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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**FIRST SET OF PROPOSALS
FOR CONSTITUTIONAL AMENDMENTS
IN ARMENIA***

* *Translation provided by the Armenian authorities.*

Draft

**LAW
OF THE REPUBLIC OF ARMENIA**

Draft Amendments to the RA Constitution

Article 1. Article 4 of the Constitution of the Republic of Armenia shall read as follows:

“Article 4. The Republic of Armenia recognizes the fundamental human rights and freedoms as an inalienable and ultimate value. In the exercise of power the people and the state shall be limited by those rights stipulated by the Constitution, as a directly functioning right.”

Article 2. Add the words “and balance” after “separation” in Part 1 of Article 5 of the Constitution.

In Part 2 of Article 5 add “and the local self-government bodies and” after “The state”.

Article 3. Article 6 of the Constitution shall read as follows:

“Article 6. The supremacy of right and the rule of law shall be guaranteed in the Republic of Armenia.”

The Constitution of the Republic has a supreme legal force and the norms thereof shall apply directly.

Laws of the Republic of Armenia shall conform to the Constitution. Other normative and individual acts shall conform to the Constitution, the laws and the international agreements ratified by the Republic of Armenia.

Laws and other normative legal acts stipulating all-binding rules of conduct shall come into force in conformity with the procedure prescribed by law following the official publication.

In the Republic of Armenia international agreements shall come into force only after being ratified or approved. The international agreements of the Republic of Armenia are a constituent part of the legal system of the Republic of Armenia. If a ratified international agreement stipulates norms other than those stipulated in the laws, the norms of the agreement shall prevail.

The international agreements not complying with the Constitution can be ratified only following the adoption of relevant amendments to the Constitution.

The procedure for concluding international agreements shall be defined by law.”

Article 4. In Article 7 of the Constitution “is recognized” substitute with “and ideological pluralism are recognized” for before “in the Republic of Armenia”.

Extract the words “structure and” in the second sentence of Part 2 of the same Article.

Article 5. After Article 7 of the Constitution add new Articles 7.1 and 7.2 with the following wording:

“Article 7.1. The church shall be separate from the State in the Republic of Armenia.

The Republic of Armenia recognizes the exclusive historical mission of the Armenian Apostolic Holy Church as a national church, in the spiritual life, development of the national culture and preserving of the national identity of the people of Armenia.

Freedom of activities for all religious organizations operating in accordance with law shall be guaranteed in the Republic of Armenia.

Article 7.2. The armed forces of the Republic of Armenia are called upon to ensure security, defense and territorial integrity of the Republic of Armenia, as well as inviolability of its borders. The armed forces shall maintain neutrality in political matters and remain under civilian control.”

Article 6. Parts 2 and 3 of Article 8 of the Constitution shall read as follows:

“Freedom of economic activity and free economic competition founded on principles of market-based economic relations is guaranteed in the Republic of Armenia.” .

Abuse of monopoly in the market and unfair competition shall be prohibited.”

Add a new Part 4 in the same Article with the following wording:

“The permitted forms and limits of monopoly shall be defined by law.”

Article 7. In Article 9 of the Constitution add “principles and” before “norms of international law”.

Article 8. In Article 10 of the Constitution substitute the word “reasonable” for “rational”

Article 9. In Part 1 of Article 11 add a new sentence with the following wording:

“The State shall contribute to the individual’s free access to the national and world cultural heritage.”

Apply the following wording to Part 2 of the same Article:

“Within the framework of the principles and norms of the international law the Republic of Armenia shall contribute to fostering relations with the Armenian Diaspora, protection of Armenian historical and cultural values located in other countries, advancing Armenian education and culture.”

Article 10. After Article 11 of the Constitution add new Articles 11.1, 11.2 and 11.3 with the following wording:

The names and borders of the administrative-territorial units shall be defined by law.

Article 11.2. The Republic of Armenia recognizes and guarantees in the local self-governance.

Article 11.3. The procedure for acquisition and termination of citizenship of the Republic of Armenia shall be defined by law. Armenians by birth shall acquire citizenship of the Republic of Armenia through a simplified procedure.

No person may be deprived of citizenship of the Republic of Armenia, or the right to relinquish citizenship.

A citizen of the Republic of Armenia may not be extradited to a foreign state save for cases stipulated in international agreements ratified by the Republic of Armenia. The decision on extradition may be appealed to the court.

The citizens of the Republic of Armenia shall be under the protection of the Republic of Armenia within the territory of the Republic of Armenia and beyond its borders.”

Article 11. In Part 3 of Article 13 the words “is the “Our Fatherland”” replace by “shall be defined by law”.

Article 12. Article 14 of the Constitution shall read as follows:

“Article 14. The human dignity shall be respected and protected by the state as an inviolable foundation of human rights and freedoms.

The Republic of Armenia shall ensure the protection of human and citizen rights and freedoms as stipulated in the Constitution in conformity with the principles and norms of international law.”

Article 13. After Article 14 of the Constitution add a new Article 14.1 with the following wording:

“Article 14.1. People shall be equal in rights regardless of race, sex, language, religion, political or other opinion, national or social origin, property or other status, and have all the rights, freedoms and obligations stipulated in the Constitution and laws and shall be given equal protection without discrimination.”

Article 14. Article 15 of the Constitution shall read as follows:

“Article 15. Everyone has a right to life.”

Article 15. Article 16 of the Constitution shall read as follows:

“Article 16. Everyone shall have the right of liberty and inviolability. No one shall be deprived of or restricted in his/her freedom except on the bases of cases and procedures prescribed by law.

Everyone who is arrested shall be immediately informed, in a language comprehensible to him/her, of the reasons for his/her arrest and of the charges against him/her. The family of the

arrested or any other person chosen by him/her shall be immediately notified of the arrest. The arrested is not obliged to testify without his/her defense attorney.

Every person arrested shall within 48 hours be brought before the court, which shall no later than within 24 hours take a decision on subjecting him/her to detention or other means of restraint. Release may be conditioned by guarantees to appear for trial.

A person may be detained only by the court decision in conformity with the procedure prescribed by law. Every person shall have a right to appeal to a higher court against the lawfulness and reasons of his/her detention, arrest and search.

Every person has the right to recover damages caused by illegal detention, arrest, or search on the grounds and by the procedure defined by law.

No one shall be deprived of freedom for not honoring his/her contractual obligations.

No one shall be subjected to search otherwise than in accordance with the procedure prescribed by law.”

Article 16. Article 17 of the Constitution shall read as follows:

“Article 17. No one shall be subjected to torture, cruel, or degrading treatment or punishment. Arrested, detained or incarcerated persons shall be entitled to human treatment and respect of dignity.

No one shall be subjected to scientific, medical and other experiments without his/her consent.

Children under the age of 16 shall not be subjected to scientific, medical and other experiments.

Article 17. Article 18 of the Constitution shall read as follows:

“Article 18. Everyone shall be entitled to protect his/her rights and freedoms by any means not prohibited by law.

For the protection rights and freedoms everyone is entitled to have the support of the Human Rights’ Defender on the grounds and in conformity with the procedure prescribed by law.

Everyone shall in conformity with the international agreements of the Republic of Armenia be entitled to apply to the international institutions protecting human rights and freedoms to protect his/her rights and freedoms if all domestic legal means are exhausted.

Article 18. Article 19 of the Constitution shall read as follows:

“Article 19. Everyone has a right to restore his/her violated rights, and entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal to reveal the grounds of the charge against him/her”.

The representatives of the mass media and the public may be excluded from all or part of the trial in the interests of morals, public order, national security, protection of the private life of the parties or administration of justice so require, but the judgment shall be pronounced publicly.”

Article 19. Article 20 of the Constitution shall read as follows:

“Article 20. Everyone shall be entitled to legal assistance.

The legal assistance shall be provided to the defendant at the expense of the state resources if he/she does not have sufficient means to pay for legal assistance or in other cases prescribed by law.

Everyone shall have a right to a legal counsel starting from the moment of being interrogated, arrested, detained or charged.

Every convicted person shall have a right to bring an appeal to a higher court against the judgment. Every convicted person shall have a right to a pardon or mitigation of the punishment.

All damages incurred by the victim shall be compensated in conformity with the procedure prescribed by law.”

Article 20. Article 21 of the Constitution shall read as follows:

“Article 21. Everyone charged with a criminal offence shall be presumed innocent until proved guilty by court judgement lawfully entered into force as prescribed by law.

The defendant shall not be obliged to prove his/her innocence. The remaining suspicions shall be interpreted in favor of the defendant.

Article 21. Article 22 of the Constitution shall read as follows:

“Article 22. No one shall be obliged to testify against himself/herself, his/her spouse and close relatives. The law may prescribe other cases of release from the obligation to testify.

The use of illegally obtained evidence is prohibited.

Imposing of heavier punishment than the one in effect at the time when the crime was committed shall be prohibited.

No one shall be held guilty for a crime on account of any act which did not constitute a crime under the law at the time when it was committed.

The law eliminating or mitigating the penalty for the offence shall be retroactive.

The law prescribing or increasing liability shall not be retroactive.

No one shall be sentenced twice for one and the same act.”

Article 22. Article 23 of the Constitution shall read as follows:

“Article 23. Everyone shall have the right to respect for his private and family life.

The bodies of state power cannot collect, keep, use and disseminate any information about anyone other than stipulated by law.

Every citizen, save for cases prescribed by law, shall be entitled to be acquainted with the official information about himself/herself and demand that the information be rectified or eliminated if it is not accurate or has been obtained illegally.

Everyone shall have the right to secrecy of correspondence, telephone conversations, mail, telegraph and other communications, which shall be restricted only by court decision in conformity with the procedure prescribed by law.”

Article 23. Article 24 of the Constitution shall read as follows:

“Article 24. Everyone shall have the right of inviolability of the residence. Breaking into a person’s residence against his/her will shall be prohibited save in cases prescribed by law.

The place of residence can be searched only by the decree of the court in conformity with the procedure prescribed by law.”

Article 24. Article 25 of the Constitution shall read as follows:

“Article 25. The citizens of the Republic of Armenia as well as anyone legally sojourning (?) in Armenia shall have the right to freedom of movement and residence within the borders of the Republic of Armenia.

Everyone shall have a right to leave the Republic of Armenia.

The citizens of the Republic of Armenia and those legally residing in the country shall have the right to return to the Republic of Armenia.”

Article 25. Article 26 of the Constitution shall read as follows:

“Article 26. Everyone shall have the right to freedom of thought, conscience and religion.”

Article 26. Article 27 of the Constitution shall read as follows:

“Article 27. Everyone shall have the right to freely express his/her opinion. No one shall be forced to recede or change his/her opinion.

Everyone shall have the right to freedom of expression including freedom to search for, receive and impart information and ideas by any means of information regardless of frontiers.

Freedom of press and other mass media shall be guaranteed. The activities and liabilities for mass media shall be defined by law.”

Article 27. After article 27 Add a new article 27.1 with the following wording:

“Article 27.1. Everyone shall have the right to submit letters and recommendations to the authorized public and local self-government bodies for the protection of private and public interests and the right to receive appropriate answers to them.”

Article 28. Article 28 of the Constitution shall read as follows:

“Article 28. Everyone shall have the right to freedom of association with others, including the right to form and to join trade unions.

Every citizen shall have a right to form political parties with other citizens and join such parties.

The rights to form and to join political parties and trade unions can be restricted in conformity with the procedure prescribed by law for the military as well as special categories of public servants.

No one shall be compelled to join any political party or association.

The activities of associations including political parties can be suspended or prohibited only by court decision and in cases prescribed by law.”

Article 29. Article 29 of the Constitution shall read as follows:

“Article 29. Everyone shall have the right to freedom of peaceful and unarmed assembly, rallies and demonstrations.

No restrictions shall be placed on the exercise of this right by the military and public servants other than such as are prescribed by law.”

Article 30. Article 30 of the Constitution shall read as follows:

“Article 30. Any citizen of the Republic of Armenia above the age of 18 shall have the right to take part in the government of his/her country, directly or through freely chosen representatives.

The law may define the right of suffrage for the elections of the bodies of local self-government for persons who are not citizens of the Republic of Armenia.

Citizens found to be incompetent by a court decision, duly sentenced to prison or serving the sentence, shall not be entitled to vote or be elected. The law may prescribe other restrictions to the right to vote in the elections for the bodies of local self-government.”

Article 31. After Article 30 of the Constitution add a new Article 30.1 with the following wording:

“Article 30.1. All citizens shall have the right to equal access to state service in conformity with the procedure prescribed by law.

The principles of and the procedure for the organizational aspects of public service shall be defined by law.”

Article 32. Article 31 of the Constitution shall read as follows:

“Article 31. Everyone shall have the right to possess and inherit property.

The proprietor shall have the right to freely own, manage and use the property belonging to him/her, as well as the products of his/her intellectual activity. No one shall be deprived of property except for cases prescribed by law in conformity with the court decision.

The right to land ownership for foreign citizens and persons without citizenship may be restricted by law.

Private property may be alienated for the needs of society and the state only under exceptional circumstances, on the basis of law, and with prior equivalent compensation.

The right of property shall be exercised without detriment to the natural environment, and shall not violate the rights and lawful interests of other people, the society and the State.”

Article 33. After article 31 of the Constitution add a new Article 31.1 with the following wording:

“Article 31.1. The state shall protect the interests of consumers, exercise quality control over goods, services and works as prescribed by law.”

Article 34. Article 32 of the Constitution shall read as follows:

“Article 32. Everyone shall have the right to free choice of employment.

Everyone shall have the right to fair remuneration in the amount no less than the minimum set by law, as well as the right to working conditions in full compliance with the safety and hygiene requirements.

Everyone shall have the right to freedom of enterprise not prohibited by law and the limitations related to the exercise thereof shall be defined by law.

The employees shall have the right to strike for the protection of their economic, social and employment interests, the procedure for and limitations thereon shall be prescribed by law.

The state shall implement programs for reducing unemployment and increasing the effectiveness of employment. The children under the age of 16 shall not be allowed to work full time. The procedure and conditions for their hiring to a part-time job shall be defined by law.

Compulsory employment shall be prohibited save for cases prescribed by law.”

Article 35. Article 33 of the Constitution shall read as follows:

“Article 33. Everyone shall have the right to rest.

The law shall define the maximum working hours, holidays, as well as the minimum length of annual leave.”

Article 36. Add a new Article 33.1 after Article 33 of the Constitution with the following wording:

“Article 33.1. Everyone shall have the right to live in an environment favorable to his/her health and well-being and shall be obliged to protect and improve it either in person or jointly with others.

The state shall administer the environmental security policy for present and future generations.

The public officials shall be held responsible for hiding information on environmental issues and refusing to protect it.”

Article 37. Article 34 of the Constitution shall read as follows:

“Article 34. Everyone shall have the right to a standard of living adequate for himself/herself and for his/her family, including housing as well as improvement of living conditions. The State shall take the necessary measures for the exercise of this right by the citizens.”

Article 38. Article 35 of the Constitution shall read as follows:

“Article 35. The family is the natural and fundamental cell of the society. The family, the motherhood and the childhood are entitled to patronage and protection by the society and the State.

Men and women of marriageable age shall have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and divorce.”

Article 39. Article 36 of the Constitution shall read as follows:

“Article 36. The parents shall have the right and obligation to take care of the education, health of as well as the full and harmonious development of their children.

No one can be deprived of or restricted in his/her parental rights save by the decision of the court in conformity with the procedure prescribed by law.

Adult capable persons are obliged to take care of their parents who are incapacitated and in need of such care.”

Article 40. Article 37 of the Constitution shall read as follows:

“Article 37. Everyone shall have the right to social security during old age (?), disability, loss of bread-winner (?), unemployment and other cases prescribed by law.”

Article 41. Article 38 of the Constitution shall read as follows:

“Article 38. Everyone shall have the right to health care. The law shall define the procedure for medical care and services. The State shall implement health care programs for the population and contribute to the development of physical education and sport.”

Article 42. Article 39 of the Constitution shall read as follows:

“Article 39. Everyone shall have a right to education.

Secondary education in state and community educational institutions shall be free.

In cases and in conformity with the procedure prescribed by law the State shall provide financial and other assistance to educational institutions conducting professional education programs as well as their students.

The law shall define the principles of autonomy in higher education institutions.

The procedures for establishing and operations of educational institutions shall be defined by law.

Everyone shall have the right to free higher and vocational education on the basis of competition as is prescribed by law.”

Article 43. Article 40 of the Constitution shall read as follows:

“Article 40. Everyone shall have the right to freedom of literary, aesthetic, scientific and technical creation, to make use of the scientific advancement and to participate in the cultural life of the society.

The intellectual property shall be protected by law.”

Article 44. Article 41 of the Constitution shall read as follows:

“Article 41. People belonging to national minorities shall have the right to preserve their traditions, as well as the right to freely express, protect and advance their ethnic, language, cultural and religious identity.”

Article 45. Article 42 of the Constitution shall read as follows:

“Article 42. The rights and freedoms stipulated in the Constitution shall not be deemed exhaustive, nor shall they exclude other fundamental human and citizen rights and freedoms stipulated in the law or international agreements of the Republic of Armenia.”

Everyone shall have the right to act in a way prohibited by law and not violating others’ rights and freedoms. No one shall bear obligations not stipulated by law.

The laws and other legal acts exacerbating the legal status of an individual shall not be retroactive.

The legal acts (ameliorating?) improving the legal status of an individual, eliminating or mitigating his/her liability shall be retroactive if prescribed by the acts in question.

Any restrictions on human and citizen rights and freedoms shall not exceed the scope set by the international commitments of the Republic of Armenia.”

Article 46. Article 43 of the Constitution shall read as follows:

“Article 43. The fundamental human and citizen rights and freedoms set forth in Articles 23-30, Part 4 of Article 32 can be temporarily restricted as prescribed by law only if it is necessary in a democratic society in the interests of national security, public order, crime prevention, protection of public health and morality, constitutional rights and freedoms, as well as honor and reputation of others.”

Article 47. Article 44 of the Constitution shall read as follows:

“Article 44. Special categories of human and citizen rights, except for those stipulated in Articles 15, 17-22, 26 and 42 of the Constitution, can be temporarily restricted as prescribed by law in case of martial or state of emergency within the scope of international commitments on deviating from commitments in cases of emergency.” (there is problem with this wording in Armenian...)

Article 48. Article 45 of the Constitution shall read as follows:

“Article 45. Everyone shall be obliged to pay taxes, duties and other compulsory fees in conformity with the procedure prescribed by law.”

Article 49. Article 46 of the Constitution shall read as follows:

“Article 46. Every citizen shall be obliged to take part in the defense of the Republic of Armenia in conformity with the procedure prescribed by law.”

Article 50. Article 47 of the Constitution shall read as follows:

“Article 47. Everyone shall be obliged to honor the Constitutions and laws, to respect the rights, freedoms and dignity of others.

The exercise of the rights and freedoms with the purpose of overthrow of the constitutional order, incitement to national, racial and religious hatred, propaganda of violence and warfare shall be prohibited.”

Article 51. Article 48 of the Constitution shall read as follows:

“Article 48. Legal entities shall also be endowed with fundamental human rights and freedoms to the extent that these rights and freedoms in their nature are applicable to them.”

Article 52. Add the words “of Armenia” after the “Republic” in the title of Chapter 3 of the Constitution.

Article 53. Article 49 of the Constitution shall read as follows:

“Article 49. The President of the Republic of Armenia shall be the head of the State.

The President of the Republic shall strive to uphold the Constitution and to ensure the regular functioning of the legislative, executive and judicial powers.

The President of the Republic shall be the guarantor of the independence, territorial integrity, security and succession of the State.”

Article 54. Article 51 of the Constitution shall read as follows:

“Article 51. The election of the President of the Republic shall be held fifty days prior to the expiration of his/her term of office in conformity with the procedure defined by the

Constitution and the law.

The candidate who has received more than half of the valid votes shall be considered as having been elected President of the Republic. If the election involves more than two candidates and none of them receives the required number of votes a second round of voting shall be held on the fourteenth day following the first round of voting, in which the two candidates having received the highest number of votes shall participate. The candidate who receives the highest number of valid votes shall be elected.

If only one candidate runs for the election, he/she shall be elected if he/she receives more than half of the votes of electors participated in the polls.

If the Constitutional Court admits a case on the results of presidential elections, it must render a decision within ten days following the registration of the receipt of the complaint, and the terms defined in this article shall be calculated starting from the moment the court decision comes into force.

If the President of the Republic is not elected, new elections shall be held on the fortieth day following the voting.

The President of the Republic shall take office on the day when the term of office of the previous President expires.

The President of the Republic elected by new or special elections shall take office within ten days following the elections.”

Article 55. Article 52 of the Constitution shall read as follows:

“Article 52. In case if one of the presidential candidates faces insurmountable obstacles for the election of the President of the Republic shall be postponed for two weeks. In the event that the obstacles recognized as insurmountable are not eliminated within the aforementioned period of time a new election shall be held on the fortieth day following the expiration of the two-week’s period.

In case of the death of one of the candidates before the day of voting new elections shall be held on the fortieth day”.

Article 56. Article 54 of the Constitution shall read as follows:

“Article 54. The President of the Republic shall accept office in conformity with the procedure prescribed by law at the special sitting of the National Assembly by swearing the following oath to the people, “Assuming the office of the President of the Republic of

Armenia I swear: to fulfill the requirements of the Constitution in an unreserved manner; respect the fundamental human and civil rights and freedoms; to ensure the protection, independence, territorial integrity and security of the Republic to the glory of the Republic of Armenia and to the welfare of the people of the Republic of Armenia.”

Article 57. Article 55 of the Constitution shall read as follows:

“Article 55. The President of the Republic:

1) shall deliver addresses the people and the National Assembly;

2) shall sign and promulgate, within twenty one days of receipt, laws passed by the National Assembly;

Within this period the may return the law to the National Assembly with objections and recommendations requesting for new deliberations. The President shall sign and promulgate within five days the law re-adopted by the National Assembly;

3) may reduce the term of office of the National Assembly and declare special elections following consultations with the Chairman of the National Assembly and the Prime Minister, in cases and in conformity with the procedure defined by the Constitution. The special elections shall be held no sooner than 30 days and no later than 40 days following the reduction of the term of office of the National Assembly;

The President may not reduce the term of authorities of the National Assembly during the last six months of his/her term of office;

4) shall appoint and dismiss the Prime Minister, appoint to and dismiss from office the members of the Government upon the recommendation of the Prime Minister;

In the event when National Assembly does not give a vote of confidence to the Government, resignation of the Prime Minister or when the office of the Prime Minister is vacant, the President of the Republic shall accept the resignation of the Government, appoint a Prime Minister and form the new Government;

5) shall make appointments to state office positions in cases prescribed by law;

6) shall form and preside the National Security Council, and establish other advisory bodies;

7) shall represent the Republic of Armenia in international relations, supervise the foreign policy, conclude international agreements, forward the international agreements to the National Assembly for ratification and sign their ratification forms, approve, suspend or terminate the international agreements for which no ratification is required;

8) shall appoint to and recall from office the diplomatic representatives of the Republic of Armenia in foreign countries and international organizations, accept the letters of credence and recall of the diplomatic representatives in foreign countries and international organizations;

9) shall appoint to and dismiss from office the Prosecutor General and upon the recommendation of the Prosecutor General appoint to and dismiss from office his/her deputies;

10) shall appoint members to the Constitutional Court;

On the basis of the conclusion of the Constitutional Court may terminate the powers of any of his/her appointees in the Constitutional Court, or give his/her consent to bringing a criminal or administrative charge against the appointee in question.

11) shall appoint, in accordance with the procedure provided in Article 95 of the Constitution, the chairman and judges of the Court of Cassation and its chambers, the chairmen and judges of courts of appeals, the courts of first instance, economic, and other courts, agree to involve the judge as an accused or subject him to an administrative liability through the judicial procedure.

12) shall be the Commander-in-Chief of the armed forces, coordinate the operations of the government bodies in the area of defense, appoint to and dismiss from office the Highest Command of the armed and paramilitary forces.

13) in the event of an armed attack against or of an immediate danger to the Republic, shall declare a state of emergency and may call for a general or partial mobilization and shall decide on the use of the armed forces. During warfare The President may appoint or dismiss from the office the Highest Commandant.

The law shall define the legal regime of martial law.

14) in the event of an imminent danger to the constitutional order, after consulting with the Chairman of the National Assembly and the Prime Minister, shall take measures appropriate in the given circumstances and address the people on the situation.

15) shall, by the procedure defined by law, resolve issues related to granting citizenship of the Republic of Armenia and political asylum;

16) shall award the orders and medals of the Republic of Armenia, promote to highest military ranks and award honorary titles, as well as promote to highest diplomatic and other classification ranks;

17) may grant pardon to convicted persons.”

Article 58. In Article 56 of the Constitution add “and shall not contradict to the Constitution and laws of the Republic of Armenia” and remove Part 2 of the same Article.

Article 59. After Article 56 of the Constitution add a new Article 56.1 with the following wording:

“Article 56.1. The President of the Republic shall be immune.”

Article 60. Add a new Part 4 to Article 57 of the Constitution with the following wording:

“In the event that the Constitutional Court concludes that there are no grounds for impeaching the President of the Republic the motion shall be removed from the agenda of the National Assembly.”

Article 61. Article 58 of the Constitution shall read as follows:

“Article 58. The President of Republic shall submit his/her resignation to the National Assembly. In case of submitting the resignation for a second time following the expiration of a ten-day period, the resignation shall be deemed accepted and a special election shall be held in conformity with the procedure and terms stipulated in the Constitution.”

Article 62. Article 59 of the Constitution shall read as follows:

“Article 59. In case of serious illness of the President of Republic or other insurmountable obstacles which enduringly render the discharge of his/her responsibilities impossible, the National Assembly shall upon the recommendation of the Government, the conclusion of the Constitutional Court and with a minimum of two thirds majority vote of the total number of its members adopt a decision on the incapacity by the President of the Republic to discharge his/her responsibilities. In the event that the Constitutional Court concludes that the grounds for the incapacity of the President of Republic to discharge his/her responsibilities do not exist, the Government may not put such motion forward to the National Assembly.”

Article 63. Article 60 of the Constitution shall read as follows:

“In the event the post of the President of the Republic is vacant and before the newly elected President accepts the office, the Chairman of the National Assembly or, if that is impossible, the Prime Minister shall discharge the responsibilities of the President. In the course of this period reducing the term of office of the National Assembly, declaring a referendum, dismissing the Prime Minister and the Prosecutor General shall be prohibited.”

Add a new Part 2 in the same Article with the following wording:

“In case of temporary incapability by the President of the Republic of Armenia to discharge his/her responsibilities, he/she shall officially inform the Chairman of the National Assembly, who shall afterwards assume the responsibilities of the President of the Republic in the course of that time save for cases stipulated in Clauses 2-6 and 8-12 of Article 55 of the Constitution.”

Article 64. After Article 60 of the Constitution add a new Article 60.1 with the following wording:

“Article 60.1. In the state of emergency no elections of the President of the Republic shall be held and the President of the Republic shall continue the discharge of his/her duties. In this case elections of the President of Republic shall be held on the fortieth day following the expiration of the term of the state of emergency.”

Article 65. Add a new sentence at the beginning of Article 61 of the Constitution with the following wording:

“The President of the Republic shall in conformity with the procedure defined by law form his/her staff.”

Article 66. In the title of Chapter 4 of the Constitution “The National Assembly” substitute with “The Legislative Power”.

Article 67. Article 62 of the Constitution shall read as follows:

“Article 62. Legislative power in the Republic of Armenia shall be vested in the National Assembly. In cases stipulated in Clause 13 of Article 55, Articles 57, 59, 66, 67, 73, 74, 74.1, 77, 81, 83, 84, 85.1, 111 and 112 as well as on matters related to the organization of its activities the National Assembly shall adopt decision, which shall be signed and promulgated by the Chairman of the National Assembly.

The National Assembly shall make addresses and announcements in conformity with the procedure prescribed by the law on the Rules of Procedure of the National Assembly.

The powers of the National Assembly shall be defined by Constitution.

The procedure of the activity of the National Assembly, as well as the formation and activity of its bodies shall be defined by the Constitution and the rules of procedure of the National Assembly.”

Article 68. In Part 1 of Article 63 of the Constitution the phrase “one hundred and thirty-one” substitute with “one hundred and twenty-one”.

In Part 2 of the same Article word “fourth” substitute with “fifth”.

Parts 3, 4 and 5 of the same article shall read as follows:

“The term of office of the National Assembly can be reduced in cases and in conformity with the procedure prescribed by the Constitution.

The term of office of the National Assembly shall not be reduced during the of state of martial law or emergency as well as in the event a motion on impeaching the President of Republic is put forward.

In the course of martial law the term of office of the National Assembly shall be extended until the opening of the first session of the newly elected National Assembly following the end of the martial law.”

Article 69. Article 65 of the Constitution shall read as follows:

Article 65. A Deputy shall not hold another public office, be a member of a body of the local self-government, as well as be involved in another paid work save for academic, pedagogical and creative activities.

A Deputy shall discharge his/her responsibilities on permanent basis.

The status and guarantees of the activity a Deputy shall be defined by the Constitution and the law.”

Article 70. Parts 2 and 3 of Article 66 of the Constitution shall read as follows:

“A Deputy, during and after the term of his or her parliamentary authorities, may not be prosecuted and held liable for actions arising from his or her status, including for his or her opinions expressed in the National Assembly, provided these are not insulting or defamatory.

A Deputy may not be involved as an accused or subjected to a suit for administrative liability through the judicial process without the consent of the National Assembly.”

Add a new Part 4 in the same Article with the following wording:

“A Deputy may not be arrested without the consent of the National Assembly except for cases when he/she is arrested when caught in the act and the arrest serves the interests of investigation. In such a case the Chairman of the National Assembly shall be immediately notified.”

Article 71. Part 1 of Article 67 of the Constitution shall read as follows:

“The powers of a Deputy shall terminate upon the expiration of the term of office of the National Assembly, the reduction of the term of office of the National Assembly, the violation of the provisions stipulated in Part 1 of Article 65 of the Constitution, loss of citizenship, absence from more than half of floor voting in the course of a single session, prison sentence, legal incapacity and resignation from post.”

Article 72. Substitute the word “third” for “second” in part 4 of Article 68 of the Constitution.

Article 73. Apply the following wording to Part 1 of Article 69 of the Constitution:

“The regular sessions of the National Assembly shall be convened two times a year – from the first Monday of September to the third Wednesday of December and from the third Monday of January to the first Wednesday of July.”

Article 74. Article 70 of the Constitution shall read as follows:

“Article 70. A special session or sitting of the National Assembly shall be convened by the President of the National Assembly upon the initiative of at least one-third of the total number of deputies or the Government with an agenda and for a period of time defined by the initiator.

A special session of the National Assembly can be convened by the President of the Republic with an agenda and for a period of time defined by the latter.

A special session shall be convened only in the intervals between regular sessions.”

Article 75. Article 71 of the Constitution shall read as follows:

“Article 71. The laws and decisions of the National Assembly, save for cases set forth in Part 3 of Article 57, Articles 57, 72, 74, 84 and 111, Parts 3 and 4 of Article 75, Part 1 of Article

79, Clause 3 of Article 83 of the Constitution, shall be adopted by the majority of votes of the deputies who have participated in the voting provided that more than half of the total number of deputies have voted.”

Article 76. Article 73 of the Constitution shall read as follows:

“Article 73. There may be not more than ten standing committees established in the National Assembly.

The standing committees shall be established for the preliminary review of draft legal acts and other proposals and for providing the National Assembly with conclusions thereon.

If necessary and in conformity with the procedure stipulated in the Rules of Procedure of the National Assembly ad hoc committees can be established for the preliminary review of special draft laws or for submission of finding and reports on special events and facts to the National Assembly.”

Article 77. In Part 1 of Article 74 of the Constitution word “its program” substitute with “main provisions of its Action Plan”.

In Part 4 of the 2 of the same Article of the Constitution before the word “Government’s” add “main provisions of its Action Plan”.

Article 78. Add a new Article 74.1 after Article 74 of the Constitution with the following wording:

“Article 74.1. If the National Assembly does not give a vote of confidence in the main provisions of the Action Plan of the Government formed for the third time by the RA President, the President of the Republic shall reduce the term of office of the National Assembly in conformity with the procedure stipulated in Clause 3 of Article 55 of the Constitution, and declare special elections, which shall be held in conformity with the procedure provided for in Clause 3 of Article 55 of the Constitution.

The President of Republic can also reduce the term of office of the National Assembly in the following cases:

- a) If the National Assembly fails within two working months to decide on the draft law deemed urgent by the decision of the Government;
- b) If in the course of a regular session no sittings of the National Assembly are convened for more than two months.
- c) If in the course of a regular session the National Assembly fails for more than two months to adopt decision on issues under debate.”

Article 79. Apply the following wording to Article 75 of the Constitution:

“Article 75. The right of legislative initiative in the National Assembly shall belong to the Deputies, the President of the Republic and the Government.

The Government may determine the sequence of the debate for its proposed draft legislation and may demand that they be voted only with amendments acceptable to it.

In conformity with the conclusion of the Government the National Assembly shall upon the request of the Government adopt the draft laws reducing the state budget revenues or increasing the state budget expenditures by the majority of the total number of votes of the deputies.

The Government can put forward a motion on confidence in the Government related to the adoption of a draft law proposed by the Government or a Deputy. If the National Assembly fails to adopt a decision on no confidence in the Government in conformity with the procedure stipulated in Article 74 of the Constitution, then the draft law proposed by the Government shall be deemed adopted or the draft law proposed by a Deputy shall not be deemed adopted.

The Government may not raise the issue of its vote of confidence in conjunction with a draft law more than twice during any single session.

Article 80. Remove the phrase “of the National Assembly’s” from Part 2 of Article 77 of the Constitution.

Article 81. Remove Article 78 of the Constitution.

Article 82. Remove the phrase “for the duration of its full term” from Part 1 of Article 79 of the Constitution.

Remove the word “financial” from Part 2 of the same Article.

Article 83. Add a new Article 80.1 after Article 80 of the Constitution with the following wording:

“Article 80.1. To organize the activities of the National Assembly a Board of the National Assembly shall be established. The structure of and the procedure for the Board shall be defined by the Rules of Procedure of the National Assembly.”

Article 84. Article 81 of the Constitution shall read as follows:

“Article 81. The National Assembly shall upon the recommendation of the President of Republic:

- 1) may declare amnesty;
- 2) ratify, suspend or terminate the international agreements of the Republic of Armenia. The National Assembly shall ratify those international agreements:
 - a) which are of political or military nature or stipulate changes of the State borders,
 - b) which relate to human rights, freedoms and obligations,
 - c) which stipulate financial commitments for the Republic of Armenia,

d) application of which shall bring about legislative amendments or adoption of a new law, or stipulate other norms than those stipulated in the laws,

e) which prescribe ratification,

f) other cases defined by law.

3) decides on declaring war and proclaiming peace. In the event that convening a sitting of the National Assembly is impossible, the President of Republic shall solve the issue of declaring war.

The National Assembly can stop the progress of measures prescribed by Clause 13 of Article 55 of the Constitution.”

Article 85. Article 83 of the Constitution shall read as follows:

“Article 83. The National Assembly shall:

1) shall appoint and dismiss the Chairperson of the Central Bank and the Chairperson of the Control Chamber upon the recommendation of the President of the Republic;

2) appoint members of the Constitutional Court and the Chairperson of the Constitutional Court from among its members.

In case of failure by the National Assembly to appoint the Chairperson of the Constitutional Court within thirty days following the formation of the Constitutional Court, the President of the Republic shall appoint the Chairperson of the Constitutional Court.

3) terminate the powers of any of its appointees in the Constitutional Court, or give its consent to bringing a criminal or administrative charge against the appointee in question based on the conclusion of the Constitutional Court.

4) appoint the Human Rights’ Defender. The grounds for terminating the term of office of the Human Rights’ Defender shall be defined by law.”

Article 86. Add new Articles 83.1, 83.2 and 83.3 after Article 83 of the Constitution with the following wording:

“Article 83.1. The main objective of the Central Bank of the Republic of Armenia shall be to ensure stability of prices in the Republic of Armenia. The Central Bank shall make, approve and implement monetary policy programs.

The Central Bank shall issue the currency of the Republic of Armenia – the Armenian Dram.

The Central Bank shall be independent whilst performing the tasks and functions granted by the Constitution and the law.

Article 83.2. The Control Chamber of the Republic of Armenia shall be an independent body, which shall oversee the use of the budget resources and the state property.

Any citizen of the Republic of Armenia complying with the requirements for the election to the National Assembly of the Republic of Armenia can be elected Chairperson of the Control Chamber.

One and the same person shall not be elected Chairperson of the Control Chamber more than two times in succession.

The Control Chamber shall at least once a year submit to the National Assembly a report on the oversight outcomes.

The law shall define the regulations on the procedure and the powers of the Control Chamber.

Article 83.3. The issues below shall be set forth exclusively by laws of the Republic of Armenia:

- 1) terms and procedures for the exercise and protection of the rights by natural persons and legal entities;
- 2) restrictions on the rights and liberties of natural persons and legal entities, the obligations, as well as forms, extent and procedure for accountability thereof, means of compulsion and the procedure for such, types, amounts and procedures for the payment of taxes, duties and other binding fees payable by natural persons and legal entities;
- 3) cases, terms and procedures for control and oversight over the activities of natural persons and legal entities (including checks, examinations and inspections);
- 4) terms and procedure for establishing legal entities, suspending or terminating the activities thereof;
- 5) list of information not deemed private or family secret for natural persons or commercial secret for legal entities;
- 6) cases, procedure and terms for criminal, administrative, economic (property) or disciplinary liability, the procedure for serving criminal sentences, the procedure for compulsory execution of judicial and administrative acts, the status and powers of prosecutors and attorneys;
- 7) procedure for holding referenda and elections of the President of the Republic of Armenia, National Assembly of the Republic of Armenia and bodies of local self-government;
- 8) procedure for the state budget revenues and expenditures;
- 9) procedure and terms for concluding and annulling the international agreements of the Republic of Armenia;
- 10) conceptual provisions for the national security of the Republic of Armenia;
- 11) procedure for declaring martial law or state of emergency in the Republic of Armenia;

- 12) legal status of the political parties and other non-governmental associations, as well as means of mass information;
- 13) basic principles of activities of the bodies of the executive power;
- 14) status of the Human Rights' Defender;
- 15) status of the Control Chamber;
- 16) status of the Central Bank;
- 17) rights, responsibilities and liabilities of the bodies of local self-government;
- 18) main provisions of the public service.”

Article 87. Sentence 2 of Article 84 of the Constitution shall read as follows:

“The National Assembly shall not exercise this right in case of reduction of its term of office, as well as in the course of martial law or state of emergency.”

Article 88. In the title of Chapter 5 of the Constitution “The Government” substitute with “The Executive Power”.

Article 89. Article 85 of the Constitution shall read as follows:

“Article 85. The executive power in the Republic of Armenia shall be vested in the Government of the Republic of Armenia and other bodies performing functions of the executive power as defined by law.”

As a supreme body of the executive power the Government shall bring to life the domestic and foreign policy of the Republic of Armenia. The authority of the Government shall encompass all matters of public administration not bestowed on other state or local self-government bodies.

By virtue of the Constitution, the international agreements, the laws of the Republic of Armenia, normative acts of the National Assembly and the President of the Republic and to ensure the implementation thereof the Government shall adopt decisions, which are subject to observance in the whole territory of the Republic.

The Government shall be formed of the Prime Minister and the Ministers.

The Government shall be deemed formed when the Prime Minister and all the Ministers are appointed.

The Prime Minister and the Ministers shall be citizens of the Republic of Armenia.

The Prime Minister shall appoint one of the Ministers to act on the Prime Minister's authority in his/her absence.

The Constitution and the laws shall define the powers of the Government.

The structure of the Government as well as the procedure for the operation of other bodies of state administration under the Government shall upon the submission of the Prime Minister be defined by the decree of the President of the Republic.”

Article 90. After Article 85 of the Constitution add a new Article 85.1 with the following wording:

“Article 85.1. Following the first sitting of the newly elected National Assembly or the acceptance of the resignation of the Government, the Government formed by the President of the Republic shall submit to the National Assembly the main provisions of its Action Plan for approval. In the event that the National Assembly denies approval of the main provisions of the Action Plan, the President of the Republic shall within 14 days form a new Government. In the event that the main provisions of this Government are denied approval in the National Assembly the President of Republic shall within 14 days form a Government for the third time.”

Article 91. Article 86 of the Constitution shall read as follows:

“Article 86. The Prime Minister shall convene and chair the Government sittings.

The Prime Minister shall sign the Government decisions.

The President of the Republic can convene and chair a sitting of the Government.

The President of the Republic can suspend the effect of a Government decisions for a period of one month and make an official request to the Constitutional Court for the verification of its compliance with the Constitution and the laws.

In cases stipulated in Article 59 of the Constitution the Government shall upon the request of the majority of its members immediately convene a Government sitting.”

Article 92. From Part 1 of Article 87 of the Constitution Remove the word “regular” and apply the following wording to Part 2:

“The Prime Minister shall adopt decisions on the organization of Government activities”.

Article 93 . Article 88 of the Constitution shall read as follows:

“Article 88. A Government member cannot be a member of a representative body, go into business, hold another public office or be involved in another paid work, save for academic, pedagogical and creative activities.”

Article 94. Add a new Article 88.1 after Article 88 with the following wording:
“Articles 88.1. Regional Governors shall be appointed to and dismissed from office by a Government decision.

The Mayor of Yerevan shall be appointed to and dismissed from post by the President of the Republic upon the nomination of the Government. In cases prescribed by law the Mayor of Yerevan can also be discharged from post by the Yerevan Council of Elders.

The Regional Governors and the Mayor of Yerevan shall pursue the territorial policy of the Government, directly supervise the activities of the territorial services of the executive, save for cases prescribed by law.”

Article 95. In Article 89 of the Constitution:

a) in Clause 1 substitute “program” with words “main provisions of the program”;

b) in Clause 2 substitute “to the Natioanla Assemby” with “the National Assembly”

c) after Clause 4 add a new Clause 4.1 with the following wording:

“4.1) shall ensure the implementation of the state territorial development policy.”

d) Clause 7 shall read as follows:

“7) shall ensure maintenance of law and order, take measures to strengthening of legal order, ensure rights and freedoms of the citizens.”

Article 96. After the “new Government” in Part 2 of Article 90 of the Constitution the phrase “shall present the National Assembly with a draft state budget” substitute with “shall submit the draft state budget to the National Assembly”.

Article 97. Part 2 of Article 91 of the Constitution shall read as follows:

“Court decisions, judgments and verdicts shall be adopted in the name of the Republic of Armenia.”

Article 98. Article 92 of the Constitution shall read as follows:

“Article 92. The Constitutional Court, the court of general jurisdiction of the first instance, the Court of Appeal and the Court of Cassation and, in cases set forth in the law, other specialized courts shall administer justice in the Republic of Armenia.

Establishing emergency tribunals shall be forbidden.”

Article 99. Article 93 of the Constitution shall read as follows:

“Article 93. Lawful decisions, judgments and verdicts of the courts of general jurisdiction and other specialized courts may in accordance with the procedure and terms stipulated in the law be reviewed by the Court of Cassation.”

Article 100. Article 94 of the Constitution shall read as follows:

“Article 94. The independence of courts shall be guaranteed by the Constitution and laws.

The competences and the procedures of formation and activities of the courts shall be defined by the Constitution and laws.

The Constitution shall define the competence and the formation of the Constitutional Court while the procedure for the activities thereof shall be defined by the Constitution and the Law on the Constitutional Court.”

Article 101. After Article 94 of the Constitution add a new Article 94.1:

“Article 94.1. The Constitution and the law shall define the procedure for the formation and the activities of the Council of Justice.

The Council of Justice shall consist of up to nine judges elected by secret ballot for a period of five years by the General Assembly of Judges of the Republic of Armenia and three legal specialists appointed by the President of the Republic.

The President of the Republic shall head the Council of Justice.”

Article 102. Apply the following wording to Article 95 of the Constitution:

“Article 95. In conformity with the procedure stipulated in the law the Council of Justice shall:

- 1) form and present for the approval of the President of the Republic the lists eligible for candidacies of judges and the professional advancement of judges, on the basis of which the appointments are made;
- 2) issues conclusions on submitted candidacies for judges;
- 3) upon the inquiry of the President of the Republic provides an opinion on matters of granting pardon;
- 4) bring a disciplinary charge against a judge.

Upon the recommendation of the Prosecutor General, the Council of Justice shall provide a conclusion to the President of Republic on agreeing to involve the judge as an accused or to institute a proceeding to subject the judge to administrative liability through the judicial process.

The law shall define the procedure of activities of the Council of Justice.”

Article 103. Sentences 2 and 3 of Article 96 of the Constitution shall read as follows:

“The Judge and the members of the Constitutional Court remain in the office without change. The Judge and the member of the Constitutional Court shall hold their offices until the age of 65.”

Article 104. In Part 1 of Article 97 of the Constitution add the words “Constitution and” after “subject to”.

Add a new Part 3 to the same Article with the following wording:

“The Judge and the member of the Constitutional Court may not be involved as an accused or subjected to administrative liability through the judicial process except with the consent of the body stipulated in the Constitution. The Judge and the member of the Constitutional Court shall not be arrested save for cases when caught in the act and is in the interests of the investigation. In this case the President of the Republic, the Chairperson of the Constitutional Court and the chairperson of the relevant be notified immediately.”

Article 105. In Part 1 of Article 98 of the Constitution remove the word “nor” and add “be a member of a body of local self-government, carry out entrepreneurial activities, as well as ”.

Article 106. Article 100 of the Constitution shall read as follows:

“Article 100. In the Republic of Armenia the constitutional justice shall be administered by the Constitutional Court.

The Constitutional Court, in the procedure defined by law shall:

1) determine the compliance of the laws, decisions of the National Assembly, decrees and orders of the President of the Republic, decisions of the Prime Minister and bodies of the local self-government with the Constitution;

1.1) determine the compliance of the laws, resolutions of the National Assembly, decrees and orders of the President of Republic, decrees of the Prime Minister, representative bodies of the local self-government with the laws of the Republic of Armenia.

2) prior to the ratification of international agreements determine the compliance of the commitments stipulated therein with the Constitution;

3) resolve all disputes arising from the outcomes of a referendum;

3.1) resolve all disputes arising from decisions adopted with regard to the elections of the President of the Republic and deputies;

4) declare insurmountable or eliminated obstacles for a candidate for the President of the Republic;

5) provide a conclusion on the existence of grounds for impeaching the President of Republic;

6) provide a conclusion on the incapacity by the President to discharge his/her responsibilities;

7) provide a conclusion on terminating the office of a member of the Constitutional Court, bringing a criminal or administrative charge against him/her;

8) in cases prescribed by law adopt a decision on suspending or prohibiting the activities of a political party.

Article 107. Article 101 of the Constitution shall read as follows:

“Article 101. In conformity with the procedure set forth in the Constitution and the law on the Constitutional Court the application to the Constitutional Court may be filed by:

- 1) the President of the Republic - in cases stipulated in Clauses 1, 1.1, 2, 3, 7 and 8 of Article 100 of the Constitution;
- 2) the National Assembly – in cases stipulated in Clauses 1.1, 3, 5, 7 and 8 of Article 100 of the Constitution;
- 3) at least one-fifth of the total number of the deputies - in cases stipulated in Clause 1 of Article 100 of the Constitution;
- 4) the Government - in cases stipulated in Clauses 1, 1.1, 6 and 8 of Article 100 of the Constitution;
- 5) representative bodies of the local self-governance on the grounds the state bodies exceed the powers entrusted to them by the Constitution to the detriment of the constitutional rights of the representative bodies of local self-government;
- 6) every person in a specific case challenging the constitutionality of a law or provision thereof applied when adopting the final act of the court;
- 7) courts and the Prosecutor General on the issue of constitutionality of provisions of normative acts related to cases within their proceedings;
- 8) the Human Rights’ Defender – on the issue of compliance of normative acts listed in clause 1 of Article 100 of the Constitution with the provisions of Chapter 2 of the Constitution;
- 9) candidates for the President of the Republic and deputies – on matters listed in Clauses 3.1 and 4 of Article 100 of the Constitution;

The Constitutional Court shall start proceedings only upon the receipt of a complaint.”

Article 108. Article 102 of the Constitution shall read as follows:

“Article 102. The Constitutional Court shall adopt decisions and conclusions in conformity with the procedure and terms stipulated in the Constitution and the Law on the Constitutional Court.

The decisions of the Constitutional Court shall be final and shall come into force following the publication thereof.

The Constitutional Court may adopt a decision stipulating a later term for invalidating a normative act contradicting to the Constitution or a part thereof, which shall not exceed six month following the adoption of the decision by the Constitutional Court.

On matters stipulated in Clauses 1-4 and 8 of Article 100 of the Constitution the Constitutional Court shall adopt decisions whilst on matters stipulated in Clauses 5-7 it shall issue conclusions. The conclusions and the decision on matters stipulated in Clause 8 shall be adopted by at least

two-thirds of the total number of the members whilst the remaining decision shall be adopted by a simple majority of votes. If the conclusion of the Constitutional Court is negative, the issue shall be removed from the scope of competence of the relevant body.

On the basis of individual applications of citizens the Constitutional Court, in a procedure defined by law, may hear the case and render a decision by a panel of three members of the Constitutional Court if the decision has been taken unanimously. In the event that the votes are divided the Constitutional Court shall adopt a decision by a majority of votes of its members.”

Article 108. In Article 103 of the Constitution:

a) Add “In conformity with the procedure and cases defined by law” before “the Office of the Prosecutor General shall” in the second sentence of Part 1.

b) Clauses 1 and 2 shall read as follows:

“1) instigate criminal charges and prosecute;

2) oversee the lawfulness of preliminary inquiries and investigations;

c) Clause 6 shall read as follows:

“6) oversee the discharge of penalties and other means of compulsion”;

d) remove the words “on the Office of the Prosecution” in part 2.

Article 109. In the title of Chapter 7 of the Constitution remove the words “Territorial Administration and”.

Article 110. Article 104 of the Constitution shall read as follows:

“Article 104. The local self-government shall be exercised in the communities.

The local self-governance is the right of the community to resolve on its own responsibility local problems aimed at the welfare of the inhabitants, which is ensured and guaranteed by the State.”

Article 111. Add a new Article 104.1 after Article 104 of the Constitution with the following wording:

“Article 104.1. A community comprises the populace of one or more residential areas.

A community shall be a legal entity, have the right to property and other economic rights.”

Article 112. Article 105 of the Constitution shall read as follows:

“Article 105. Authorities of the community pertaining to managing and administering the community’s property, resolving issues of community significance, and other authorities aimed at fulfilling the requirements of the community shall be exercised by the community in

its own name and under its responsibility. A certain part of community's authorities may by law be deemed obligatory. ”

Article 113. After Article 105 of the Constitution add a new Article 105.1 with the following wording:

“Article 105.1. The land in the territory of the community with the exception of the land necessary for state needs and those belonging to natural persons and legal entities shall be deemed property of the community.”

Article 114. Article 106 of the Constitution shall read as follows:

“Article 106. The community shall generate its budget independently.

The law shall define the sources of the community revenues.

The law shall define the sources of community finances that will secure the discharge of their responsibilities.

Responsibilities delegated to the communities shall be funded from the state budget.

The communities shall establish local taxes and duties within the scope defined by law. The communities can set forth fees for the services in conformity with the procedure defined by law.”

Article 115. Article 107 of the Constitution shall read as follows:

“Article 107. The community shall exercise its right of self-government through the bodies of local self-government – the Council of Aldermen and the Head of Community, who shall be elected for a 4-year term of office in conformity with the procedure defined by law.

The Council of Aldermen of the community shall in conformity with the procedure defined by law manage the community property, approve the community budget upon the submission of the Head of Community, oversee the community budget execution, envisage local taxes, duties and fees in conformity with the procedure defined by law and adopt legal acts subject to observance in the territory of the community. The acts adopted by the community Council of Aldermen shall not contradict to the legislation; the law shall define the procedure for their publication and coming into force.

The law shall define the powers of the Head of Community and the procedure for the exercise thereof.

The community members can directly take part in the administration of the community affairs by resolving local problems through local referenda. The law shall define the procedure and terms for conducting a local referendum.”

Article 116. Article 108 of the Constitution shall read as follows:

“Article 108. The city of Yerevan shall be a community. The Mayor of Yerevan shall exercise the powers of a head of community in the city of Yerevan. The Law on the City of

Yerevan shall define the specifics of the local self-governance in the city of Yerevan as well as the specifics of the authorities of its bodies.

The law may stipulate a local self-governance for the city of Yerevan at the level of districts.

The city of Yerevan shall have a separate budget.”

Article 117. After Article 108 of the Constitution add a new Article 108.1 with the following wording:

“Article 108.1. The law shall define the procedure for the state oversight over the discharge of authorities delegated to the community. To ensure the lawfulness of the activities of the community, legal control shall be exercised in conformity with the procedure defined by law.”

Article 118. Article 109 of the Constitution shall read as follows:

“Article 109. The Government may, in cases prescribed by law, discharge the Head of Community from his/her office or reduce the term of authority of the community Council of Aldermen.

Before the newly elected Head of Community assumes his/her office the Regional Governor shall appoint an acting Head of Community for a period not exceeding three months.”

Article 119. Article 110 of the Constitution shall read as follows:

“Article 110. Consolidation or separation of communities may take place both by the will of communities and the National Assembly upon the recommendation of the Government.

The law shall define the principles and procedure for consolidation or separation of the communities.”

Article 120. Add a new part to Article 111 of the Constitution with the following wording:

“If the initiative belongs to the President of the Republic, the National Assembly shall within a three-month period following the receipt of the draft of the Constitution or amendments thereof put the motion on holding a referendum on the draft to the vote. If the majority of the total number of the deputies of the National Assembly vote for the draft, the latter shall be deemed adopted and the President of the Republic shall hold a referendum on the date set up by himself/herself.”

Article 121. After Article 111 of the Constitution add a new Article 111.1 with the following wording:

“Article 111.1. Constitutional amendments may also be stipulated by law initiated by at least one third of total number of Deputies of the National Assembly or the President of the Republic.

The draft law stipulating constitutional amendments shall be adopted by at least two-thirds of votes of the total number of deputies of the National Assembly.

The provisions of Chapters 1, 2, 7, 8 and 9, as well as those of Articles 49, 50, 55, 56.1, 57, 59, 60, 60.1, 61, 62, 63, 66, 67, 68, 69, 70, 71, 72, 73, 74, 74.1, 75, 76, 77, 80, 81, 82, 83, 83.1, 83.2, 83.3, 84, 85, 85.1, 86, 87, 88.1, 89, 90, 91, 92, 94, 94.1, 95, 96, 97, 98, 99, 100, 101, 102 and 103, save for Articles 1, 2 and 114 may be amended only in conformity with the procedure stipulated in Article 111.

The National Assembly may not initiate constitutional amendments by initiating a law more than two times in the course of its term of office.

The President of the Republic may not initiate a process of constitutional amendments by law more than two times in the course of his/her term of office.

No constitutional amendments shall be initiated in the state of emergency or martial law”

Chapter 9. TRANSITIONAL PROVISIONS (shall be added after the review of the package of reforms)

JUSTIFICATION

For Making Amendments to the Constitution of the Republic of Armenia

The amendments to the Constitution of the Republic of Armenia are conditioned on the need to fully harmonize the supreme law of the country with the contemporary democratic processes around the world, to respond to the universal achievements, as well as to reflect the state, historical and modern developments of the Armenian nation and foster the best structures and procedures for the consolidation of the state.

By virtue of the aforementioned the proposed amendments are directed at the following objectives:

- The principle of the supremacy of law and the rule of law is laid down, the RA citizens are granted the right to apply to the Constitutional Court, the inalienable and supreme value of the human rights and fundamental freedoms is acknowledged and the formulations thereof are harmonized with the universal international documents on human rights and fundamental liberties.
- The exclusive historical mission of the Armenian Church in the spiritual life of the Armenian nation, development of its national culture and protection of its national identity is recognized at the constitutional level.
- More clarity is bestowed on the constitutional and legal mechanisms defining the principle of separation and mutual balance of powers.
- Viable mechanisms are defined for ensuring independence and impartiality of the judiciary.
- The provisions imposing restrictions on the viability of the communities are fundamentally amended.

The adoption of these amendments will help ensure sound progress in our country, which will thus integrate into the world family as a full-right member and a promoter of the democratic order. It will also help demonstrate the State's readiness to maintain and protect the historical and cultural values of the Armenian nation.