



Strasbourg, 29 November 2004

CDL(2004)125
Engl. only

Opinion no. 313 / 2004

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

CONSTITUTION
OF THE REPUBLIC OF ARMENIA

(5 July 1995)

CONSTITUTION OF THE REPUBLIC OF ARMENIA

The Armenian People, Recognizing as a basis the fundamental principles of Armenian statehood and the national aspirations engraved in the Declaration of Independence of Armenia,

Having fulfilled the sacred message of its freedomloving ancestors for the restoration of the sovereign state,

Committed to the strengthening and prosperity of the fatherland.

In order to ensure the freedom, general will being and civic harmony of future generations,

Declaring their faithfulness to universal values,

Hereby adopts the Constitution of the Republic of Armenia.

CHAPTER 1

The Foundations of Constitutional Order

Article 1. The Republic of Armenia is a sovereign, democratic state, based on social justice and the rule of law.

Article 2. In the Republic of Armenia power lies with the people.

The people exercise their power through free elections and referenda, as well as through state and local self-governing bodies and public officials as provided by the Constitution. The usurpation of power by any organization or individual constitutes a crime.

Article 3. The elections of the President, the National Assembly and local self-governing bodies of the Republic of Armenia, as well as referenda, are held based on the right to universal, equal and direct suffrage by secret ballot.

Article 4. The state guarantees the protection of human rights and freedoms based on the Constitution and the laws, in accordance with the principles and norms of international law.

Article 5. State power shall be exercised in accordance with the Constitution and the laws based on the principle of the separation of the legislative, executive and judicial powers. State bodies and public officials may execute only such acts as authorized by legislation.

Article 6. The supremacy of the law shall be guaranteed in the Republic of Armenia.

The Constitution of the Republic has supreme juridical force, and its norms are applicable directly.

Laws found to contradict the Constitution as well as other juridical acts found to contradict the Constitution and the law shall have no legal force.

Laws shall take effect only after official publication. Unpublished juridical acts pertaining to human rights, freedoms, and duties shall have no juridical force. International treaties that have been ratified are a constituent part of the legal system of the Republic. If norms are provided in these treaties other than those provided by laws of the Republic, then the norms provided in the treaty shall prevail.

International treaties that contradict the Constitution may be ratified after making a corresponding amendment to the Constitution.

Article 7. The multiparty system is recognized in the Republic of Armenia.

Parties are formed freely and promote the formulation and expression of the political will of the people. Their activities may not contravene the Constitution and the laws, nor may their structure and practice contravene the principles of democracy.

Parties shall ensure the openness of their financial activities.

Article 8. The right to property is recognized and protected in the Republic of Armenia. The owner of property may dispose of, use and manage the property at his or her discretion. The right to property may not be exercised so as to cause damage to the environment or infringe on the rights and lawful interests of other persons, society, or the state.

The state shall guarantee the free development and equal legal protection of all forms of property, the freedom of economic activity and free economic competition.

Article 9. The foreign policy of the Republic of Armenia shall be conducted in accordance with the norms of international law, with the aim of establishing good neighborly and mutually beneficial relations with all states.

Article 10. The state shall ensure the protection and reproduction of the environment and the rational utilization of natural resources.

Article 11. Historical and cultural monuments and other cultural values are under the care and protection of the state.

Within the framework of principles and norms of international law, the Republic of Armenia shall promote the protection of Armenian historical and cultural values located in other countries, and shall support the development of Armenian educational and cultural life.

Article 12. The state language of the Republic of Armenia is the Armenian.

Article 13. The flag (image 32) of the Republic of Armenia is tricolor made of three horizontal and equal strips of red, blue, and orange.

The coat of arms (image 33) of the Republic of Armenia depicts, in the center on a shield, Mount Ararat with Noah's ark and the coats of arms of the four kingdoms of historical Armenia. The shield is supported by a lion and an eagle while a sword, a branch, a sheaf, a chain and a ribbon are portrayed under the shield.

The national anthem of the Republic of Armenia is the "Our Fatherland."

The capital of the Republic of Armenia is Yerevan (image 9).

CHAPTER 2

Fundamental Human and Civil Rights and Freedoms

Article 14. The procedures for acquiring and terminating citizenship of the Republic of Armenia are determined by law. Individuals of Armenians origin shall acquire citizenship of the Republic of Armenia through a simplified procedure.

A citizen of the Republic of Armenia may not be a citizen of another state simultaneously.

Article 15. Citizens, regardless of national origin, race, sex, language, creed, political or other persuasion, social origin, wealth or other status, are entitled to all the rights and freedoms, and subject to the duties determined by the Constitution and the laws.

Article 16. All are equal before the law and shall be given equal protection of the law without discrimination.

Article 17. Everyone has the right to life.

Until such time as it is abolished, the death penalty may be prescribed by law for particular capital crimes, as an exceptional punishment.

Article 18. Everyone is entitled to freedom and the right to be secure in their person. No one may be arrested or searched except as prescribed by law. A person may be detained only by court order and in accordance with legally prescribed procedures.

Article 19. No one may be subjected to torture and to treatment and punishment that are cruel or degrading to the individual's dignity.

No one may be subjected to medical or scientific experimentation without his or her consent.

Article 20. Everyone is entitled to defend his or her private and family life from unlawful interference and defend his or her honor and reputation from attack.

The gathering, maintenance, use and dissemination of illegally obtained information about a person's private and family life are prohibited.

Everyone has the right to confidentiality in his or her correspondence, telephone conversations, mail, telegraph and other communications, which may only be restricted by court order.

Article 21. Everyone is entitled to privacy in his or her own dwelling. It is prohibited to enter a person's dwelling against his or her own will except under cases prescribed by law.

A dwelling may be searched only by court order and in accordance with legal procedures.

Article 22. Every citizen is entitled to freedom of movement and residence within the territory of the Republic.

Everyone has the right to leave the Republic.

Every citizen is entitled to return to the Republic.

Article 23. Everyone is entitled to freedom of thought, conscience, and religion. The freedom to exercise one's religion and beliefs may only be restricted by law on the grounds prescribed in **Article 45** of the Constitution.

Article 24. Everyone is entitled to assert his or her opinion. No one shall be forced to retract or change his or her opinion.

Everyone is entitled to freedom of speech, including the freedom to seek, receive and disseminate information and ideas through any medium of information, regardless of state borders.

Article 25. Everyone has the right to form associations with other persons, including the right to form or join trade unions.

Every citizen is entitled to form political parties with other citizens and join such parties. These rights may be restricted for persons belonging to the armed forces and law enforcement organizations.

No one shall be forced to join a political party or association.

Article 26. Citizens are entitled to hold peaceful and unarmed meetings, rallies, demonstrations and processions.

Article 27. Citizens of the Republic of Armenia who have attained the age of eighteen years are entitled to participate in the government of the state directly or through their freely elected representatives.

Citizens found to be incompetent by a court ruling, or duly convicted of a crime and serving a sentence may not vote or be elected.

Article 28. Everyone is entitled to private property and inheritance. Foreign citizens and persons without citizenship shall not have the right to own land, except in cases prescribed by law. The owner may be deprived of private property only by a court in cases prescribed by law.

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

Article 29. Every citizen is entitled to freedom of choice in employment.

Everyone is entitled to wages that are fair and that are no lower than the minimum established by the state, and to working conditions which meet sanitary and safety requirements.

Citizens are entitled to strike in the defense of their economic, social and work interests. The procedures and restrictions applicable to the exercise of this right shall be prescribed by law.

Article 30. Everyone is entitled to rest.

The maximum work period, rest days, and minimum duration of annual paid vacation shall be prescribed by law.

Article 31. Every citizen is entitled to an adequate standard of living for himself or herself and his or her family, to adequate housing, as well as to the improvement of living conditions. The state shall provide the essential means to enable the exercise of these rights.

Article 32. The family is the natural and fundamental cell of society. Family, motherhood, and childhood are placed under the care and protection of society and the state.

Women and men enjoy equal rights when entering into marriage, during marriage, and in the course of divorce.

Article 33. Every citizen is entitled to social security during old age, disability, sickness, loss of an income earner, unemployment and in other cases prescribed by law.

Article 34. Everyone is entitled to the preservation of health. The provision of medical care and services shall be prescribed by law.

The state shall put into effect health care protection programs for the population and promote the development of sports and physical education.

Article 35. Every citizen is entitled to education.

Education shall be free of charge in state secondary educational institutions.

Every citizen is entitled to receive higher and other specialized education free of charge and on a competitive basis, in state educational institutions.

The establishment and operation of private educational institutions shall be prescribed by law.

Article 36. Everyone is entitled to freedom of literary, artistic, scientific and technical creation, to benefit from the achievements of scientific progress and to participate in the cultural life of society.

Intellectual property shall be protected by law.

Article 37. Citizens belonging to national minorities are entitled to the preservation of their traditions and the development of their language and culture.

Article 38. Everyone is entitled to defend his or her rights and freedoms by all means not otherwise prescribed by law.

Everyone is entitled to defend in court the rights and freedoms engraved in the Constitution and the laws.

Article 39. Everyone is entitled to restore any rights which may have been violated, as well as to a public hearing by an independent and impartial court, under the equal protection of the law and fulfilling all the demands of justice, to clear himself or herself of any accusations.

The presence of the news media and representatives of the public at a judicial hearing may be prohibited by law wholly or in part, for the purpose of safeguarding public morality, the social order, national security, the safety of the parties, and the interests of justice.

Article 40. Everyone is entitled to receive legal assistance. Legal assistance may be provided free of charge in cases prescribed for by law.

Everyone is entitled to legal counsel from the moment he or she is arrested, detained, or charged.

Every convicted person is entitled to have his or her conviction reviewed by a higher court, in a manner prescribed by law. Every convicted person is entitled to request a pardon or mitigation of any given punishment.

Compensation for the harm caused to the wronged party shall be provided in a manner prescribed by law.

Article 41. A person accused of a crime shall be presumed innocent until proven guilty in a manner prescribed by law, and by a court sentence properly entered into force.

The defendant does not have the burden to prove his or her innocence. Accusations not proven beyond a doubt shall be resolved in favor of the defendant.

Article 42. A person shall not be compelled to be a witness against himself or herself or against his or her spouse, or against a close relative.

The law may foresee other circumstances relieving a person from the obligation to testify. Illegally obtained evidence shall not be used.

A punishment may not exceed that which could have been met by the law in effect when the crime was committed.

A person shall not be considered to be guilty for a crime if at the time of its commission the act was not legally considered a crime.

Laws limiting or increasing liability shall not have retroactive effect.

Article 43. The rights and freedoms set forth in the Constitution are not exhaustive and shall not be construed to exclude other universally accepted human and civil rights and freedoms.

Article 44. The fundamental human and civil rights and freedoms established under **Articles 23 27** of the Constitution may only be restricted by law, if necessary for the protection of state and public security, public order, public health and morality, and the rights, freedoms, honor and reputation of others.

Article 45. Some human and civil rights and freedoms, except for those provided under **Articles 17, 20, 39, and 41 43** of the Constitution, may be temporarily in a manner prescribed by law, in the event of martial law, or in cases prescribed under paragraph 4 of **Article 55** of the Constitution.

Article 46. Everyone shall pay taxes, duties, and make other mandatory payments in amounts and manners prescribed by law.

Article 47. Every citizen shall participate in the defense of the Republic of Armenia in a manner prescribed by law.

Article 48. Everyone shall uphold the Constitution and the laws, and respect the rights, freedoms and dignity of others.

The exercise of rights and freedoms shall not serve toward the violent overthrow of the Constitutional order, for the instigation of national, racial, or religious hatred or for the incitement to violence and war.

CHAPTER 3

The President of the Republic

Article 49. The President of the Republic of Armenia shall uphold the Constitution, and ensure the normal functioning of the legislative, executive and judicial authorities. The President of the Republic shall be the guarantor of the independence, territorial integrity and security of the Republic.

Article 50. The President of the Republic shall be elected by the citizens of the Republic of Armenia for a five year term of office.

Every person having attained the age of thirty five, having been a citizen of the Republic of Armenia for the preceding ten years, having permanently resided in the Republic for the preceding ten years, and having the right to vote is eligible for the Presidency.

The same person may not be elected for the post of the President of the Republic for more than two consecutive terms.

Article 51. Elections for the post of President of the Republic shall be held fifty days prior to the expiration of the term of office of the President in office and in accordance with procedures set by the Constitution and the laws.

The candidate who received more than half of the votes cast for the presidential candidates shall be considered as having been elected President of the Republic.

If the election involved more than two candidates and none received the necessary votes, a second round of elections shall be held on the fourteenth day following the first round of the election, at which time the two candidates having received the highest number of votes in the first round shall participate. The candidate who receives the highest number of votes during this second round shall be considered to have been elected.

In the event only one candidate is presented, the candidate shall be considered as having been elected if he or she has received more than half of the votes cast.

If a President is not elected, there shall be new elections on the fortieth day after the first round of elections.

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

A President who shall be elected by new or extraordinary elections shall assume office within ten days of such elections.

Article 52. In the event that one of the presidential candidates faces insurmountable obstacles, the presidential elections shall be postponed by two weeks. If during this period obstacles recognized as insurmountable are not removed, or in the event of the passing of one of the candidates prior to election day, new elections shall be held.

These new elections shall be held on the fortieth day following the determination of these obstacles to be insurmountable.

Article 53. In the event of the resignation of the President of the Republic, his or her passing, incapacity to perform his or her functions, or removal from office in accordance to **Article 57** of the Constitution, special presidential elections shall be held on the fortieth day following the vacancy of the office.

Article 54. The President of the Republic shall assume office by pledging an oath to the people during a special sitting of the National Assembly.

Article 55. The President of the Republic:

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

During this period, the President may remand a law to the National Assembly with objections and recommendations requesting new deliberations.

The President shall sign and publish the law within five days of the second passing of such law by the National Assembly;

- 3) may dissolve the National Assembly and designate special elections after consultations with the President of the National Assembly and the Prime Minister. Special elections shall be held no sooner than thirty and no later than forty days after the dissolution of the National Assembly.

The President may not dissolve the National Assembly during the last six months of his or her term of office;

- 4) shall appoint and remove the Prime Minister. The President shall appoint and remove the members of the Government upon the recommendation of the Prime Minister.

In the event that the National Assembly adopts a vote of no confidence against the Government, the President shall, within twenty one days accept the resignation of the Government, appoint a Prime Minister and form a Government;

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

6) may establish advisory bodies.

7) shall represent the Republic of Armenia in international relations, conduct and oversee foreign policy, make international treaties, sign international treaties that are ratified by the National Assembly, ratify intergovernmental agreements;

8) shall appoint and recall the diplomatic representatives of the Republic of Armenia to foreign countries and international organizations, and receive the credentials and letters of recall of diplomatic representatives of foreign countries;

9) shall appoint and remove the Prosecutor General upon the recommendation of the Prime Minister.

10) shall appoint members and the President of the Constitutional Court.

He may, on the basis of a determination by the Constitutional Court, remove from office any of his or her appointees to the Court or sanction the arrest of such a member of the Court, and through the judicial process authorize the initiation of administrative or criminal proceedings against that member;

11) shall appoint, in accordance with the procedure provided in Article 95 of the Constitution, the president and judges of the Court of Appeals and its chambers, the courts of review, the courts of first instance and other courts, the deputy prosecutors general and prosecutors heading the organizational subdivisions of the office of the Prosecutor General; may remove from office any judge, sanction the arrest of a judge and through the judicial process, authorize the initiation of administrative or criminal proceedings against a judge and remove the prosecutors that he or she has appointed.

12) is the Commander in Chief of the armed forces and shall appoint the staff of the highest command of the armed forces;

13) shall decide on the use of the armed forces. In the event of an armed attack against or of an immediate danger to the Republic, or a declaration of war by the National Assembly, the President shall declare a state of martial law and may call for a general or partial mobilization.

Upon the declaration of martial law, a special sitting of the National Assembly shall be held;

14) in the event of an imminent danger to the constitutional order, and upon consultations with the President of the National Assembly and the Prime Minister, shall take measures appropriate to the situation and address the people on the subject;

15) shall grant citizenship of the Republic of Armenia and decide on the granting of political asylum;

16) shall award the orders and medals of the Republic of Armenia and grant the highest military and honorary titles and diplomatic and other titles;

17) may grant pardons to convicted individuals.

Article 56. The President of the Republic may issue orders and decrees which shall be executed throughout the Republic.

The orders and decrees of the President of the Republic shall not contravene the Constitution and the laws.

Article 57. The President may be removed from office for state treason or other high crimes.

In order to request a determination on questions pertaining to the removal of the President of the Republic from office, the National Assembly must appeal to the Constitutional Court by a resolution adopted by the majority of the deputies.

A decision to remove the President of the Republic from office must be reached by the National Assembly by a minimum two thirds majority vote of the total number of deputies, based on the determination of the Constitutional Court.

Article 58. The acceptance of the resignation of the President of the Republic shall be determined by the National Assembly by a majority vote of the total number of deputies.

Article 59. In the event of the serious illness of the President of the Republic or of insurmountable obstacles affecting the performance of his or her duties, upon the recommendation of the Government and a determination by the Constitutional Court, the National Assembly shall adopt a resolution on the incapacity of the President of the Republic to exercise his or her duties with a minimum two thirds majority vote of the total number of deputies.

Article 60. In the event that the office of the President of the Republic remains vacant and until a newly elected President assumes office the presidential duties shall devolve onto the President of the National Assembly, and if that is not possible, onto the Prime Minister. During this period it is prohibited to dissolve the National Assembly, call a referendum, and appoint or remove the Prime Minister and the Prosecutor General.

Article 61. The compensation, servicing and security of the President of the Republic shall be prescribed by law.

CHAPTER 4

The National Assembly

Article 62. Legislative power in the Republic of Armenia: shall be vested in the National Assembly.

Under cases provided by **Articles 59, 66, 73, 74, 78, 81, 83, 84, 111, 112** of the Constitution, as well as for purposes of organizing its own activities, the National Assembly shall adopt resolutions which shall be signed and published by its President.

The powers of the National Assembly are determined by the Constitution.

The National Assembly shall operate in accordance with its rules of procedure.

Article 63. The National Assembly shall have one hundred and thirty one deputies.

The authority of the National Assembly shall expire in June of the fourth year following its elect on, on the opening day of the first session of the newly elected National Assembly, on which day the newly elected National Assembly shall assume its powers.

The National Assembly may be dissolved in accordance with the Constitution.

A newly elected National Assembly may not be dissolved during a one year period following its election.

The National Assembly may not be dissolved during a state of martial law, or under the cases foreseen under paragraph 14 of **Article 55** of the Constitution, or when the removal of the President of the Republic from office is being deliberated.

Article 64. Any person having attained the age of twenty five, having been a citizen of the Republic of Armenia- for the preceding five years, having permanently resided in the Republic for the preceding five years, and who has the right to vote, may be elected as a Deputy.

Article 65. A Deputy may not hold any other public office, nor engage in any other paid occupation, except for scientific, educational and creative work.

The compensation and guarantees for the normal functioning of a Deputy shall be prescribed by law. .

Article 66. A Deputy shall not be bound by any compulsory mandate and shall be guided by his or her conscience and convictions. A Deputy shall not be prosecuted or held liable for actions arising from the performance of his or her status, or for the expression of his or her opinions expressed in the National Assembly, provided these are not slanderous or defamatory.

A Deputy may not be arrested and subjected to administrative or criminal prosecution through judicial proceedings without the consent of the National Assembly.

Article 67. The powers of a Deputy shall terminate upon the expiration of the term of the National Assembly, upon the dissolution of the same, upon violation of the provisions of part I of **Article 65** of the Constitution, upon loss of citizenship of the Republic of Armenia, for unfounded absences from half of the floor votes during a single session upon being sentenced to imprisonment, when deemed incapacitated and upon his or her resignation.

A Deputy's term of office shall be terminated in a manner prescribed by the rules of procedure of the National Assembly.

Article 68. Regular elections to the National Assembly shall be held within sixty days prior to the expiration of the term of the current Assembly.

Procedures for elections to the National Assembly shall be prescribed by law.

The date of elections shall be fixed by Presidential decree.

The first session of a newly elected National Assembly shall convene on the second Thursday following the election of at least two thirds of the total number of Deputies.

Until the election of the President of the National Assembly, its meetings shall be chaired by the Deputy who is most senior in age.

Article 69. The regular sessions of the National Assembly shall convene twice per year from the second Monday of September to the second Wednesday of December and from the first Monday of February to the second Wednesday of June.

The sittings of the National Assembly shall be open to the public. Closed door sittings may be convened by a resolution of the National Assembly.

Article 70. An extraordinary session of the National Assembly may be convened by the President of the Republic, at the initiative of at least one third of the total number of Deputies, or at the initiative of the Government.

An extraordinary session of the National Assembly convening upon the request of the majority of the total number of Deputies shall be held in accordance with the agenda and timetable of the Deputies requesting the session.

An extraordinary session may not last for more than six days.

An extraordinary sitting of the National Assembly may be convened by its President, upon the initiative of the Government or of at least one third of the total number of Deputies..

Extraordinary sittings shall follow the agenda and timetable specified by the requesting party.

Article 71. Laws and resolutions of the National Assembly shall be passed by the majority vote of the Deputies present at a given sitting, if more than half of the total number of Deputies participate in the voting, except for cases covered under **Articles 57, 58, 59, 72, 74, 84, 111** of the Constitution, and paragraph 4 of **Article 75**, the first paragraph of **Article 79**, and Section 3 of **Article 83** of the Constitution.

Article 72. The National Assembly shall deliberate on a priority basis any law which has been remanded by the President.

Should the National Assembly decline to accept the recommendations and objections presented by the President of the Republic, it shall pass the remanded law, again with a majority vote of the number of Deputies:

Article 73. There shall be six standing committees established in the National Assembly. Ad hoc committees may be established as necessary.

The standing committees are established for the preliminary consideration of draft legislation and other proposals and for the submission of findings on such legislation and proposals to the National Assembly.

Ad hoc committees are established for the preliminary consideration of special draft legislation or for the submission of findings and reports on specific events and facts to the National Assembly.

Article 74. Within twenty days of the formation of a newly elected National Assembly or of its own formation, the Government shall present its program to the National Assembly for its approval, thus raising the question of a vote of confidence before the National Assembly.

A draft resolution expressing a vote of no confidence toward the Government may be proposed within twenty four hours of the Government's raising of the question of the vote of confidence by not less than one third of the total number of Deputies.

The proposal for a vote of no confidence shall be voted on no sooner than forty eight hours and no later than seventy two hours from its initial submittal. The proposal must be passed by a majority vote of the total number of Deputies.

If a vote of no confidence toward the Government is not proposed, or such proposal is not passed, the Government's program shall be considered to have been approved by the National Assembly.

If a vote of no confidence is passed, the Prime Minister shall submit the resignation of the Government to the President of the Republic.

Article 75. The right to initiate legislation in the National Assembly shall belong to the Deputies and the Government.

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

Any draft legislation which is considered urgent by a Government resolution shall be debated and voted on by the National Assembly within a one month period.

The National Assembly shall consider all draft legislation reducing state revenues or increasing state expenditures only upon the agreement of the Government and shall pass such legislation by a majority vote of the total number of Deputies.

The Government may raise the question of a vote of confidence in conjunction with its proposed legislation. If the National Assembly does not adopt a vote of no confidence against the Government as provided by Article 74 of the Constitution, then the Government's proposed legislation will be considered to have been adopted.

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

Article 76. The National Assembly shall adopt the state budget upon its submittal by the Government. If the budget is not adopted by the start of the fiscal year, all expenditures shall be incurred in the same proportions as in the previous year's budget.

The procedure for debate on and adoption of the state budget shall be prescribed by law.

Article 77. The National Assembly shall supervise the implementation of the state budget, as well as of the use of loans and credits received from foreign governments and international organizations.

The National Assembly shall examine the annual report on

the realization of the state budget and adopt the report based on the findings of the National Assembly's Oversight Office.

Article 78. In order to ensure the legislative basis of the Government's program, the National Assembly may authorize the Government to adopt resolutions that have the effect of law that do not contravene any laws in force during a period specified by the National Assembly. Such resolutions must be signed by the President of the Republic.

Article 79. The National Assembly shall elect its President for the duration of its full term by a majority vote of the total number of Deputies.

The President of the National Assembly shall chair the sittings, manage its material and financial resources, and shall ensure its normal functioning.

The National Assembly shall elect two Vice Presidents of the National Assembly.

Article 80. Deputies are entitled to ask questions to the Government. For one sitting each week during the regular sessions of the Assembly, the Prime Minister and the members of the Government shall answer questions raised by the Deputies.

The National Assembly shall not pass any resolutions in conjunction with the questions raised by the Deputies.

Article 81. Upon the recommendation of the President of the Republic, the National Assembly:

1) may declare an amnesty;

2) shall ratify or revoke the international treaties signed by the Republic of Armenia. The range of international agreements which are subject to ratification by the National Assembly shall be prescribed by law;

3) may declare war.

The National Assembly, upon the determination of the Constitutional Court, may suspend the execution of the provisions of Sections 13 and 14 of **Article 55** of the Constitution.

Article 82. The National Assembly, upon the recommendation of the Government, shall determine the administrative-territorial divisions of the Republic.

Article 83. The National Assembly:

1) shall appoint the Chairman of the Central Bank upon the recommendation of the President of the Republic;

2) shall appoint the Chairman of the National Assembly's Oversight Office upon the recommendation of the President of the National Assembly and members and the President of the Constitutional Court from among the members of the Court.

If within thirty days of the formation of the Constitutional Court the National Assembly fails to appoint the President of the Constitutional Court, the President of the Constitutional Court shall then be appointed by the President of the Republic;

3) may, upon the determination of the Constitutional Court, terminate the powers of a member of the Constitutional Court the Assembly has appointed, approve such member's arrest, and authorize the initiation of administrative or criminal proceedings against such member through the judicial process.

Article 84. The National Assembly may adopt a vote of no confidence toward the Government by a majority vote of the total number of Deputies. The National Assembly may not exercise this right in situations of martial law or under circumstances provided by Section 14 of **Article 55** of the Constitution.

CHAPTER 5

The Government

Article 85. Executive power in the Republic of Armenia

shall be vested in the Government of the Republic of Armenia.

The Government shall be composed of the Prime Minister and the Ministers. The powers of the Government shall be determined by the Constitution and by laws.

The organization and rules of operation of the Government shall be determined by a decree of the President of the Republic, upon the recommendation of the Prime Minister.

Article 86. The meetings of the Government shall be chaired by the President of the Republic, or upon his or her recommendation, by the Prime Minister.

Government decisions shall be signed by the Prime Minister and approved by the President.

The Prime Minister shall convene and chair a Government meeting when requested by the majority of Government members under the circumstances foreseen in Article 59 of the Constitution.

Article 87. The Prime Minister shall oversee the Government's regular activities and shall coordinate the work of the Ministers.

The Prime Minister may adopt resolutions. In cases prescribed by the rules of operations of the Government, resolutions approved by the Prime Minister may also be signed by the Minister responsible for the implementation of the resolution.

Article 88. A member of the Government may not be a member of any representative body, hold any other public office, or engage in any other paid occupation.

Article 89. The Government:

1) shall submit its program to the National Assembly for approval in accordance with

Article 74 of the Constitution;

2) shall submit the draft state budget to the National Assembly for approval, guarantee the implementation of the budget and submit financial reports on the budget to the National Assembly;

3) shall manage state property;

4) shall ensure the implementation of unified state policies in the areas of finances, economy, taxation and loans and credits;

5) shall ensure the implementation of state policies in the areas of science, education, culture, health, social security and environmental protection;

6) shall ensure the implementation of the defense, national security and foreign policies of the Republic;

7) shall take measures toward the strengthening of legality, the protection of the rights and freedoms of citizens, and the protection of property and public order.

Article 90. The Government shall submit the proposed state budget to the National Assembly at least sixty days prior to the beginning of the fiscal year and may request that this proposal, with any amendments, it may adopt, be voted on prior to the expiration of the budget deadline. The Government may raise the question of a vote of confidence in conjunction with the adoption of the state budget. If a vote of no confidence is not adopted by the National Assembly, as provided under **Article 74** of the Constitution, then the state budget and related amendments approved by the Government shall be considered adopted.

In case of a vote of no confidence related to the proposed state budget, the new Government shall present the National Assembly with a draft state budget within a period of twenty days. This draft shall be debated and voted on by the National Assembly within a period of thirty days in accordance with the procedure determined by this Article.

CHAPTER 6

Judicial Power

Article 91. In the Republic of Armenia justice shall be administered solely by the courts in accordance with the Constitution and the laws.

In cases prescribed by law, trials are held with the participation of a jury.

Article 92. The Courts of general jurisdiction in the Republic of Armenia shall be the courts of first instance, the review courts and the court of appeals.

In the Republic of Armenia, there shall also be economic, military and other courts as may be provided by law.

The establishment of extraordinary courts is prohibited.

Article 93. Sentences, verdicts and decisions entered into legal force may be reviewed by the court of appeals based on appeals filed by the Prosecutor General, his or her deputies, or specially licensed lawyers registered with the court of appeals,

Article 94. The President of the Republic shall be the guarantor of the independence of the judicial bodies. He or she shall preside over the Judicial Council.

The Minister of Justice and the Prosecutor General shall be the vice presidents of the Council.

The Council shall include fourteen members appointed by the President of the Republic for a period of five years, including two legal scholars, nine judges and three prosecutors.

Three Council members shall be appointed each from among the judges of the courts of first instance, the courts of review and the court of appeals. The general assembly of judges shall submit three candidates by secret ballot for each seat allocated to judges.

The Prosecutor General shall submit the names of candidates for the prosecutors' seats in the Council.

Article 95. The Judicial Council:

1) shall, upon the recommendation of the Minister of Justice, draft and submit for the approval of the President of the Republic the annual list of judges, in view of their competence and professional advancement, which shall be used as the basis for appointments.

2) shall, upon the recommendation of the Prosecutor General, draft and submit for the approval of the President of the Republic the annual list of prosecutors, in view of their competence and professional advancement, which shall be used as the basis for appointments.

3) shall propose candidates for the presidency of the court of appeals, the presidency and judgeship positions of its chambers, the presidency of the courts of review, courts of first instance and other courts. It shall make recommendations about the other judicial candidates proposed by the Ministry of Justice;

4) shall make recommendations regarding the candidates for Deputy Prosecutor proposed by the Prosecutor General, and the candidates for prosecutors heading operational divisions in the Office of the Prosecutor.

5) shall make recommendations regarding training programs for judges and prosecutors;

6) shall make recommendations regarding the removal from office of a judge, the arrest of a judge, and the initiation of administrative or criminal proceedings through the judicial process against a judge;

7) shall take disciplinary action against judges. The president of the court of appeals shall chair the meetings of the Judicial Council when the Council is considering disciplinary action against a judge. The President of the Republic, the Minister of Justice and the Prosecutor General shall not take part in these meetings;

8) shall express its opinion on issues of pardons when requested by the President of the Republic.

The operational procedures of the Judicial Council shall be prescribed by law.

Article 96. Judges and members of the Constitutional Court are appointed for life. A judge may hold office until the age of 65, while a member of the Constitutional Court may do so until the age of 70. They may be removed from office only in accordance with the Constitution and the laws.

Article 97. When administering justice, judges and members of the Constitutional Court shall be independent and may only be subject to the law.

The guarantees for the exercise of their duties and the grounds and procedures of the legal responsibility applicable to judges and members of the Constitutional Court shall be prescribed by law.

Article 98. Judges and members of the Constitutional Court may not hold any other public office, nor engage in any other paid occupation, except for scientific, educational and creative work.

Judges and members of the Constitutional Court may not be members of any political party nor engage in any political activity.

Article 99. The Constitutional Court shall be composed of nine members, five of whom shall be appointed by the National Assembly and four by the President of the Republic.

Article 100. The Constitutional Court, in accordance with the law:

1) shall decide on whether the laws, the resolutions of the National Assembly, the orders and decrees of the President of the Republic and the resolutions of Government are in conformity with the Constitution;

2) shall decide, prior to the ratification of an international treaty, whether the obligations assumed therein are in conformity with the Constitution;

3) shall rule on disputes concerning referenda and the results of presidential and parliamentary elections;

4) shall ascertain the existence of insurmountable obstacles facing a presidential candidate or the elimination of such obstacles;

5) shall determine whether there are grounds for the removal of the President of the Republic;

6) shall determine whether there are grounds for the application of Sections 13 and 14 of **Article 55** of the Constitution;

7) shall determine whether the President of the Republic is incapable of continuing to perform his or her functions;

8) shall determine whether there are grounds for the removal of a member of the Constitutional Court, his or her arrest or initiation of administrative or criminal proceedings through the judicial process:

9) shall decide on the suspension or prohibition of a political party in cases prescribed by law.

Article 101. The Constitutional Court may hear cases submitted by:

1) the President of the Republic;

2) at least one third of the Deputies;

3) Presidential and parliamentary candidates on disputes concerning election results;

4) the Government in cases prescribed by **Article 59** of the Constitution.

The Constitutional Court shall only hear cases that have been properly submitted.

Article 102. The Constitutional Court shall render its decisions and findings no later than thirty days after a case has been filed.

The decisions of the Constitutional Court shall be final, may not be subject to review and shall enter into legal force upon their publication.

The Constitutional Court shall decide with a majority vote of its total number of members on matters pertaining to Sections I through 4 of **Article 100** of the Constitution, and with a vote of two thirds of its members on matters pertaining to Sections 5 through 9 of **Article 100**.

Article 103. The Office of the Prosecutor General in the Republic of Armenia represents a unified, centralized system, headed by the Prosecutor General.

The Office of the Prosecutor General:

1) shall initiate criminal prosecutions in cases prescribed by law and in accordance with procedures provided by law;

2) shall oversee the legality of preliminary inquiries and investigations;

3) shall present the case for the prosecution in court;

4) shall bring actions in court to defend the interests of the state;

5) shall appeal the judgments, verdicts and decisions of the courts:

6) shall oversee the execution of sentences and other sanctions.

The Office of the Prosecutor General shall operate within the powers granted to it by the Constitution and on the basis of the law on the Office of the Prosecution.

CHAPTER 7

Territorial Administration And Local Self-Government

Article 104. The administrative territorial units of the Republic of Armenia shall be the provinces and districts.

Provinces shall include urban and rural districts.

Article 105. Districts shall have local self-government.

To manage the property of the district and to solve problems of local significance, self governing local bodies shall be elected for a period of three years: a Council of Elders, composed of five to fifteen members, and a District Administrator: a City Mayor or Village Mayor.

The District Administrator shall organize his or her staff.

Article 106. The District Council of Elders, upon the recommendation of the District Administrator, shall approve the district budget, oversee the implementation of the budget, and determine local taxes and fees as prescribed by law.

Article 107. The provinces shall be governed by the state Government.

The Government shall appoint and remove the Governors of the provinces, who shall implement the Government's regional policy and coordinate the regional activities of republican executive bodies.

Article 108. The City of Yerevan shall also be considered a province.

The President of the Republic, upon the recommendation of the Prime Minister, shall appoint and remove the Mayor of Yerevan.

Local self-government shall be instituted in Yerevan through neighborhood districts.

Article 109. In cases prescribed by law, the Government may remove the Administrator of a district upon the recommendation of the Governor of the Province.

When the Administrator of a district is removed by the decision of the Government, special elections shall be held within a period of thirty days. Until such time as the newly elected District Administrator may take office, an Acting District Administrator shall be appointed by the Prime Minister for urban districts and by the Governor for rural districts.

Article 110. The election procedure of local self-governing bodies and their powers shall be determined by the Constitution and the laws.

CHAPTER 8

Adoption Of The Constitution, Amendments

And Referendum

Article 111. The Constitution shall be adopted or amended by referendum which may be initiated by the President of the Republic or the National Assembly.

The President of the Republic shall call a referendum upon the request or agreement of the majority of the Deputies of the National Assembly.

The President of the Republic may remand the Draft Constitution or the draft of constitutional amendments, within twenty one days following their submittal back to the National Assembly, with his or her objections and suggestions, requesting a reexamination.

The President of the Republic will submit to a referendum within the period prescribed by the National Assembly a draft Constitution or draft constitutional amendments, when they are reintroduced by at least two thirds of the total number of Deputies of the National Assembly.

Article 112. Laws may be submitted to a referendum upon the request of the National Assembly or the Government in accordance with Article 111 of the Constitution.

Laws passed by referendum may only be amended by referendum.

Article 113. A proposed legislation submitted to a referendum shall be considered to have been passed if it receives more than fifty percent of the votes, but not less than one third of the number of registered voters.

Article 114. **Articles 1, 2 and 114** of the Constitution may not be amended.

CHAPTER 9

Provisions For The Transitional Period

Article 115. This Constitution shall enter into force based on the referendum results and upon its publication.

Article 116. From the moment the Constitution enters into force:

- 1) The 1978 Constitution, its subsequent amendments and supplements, as well as related constitutional laws shall become inoperative;
- 2) Laws and other legal acts of the Republic of Armenia shall have the force of law to the extent they do not contravene this Constitution;

3) The President of the Republic shall exercise the powers reserved to him or her by the Constitution. Until the expiration of his powers, the Vice-President of the Republic shall carry out the instructions of the President of the Republic;

4) The National Assembly shall exercise the powers reserved to it by the Constitution. The provisions of Section I of **Article 63**, **Article 64** and Section I of **Article 65** of the Constitution shall apply to the sessions of the next National Assembly. Until that time, **Articles 4** and **5** of the Constitutional Law dated March 27, 1995, shall be effective;

5) Until the formation of the Constitutional Court, international treaties shall be ratified without its determination;

6) Until the adoption of legislation pertaining to regional governments and local self-governing bodies in conformity with the Constitution, current village, town, city and regional councils of deputies and their executive bodies shall continue to exercise their powers as prescribed by law.

Until legislation on territorial government and local self-government is adopted, the right to adopt a vote of no confidence toward the chairmen of deputies to the city and regional councils belongs to the National Assembly;

7) Until the adoption of legislation pertaining to court systems and procedures and the establishment of the new judicial system in conformance with the Constitution, the regional (city) people's courts and the Supreme Court shall continue to operate in accordance with their previous authorities;

8) Until the establishment of economic courts, the State Arbitrage shall continue to operate in accordance to their previous prerogatives;

9) The authority of the judges of the regional (city) people's court shall be extended for a maximum period of six months, during which the President of the Republic, upon the recommendation of the Judicial Council, shall appoint new judges for these courts for a period of three years;

10) The authority of the members of the Supreme Court shall be extended until the establishment of the court of appeals, but not for a period to exceed three years;

11) Until the institution of the new judicial system, the Judicial Council shall consist of eleven members appointed by the President of the Republic, composed of two legal scholars, six judges and three public prosecutors. Three Council members shall be appointed from among the judges of the regional (city) people's courts and three from the Supreme Court, in accordance with the provisions of **Article 94** of the Constitution.

The Council shall be headed by the President of the Republic. The Minister of Justice and the Prosecutor General shall serve as its Council's Vice Presidents.

The Judicial Council shall exercise the powers reserved to it by the Constitution;

12) Until the passage of the law on the Office of the Persecutor General, the latter shall exercise the powers reserved for to it by the Constitution in accordance with current legislation;

13) The Supreme Court shall review court verdicts, judgments and decisions which have the force of law, when these are appealed by the Prosecutor General, his or her deputies and specially licensed lawyers registered with the Supreme Court;

14) Until the Criminal Code is made to conform with the Constitution, current procedures for searches and arrests shall remain in effect.

Article 117. The day the Constitution is adopted shall be proclaimed a holiday known as Constitution Day.

5 of July, 1995