

## **The legislative issue must be urgently transferred from the Constitutional Court to the National Assembly: Ombudsman**

During this week's discussion on the Ombudsman's Report of 2013, MP Hovhannes Margaryan raised concern that the issue of extra-judicial procedure of the payment orders doesn't receive legislative regulation, since it is justified with the application of the RA Human Rights Defender to the Constitutional Court, according to which the court sitting will be held only on 25 November, 2014.

With regard to the regulation of this matter the following initiatives exist which can tackle the legislative issue on an urgent basis:

1. The legislative initiative prepared by the RA Ministry of Justice and approved by the Government on making changes and amendments in the Law of the Republic of Armenia on Fundamentals of Administrative Action and Administrative Proceedings and in other laws.
2. The draft laws on Making amendment and changes in the Law of the Republic of Armenia on Compulsory Enforcement of Judicial Acts, as well as in other laws authored by MPs Hovhannes Margaryan, Heghine Bisharyan, Ishkhan Khachatryan, Mher Shahgeldyan and Levon Dokholyan.
3. The draft law of the RA on Making changes in the Code of the Republic of Armenia on Administrative Offences presented as a legislative initiative by MP Arpine Hovhannisyan.

In spite of all these positive initiatives, Vahram Baghdasaryan, Head of the Parliamentary Faction of the Republican Party of Armenia, noted the following on 29 September, 2014: *"It is worth stating that regarding the problematic legislative regulations, there is the application of Human Rights Defender of 26.06.14 to the Constitutional Court of the Republic of Armenia, based on which a constitutional hearing will be started on 25 November, 2014, at 10:00. ...to suggest the authors of the legislative initiatives abstain from discussion on the package of the presented draft laws for the time being, and get back to it after the Constitutional Court adopts a decision"*.

In his turn, Hovhannes Manukyan, RA Minister of Justice told in the National Assembly on 1 October, 2014 : “... *today by the application of the Human Rights Defender there is a relevant case in the Constitutional Court, which I think the Constitutional Court will examine during the forthcoming 1-1,5 months. Here the Government and, to some sense, also the National Assembly should wait for the developments*”.

From the perspective of solving the issue effectively, it is not expedient that the National Assembly waits for the developments in the Constitutional Court and, thus, hinder the tackling of the issue on an urgent basis. Moreover, the start date of the examination by the Constitutional Court is quite far, and the necessity to solve the issue is very urgent. Besides that, it is not possible, as well as not permissible to foreclose the approaches and final decisions of the Constitutional Court. Although even if the provisions being contested in the Constitutional Court are recognized unconstitutional, anyway, the issue may subsequently get back to the National Assembly and may be solved by a relevant legislative amendment.

Given the urgency of the matter, the 3 legislative initiatives being circulated, as well as the objectively long terms of solving the matter through the Constitutional Court, the RA Human Rights Defender withdraws his application from the Constitutional Court and suggests that the issue receives urgent regulation in the National Assembly in frames of the initiatives mentioned above. That is to say, the regulation of the given issue must, on an urgent basis, be transferred from the Constitutional Court to the National Assembly.

Staff of the RA Human Rights Defender