protocols Nos. 1, 4, 6 and 7 thereto during the year following its accession;
- c. to sign and ratify, within one year of its accession, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its protocols;
- d. to sign and ratify, within one year of its accession, the European Charter for Regional or Minority Languages;
- e. to sign and ratify, within one year of its accession, the European Charter of Local Self-Government;
- f. to sign and ratify, within two years of its accession, the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and its additional protocols, and the Council of Europe conventions on extradition, on mutual assistance in criminal matters, on laundering, search, seizure and confiscation of the proceeds from crime, and on the transfer of sentenced persons, and in the meantime to apply the fundamental principles contained therein;
- g. to sign the European Social Charter within two years of its accession and ratify it within three years of accession, and to strive forthwith to implement a policy consistent with the principles of the Charter;
- h. to sign the General Agreement on Privileges and Immunities of the Council of Europe and the protocols thereto at the time of its accession, and to ratify these within one year of its accession;

13.2. the conflict in Nagorno-Karabakh:

- a. to pursue efforts to settle this conflict by peaceful means only;
- b. to use its considerable influence over the Armenians in Nagorno-Karabakh to foster a solution to the conflict;
- c. to settle international and domestic disputes by peaceful means and according to the principles of international law (an obligation incumbent on all Council of Europe member states), resolutely rejecting any threatened use of force against its neighbours;

13.3. domestic law:

- a. to adopt, within one year of its accession, the second (specific) part of the Criminal Code, thus abolishing *de jure* the death penalty and decriminalising consensual homosexual relationships between adults;
- b. to adopt, within six months of its accession, the law on the ombudsman;
- c. to adopt, within one year of its accession, a new law on the media;

- d. to adopt, within one year of its accession, a new law on political parties;
- e. to adopt, within one year of its accession, a new law on non-governmental organisations;
- f. to adopt, within six months of its accession, the law on the transfer of responsibility for the prison system, including pre-trial detention centres and work colonies, from the Ministry of the Interior and the Ministry for National Security to the Ministry of Justice thus ensuring the thorough reform and demilitarisation of the system, and to ensure the effective implementation of this law within six months after it has been adopted, except as regards the effective transfer of the pre-trial detention centres and work colonies, which must be implemented within one year after the law has been adopted;
- g. to adopt, within one year of its accession, the law on the civil service;
- h. to amend, before the next local elections, the current legislation governing the powers of local authorities so as to give them greater responsibilities and independence, taking into account the recommendations made in this respect by the Congress for Local and Regional Authorities of Europe (CLRAE);
- i. to remedy the deficiencies of the new electoral law before the next elections, in particular as regards the procedural aspects of the work of the electoral committees and the authorities responsible for drawing up electoral registers;

13.4. human rights:

- a. to fully implement the reform of the judicial system, in order to guarantee, inter alia:
 - the full independence of the judiciary;*
 - full and immediate access to a defence lawyer in criminal cases (compulsory for minors);*
 - if necessary, the costs should be borne by the state;*
- b. to ensure that all churches or religious communities, in particular those referred to as “non-traditional”, may practise their religion without discrimination;
- c. to co-operate fully with NGOs in ensuring that the rights of prisoners and conscripts are respected;
- d. to adopt, within three years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors sentenced to prison terms or service in disciplinary battalions, allowing them instead to choose, when the law on alternative service has come into force to perform non-armed military service or alternative civilian service;
- e. to turn the national television channel into a public channel managed by an independent administrative board;

13.5. monitoring of commitments:

- a. to co-operate fully in the implementation of Assembly [Resolution 1115 \(1997\)](#) on the setting up of an Assembly committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee); and
- b. to co-operate fully in the monitoring process established pursuant to the declaration adopted by the Committee of Ministers on 10 November 1994 (95th session).

14. The Parliamentary Assembly notes that Armenia shares fully its understanding and interpretation of commitments entered into as spelt out in paragraph 13, and intends:

- 14.1. to ensure that parliament is kept fully informed about the investigation into the events of 27 October 1999, in conformity with the existing legislation;
- 14.2. to grant access to the Constitutional Court, within two years of accession, also to the government, the Prosecutor-General, courts of all levels, and – in specific cases – to individuals;
- 14.3. to reform the Judicial Council in order to increase its independence within three years of accession;

14.4. to institute, without delay, a follow-up procedure which conforms to Council of Europe standards to complaints received on alleged ill-treatment in police custody, pre-trial detention centres, prisons and the army, and to ensure that those found guilty of such acts are punished in accordance with the law;

14.5. to consider, at least partially, time served in a disciplinary battalion as compulsory military service, and to ensure that the sentence of time to be served in such a battalion can be shortened if the soldier conducts himself well;

14.6. to pay special attention to the fate of homeless children and those in conflict with the law.

15. On the basis of these commitments, the Assembly is of the opinion that, in accordance with Article 4 of the Statute of the Council of Europe, Armenia is able and willing to fulfil the provisions of Article 3 of the Statute, setting forth the conditions for membership of the Council of Europe: "Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council (of Europe)."

16. With a view to ensuring compliance with these commitments, the Assembly decides to monitor the situation in Armenia closely, with immediate effect from the date of accession, pursuant to its [Resolution 1115 \(1997\)](#).

17. On the understanding that the commitments set out above are firm and will be fulfilled within the stipulated time limits, the Assembly recommends that the Committee of Ministers:

17.1. invite Armenia to become a member of the Council of Europe;

17.2. allocate four seats to Armenia in the Parliamentary Assembly;

and requests that the necessary additional resources be made available.

18. Furthermore, in order to enable Armenia to honour its commitments and obligations as a member state, the Assembly also recommends that the Committee of Ministers develop its assistance to the Armenian authorities in the framework of the activities for the development and consolidation of democratic stability (Adacs). In addition, the Assembly recommends that the Council of Europe Development Bank provide assistance where appropriate.