[AM] Constitution Amended

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On 27 November 2005, a constitutional referendum was held in Armenia. According to official information the Constitution of the Republic of Armenia was amended by the majority of votes.

The changes that were thus introduced aim mainly at the reallocation of powers between legislative and executive authorities. At the same time the Act includes a number of provisions regulating the activities of the mass media. Some of them are to be found in chapter 1 (Fundamentals of the Constitutional System), some are in chapter 2 dealing with rights and freedoms of Armenian citizens, and some more in the articles regulating the competence of state authorities - the President and the National Assembly (parliament).

The fundamentals of the constitutional system shall include the principle of ideological and political pluralism (Article 7).

Regulation of the citizen's rights became more detailed. Article 14.1 prohibits any discrimination, including discrimination based on the criteria of language, ideology or political views. Article 19 guarantees the right to a fair trial and establishes the limited list of grounds for a prohibition on the mass media to access to court procedures. Article 23 provides the right of access to one's own personal data. According to Article 27, the State shall guarantee the freedom of the mass media and information sources, as well as the existence and functioning of the public television and radio to provide informational, cultural, educational, and entertaining diversity. Another innovation introduces liability of the state officials for the concealment of environmental information (Article 33.2).

The redrafted Constitution includes the developed and hierarchic system of proportionate limitations of freedoms and rights. According to Article 43 the rights and freedoms declared inter alia in Articles 23 and 27 of the Constitution shall be subject to such restrictions as are prescribed by law and are necessary in a democratic society, in the interests of national security, public safety, for the prevention of crime, for the protection of public health or morals, for the protection of constitutional rights, the reputation and good name of others. Finally, a ban on the use of hate speech is provided for in Article 47 of the Act.

The amended Constitution expands the legislator's powers in the mass media policy-making sphere. Article 83.2 of the Constitution provides for the

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establishment and functioning of an independent regulatory authority in the broadcasting sector. This body, the National Commission on Television and Radio, has already been established according to the Statute “On Television and Radio” (see IRIS 2001-2: 4), and has now obtained constitutional status and new formation rules. While previously the members of the National Commission were appointed by the President of Armenia, the Constitution now provides for the parity appointment of the Commission members by the President and by the parliament. Article 117 of the Constitution (transitional provisions) stipulates that standing members of the Commission shall carry on their duties until the expiry of their terms of powers.

Article 83.4 of the Constitution includes a list of matters that shall be subject only to legislative regulation. Inter alia the legal status of the mass media as well as personal and commercial information that may not have confidential status shall be regulated by acts of parliament only.

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Constitution of the Republic of Armenia

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