



Strasbourg, 26 May 2005

**Opinion no. 313 / 2004**

**CDL(2005)042**  
Engl. only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**(VENICE COMMISSION)**

**DRAFT AMENDMENTS  
TO THE CONSTITUTION  
OF THE REPUBLIC OF ARMENIA  
(First Reading)**

**TABLE OF CONTENTS**

CHAPTER 1 .....	3
THE FOUNDATIONS OF CONSTITUTIONAL ORDER.....	3
CHAPTER 2.....	7
FUNDAMENTAL HUMAN AND CIVIL RIGHTS AND FREEDOMS.....	7
CHAPTER 3.....	16
THE PRESIDENT OF THE REPUBLIC <i>OF ARMENIA</i> .....	16
CHAPTER 4.....	22
<i>THE LEGISLATIVE POWER</i> .....	22
CHAPTER 5.....	30
THE EXECUTIVE POWER.....	30
CHAPTER 6.....	32
THE JUDICIAL POWER .....	32
CHAPTER 7.....	37
THE LOCAL SELF-GOVERNMENT.....	37
CHAPTER 8.....	40
ADOPTION OF THE CONSTITUTION, AMENDMENTS AND REFERENDUM.....	40
CHAPTER 9.....	41
TRANSITIONAL PROVISIONS.....	41

ADOPTED AT THE FIRST READING

## LAW OF THE REPUBLIC OF ARMENIA\*

The Armenian People, recognizing as a basis the fundamental principles of the Armenian statehood and national aspirations engraved in the Declaration of Independence of Armenia, having fulfilled the sacred message of its freedom loving ancestors for the restoration of the sovereign state, committed to the strengthening and prosperity of the fatherland, to ensure the freedom, general well 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 the 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.

---

##### \* Note from Translators:

- a. The BLACK colored portions represent the text of the RA Constitution in effect. The *BLUE* text in *ITALICS* represents the Coalition's amendments. The RED text in *COMIC* font represents the changes made in the Coalition draft prior to the adoption of the draft in the first reading.
- b. There are several comments incorporated into this text with purpose to clarify/point out translation problems that we noted in the English text of the Coalition's draft constitutional proposals based on which the Venice Commission prepared its Interim Opinion in December of 2004. Each comment contains a reference to the relevant point of the Venice Commission Interim Opinion.
- c. The English text of the RA Constitution in effect, which is in BLACK TIMES NEW ROMAN font, remains the same, although the wording in certain portions does not fully reflect the meaning of the Armenian text (for example Article 82: "The National Assembly shall, upon the recommendation of the Government, determine the administrative territorial division of the Republic". The Armenian text provides that "The National Assembly shall, upon the recommendation of the Government, **approve** the administrative territorial division of the Republic").

**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 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 applicable right.*

**Article 5**

State power shall be exercised in accordance with the Constitution and the laws based on the principle of the separation *and balance* of the legislative, executive and judicial powers.

State *and local self-government bodies* and public officials may execute only such acts as authorized by legislation.

**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 shall come into force in conformity with the procedure prescribed by law following the official publication.*

*International agreements concluded on behalf of the Republic of Armenia 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 7**

The *ideological pluralism and multiparty system are 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 practice contravene the principles of democracy.

Parties shall ensure the openness of their financial activities.

#### **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 preservation 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 8**

The right to property is recognized and protected in the Republic of Armenia.

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

**The protection of economic competition shall be defined by law.**

#### **Article 9**

The foreign policy of the Republic of Armenia shall be conducted in accordance with the *principles and* 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 *reasonable* utilization of natural resources.

#### **Article 11**

Historical and cultural monuments and other cultural values are under the care and protection of the state. *The State shall contribute to the individual's free access to the national and world cultural heritage.*

*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 11.1**

**Regions and communities shall be the administrative-territorial units in the Republic of Armenia.**

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

#### **Article 11.2**

*The Republic of Armenia recognizes and guarantees 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 change 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 12**

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

#### **Article 13**

The flag of the Republic of Armenia is tricolor made of three horizontal and equal strips of red, blue, and orange.

The coat of arms 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 *shall be defined by law.*

The capital of the Republic of Armenia is Yerevan.

## CHAPTER 2

### FUNDAMENTAL HUMAN AND CIVIL RIGHTS AND FREEDOMS

#### 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 civil rights and freedoms as stipulated in the Constitution in conformity with the principles and norms of international law.*

#### 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 under the law without discrimination.*

#### Article 15

*Everyone has a right to life. The death penalty shall be prohibited in the Republic of Armenia.*

#### Article 16

*Everyone shall have the right of liberty and security. No one shall be deprived of or restricted in his/her liberty save for the following cases and by the procedure defined by law:*

- 1) when a person is sentenced to imprisonment by the competent court;*
- 2) for non execution of the legitimate judicial act or ensuring the fulfillment of the obligation prescribed by law;*
- 3) when grounded suspicion exists of committing of a crime or when it is necessary to prevent the commission of a crime by him/her or to prevent his/her escape after the crime is committed;*
- 4) to establish educational control over a minor or to present him/her to the court;*
- 5) to prevent the spread of an infectious diseases and other social dangers;*

6) to prevent the illicit entry of a person into the territory of the Republic of Armenia, as well as to deport or extradite him/her to a foreign country.

*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 **arrest**, detention and search.*

*Every person has the right to recover damages caused by illegal **arrest**, detention 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 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 18**

*Everyone shall be entitled to protect his/her rights and freedoms by any means not prohibited by law. **If a person's rights and freedoms have been violated he/she shall have a right to effective remedies of legal protection before state bodies.***

*Everyone is entitled to have the support of the Human Rights' Defender for the protection of his/her rights and freedoms 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.*



## **Article 19**

*Everyone has a right to restore his/her violated rights, and is 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 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 arrested, charged or detained.***

*Every convicted person shall have the right to bring an appeal to a higher court against the judgment. Every convicted person shall have a right to request **pardon**<sup>\*</sup> or mitigation of the punishment.*

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

## **Article 21**

*Everyone charged with a criminal offence shall be presumed innocent until proved guilty by the 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 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 a heavier punishment than the one in effect at the time when the crime was committed shall be prohibited.*

---

<sup>\*</sup> This word was omitted. See VC Point 16.

*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, **except for cases prescribed by the law.***

### **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.*

**Everyone**, 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 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 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 territory 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 26**

*Everyone shall have the right to freedom of thought, conscience and religion.*

## **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 mass media and other **means of mass information** shall be guaranteed. The activities and liabilities for mass media shall be defined by law.*

**The State guarantees the existence and activities of an independent and all-national radio and television public service offering variety informational, cultural and entertaining programs.**

**For the sake of freedom, independence and variety of the mass media the activities of the broadcast media shall be regulated by an independent body established by the law, the members of which shall be appointed in a democratic and transparent manner and the decisions of which shall be subject to judicial review.**

### **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**

*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, **police and servants of other state administrative bodies.***

*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**

*Everyone shall have the right to freedom of peaceful and unarmed assembly.*

*Restrictions on the exercise of these rights by persons serving in the military, police and other state administrative bodies may be prescribed only by law.*

**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 rights and obligations of persons having dual citizenship shall be defined by law.*

**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 state service shall be defined by law.*

**Article 31**

*Everyone shall have the right to possess and inherit property.*

*The proprietor shall have the right to freely possess, 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 cases, 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 31.1**

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

**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 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 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 denying access to.*

**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 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 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 37**

*Everyone shall have the right to social security during old age, disability, loss of breadwinner, unemployment and other cases prescribed by law.*

**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 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 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 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 42**

*The rights and freedoms stipulated in the Constitution shall not be deemed exhaustive, **nor shall they be interpreted as exclusive of any other universal human and civil rights and freedoms.***

*Everyone shall have the right to act in a way not 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 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 civil rights and freedoms shall not exceed the scope set by the international commitments of the Republic of Armenia.*

#### **Article 43**

*The fundamental human and civil 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 44**

*Special categories of human and civil 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 law or state of emergency within the scope of international commitments on deviating from commitments in cases of emergency.*

**Article 45**

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

**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 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 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.*

**CHAPTER 3****THE PRESIDENT OF THE REPUBLIC *OF ARMENIA*****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 and security of the State.*

**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 to be elected as President.



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

### **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 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, a new election shall be appointed and the voting shall be held on the fortieth day following the date of appointment of the new election.*

*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 52**

*In case that 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 appointed and the voting 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 a new election shall be appointed and the voting shall be held on the fortieth day following the date of appointment of the new election.*

**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 with 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 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 55**

*The President of the Republic:*

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

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

*Within this period he/she 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 **dissolve** 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 **dissolution** of the National Assembly;*

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

*4) shall, **following consultations with the factions of the National Assembly**, 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 over 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 **annul** 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 **and the Council of Justice**;

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 the appeal, first instance, economic, and other courts, agree to involve the judge as an accused or subject him/her 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 the Republic, an imminent danger thereof or declaration of war, shall declare a martial law 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.

In case of use of the armed forces or declaration of martial law a special sitting of the National Assembly shall be convened by force of law\*.

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 **declare state of**

---

\* This sentence was accidentally deleted from the English translation originally sent to the VC. See VC Opinion, Point 37.

*emergency and take measures appropriate in the given circumstances and address the people on the situation.*

*In case of declaration of the state of emergency a special sitting of the National Assembly shall be convened by force of law.*

*The law shall define the legal regime of the state of emergency.*

*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 56**

The President of the Republic may issue orders and decrees, which *shall not contradict the Constitution and laws of the Republic of Armenia and shall be subject to implementation throughout the Republic.*

#### **Article 56.1**

*The President of the Republic shall be immune.*

#### **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.

*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 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 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 60**

*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 **dissolving** the National Assembly, declaring a referendum, dismissing the Prime Minister and the Prosecutor General shall be prohibited.*

*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 61.1**

*During martial law **or 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 61**

*The President of the Republic shall in conformity with the procedure defined by law form his/her staff. The compensation, servicing and security of the President of the Republic shall be prescribed by law.*

## CHAPTER 4

### *THE LEGISLATIVE POWER*

#### **Article 62**

*Legislative power in the Republic of Armenia shall be vested in the National Assembly. In cases stipulated in Clauses 13 and 14 of Article 55, Articles 57, 59, 66, 67, 73, 74, 74.1, 75, 77, 80, 81, 83, 84, 94.1, 110, 111, 111.1 and 112 as well as on matters related to the organization of its activities the National Assembly shall adopt decisions, 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 the 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 63**

The National Assembly shall **consist of one hundred and thirty one** deputies.

The authority of the National Assembly shall expire in June of the **fifth** year following its election, 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 cases and in conformity with the procedure prescribed by the Constitution.*

*The National Assembly **may not be dissolved** during the of state of martial law and state of emergency as well as in the event a motion on impeaching the President of Republic is put forward.*

*In the course of martial law **and state of emergency** 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 **and state of emergency**.*

#### **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 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 66**

A Deputy shall not be bound by any imperative mandate and shall be guided by his or her conscience and convictions.

*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.*

*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 67**

*The powers of a Deputy shall terminate upon the expiration of the term of office of the National Assembly, **the dissolution** 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.*

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 **third** 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 **in spring and autumn for a period of time and in conformity with the procedure defined by law.**

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**

*A special session or sitting of the National Assembly shall be convened by the Chairman 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 shall be convened only in the intervals between the regular sessions.*

#### **Article 71**

*The laws and decisions of the National Assembly, save for cases set forth in Part 3 of Article 57, Articles 59, 72, 74, 84, 110, 111 and 111.1, Parts 3, 4 and 6 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 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 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 may be established for the preliminary review of special draft laws or for submission of conclusions and reports on special events and facts to the National Assembly.*



## **Article 74**

Within twenty days following the formation of either the newly elected National Assembly or itself, the Government shall present the main provisions of its Action Plan to the National Assembly for approval.

[Parts 2, 3 and 4 have been removed]

If the National Assembly does not approve the main provisions of the Government Action Plan by the majority vote of the total number of its Deputies the Prime Minister shall submit an application to the President of Republic on the resignation of the Government.

### **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 two times in succession within two months, the President of the Republic shall dissolve 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 may also dissolve 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 75**

*The right of legislative initiative in the National Assembly shall belong to the Deputies 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.*

The draft decision on expressing no confidence in the Government may be put forward by at least one-third of the total number of Deputies within twenty-four hours after the Government has put forward a motion on confidence in the Government.

The draft decision on expressing no confidence in the Government shall be put to the vote no sooner than forty-eight and no later than seventy-two hours after it has been put forward. The decision shall be adopted by the majority of the total number of votes of Deputies.

In the event the decision on expressing no confidence is adopted, the Prime Minister shall submit an application on the resignation of the Government to the President of the Republic.

If the National Assembly fails to adopt a decision on no confidence in the Government, the draft law proposed by the Government shall 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 76**

The National Assembly shall adopt the state budget upon its submission 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 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 *Control Chamber*.

#### **Article 78**

[Removed].

## **Article 79**

The National Assembly shall elect its Chairman by a majority vote of the total number of Deputies.

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

The National Assembly shall elect two Deputy Chairmen of the National Assembly.

## **Article 80**

Deputies shall be entitled to ask the Government written and oral questions while the factions and deputy groups shall also be entitled to submit interpellations to the Government. During one sitting of the regular session the Prime Minister and the Government members shall answer the Deputies' questions. The National Assembly shall not pass any decisions in conjunction with the questions raised by the Deputies.

Interpellations shall be submitted in writing at least ten days prior to the debate. The procedure for interpellations, debate and adoption of decision on such shall be defined by the Rules of Procedure of the National Assembly.

### **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 81**

*Upon the recommendation of the President of Republic the National Assembly:*

*1) may declare amnesty;*

*2) ratify, suspend or annul 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 when convening a sitting of the National Assembly is impossible, the President of Republic shall solve the issue of declaring war.*

*The National Assembly can **annul** the progress of measures prescribed by **Clauses 13 and 14** of Article 55 of the Constitution.*

## **Article 82**

The National Assembly shall, upon the recommendation of the Government, determines the administrative territorial division of the Republic.

## **Article 83**

*The National Assembly shall:*

*1) 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 **upon the recommendation of the Chairman of the National Assembly.***

*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.*

**5) appoint two legal scientists to the Council of Justice.**

## **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 develop, 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 and community 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 appointed 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 work plan of the Control Chamber shall be approved by the National Assembly.**

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

*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 the 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) legal status of the political parties and other non-governmental associations, as well as mass media entities;*

#### **Article 84**

The National Assembly may adopt a vote of no confidence in 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 state of emergency**.

### **CHAPTER 5**

#### **THE EXECUTIVE POWER**

#### **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 implement\* 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. **One of the Ministers may be appointed Deputy Prime Minister and substitute the Prime Minister in his/her absence.***

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

---

\* In point 44 of its Interim Opinion, VC suggests to use the word “implement”.

*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 86**

*The Prime Minister shall convene and chair the Government sittings.*

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

**The Government decisions shall be signed by the Prime Minister.**

*The President of the Republic can suspend the effect of a Government decision 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 87**

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

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

#### **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 88.1**

**Regional Governors and the Mayor of Yerevan shall upon the Prime Minister's nomination be appointed to and dismissed from office by the President of the Republic of Armenia.**

*In cases prescribed by law the Mayor of Yerevan can also be discharged from post by the Yerevan Council of Elders.*

*The Regional Governors shall pursue the territorial policy of the Government, directly supervise the activities of the territorial services of the executive bodies, save for cases prescribed by law.*

#### **Article 89**

The Government shall:

- 1) submit *the main provisions of its Action Plan* to the National Assembly for approval in accordance with Article 74 of the Constitution;
- 2) submit the draft state budget to the National Assembly for approval, guarantee the execution of the budget and submit financial reports on the budget to the National Assembly;
- 3) manage the state property;
- 4) ensure the implementation of unified state policies in the areas of finances, economy, taxation and loans and credits;

*4.1) ensure the implementation of the state territorial development policy.*

- 5) ensure the implementation of state policies in the areas of science, education, culture, health, social security and environmental protection;
- 6) ensure the implementation of the defense, national security and foreign policies of the Republic;
- 7) shall ensure maintenance of law and order, take measures to strengthen the legal order, ensure rights and freedoms of the citizens.*

#### **Article 90**

The Government shall submit the proposed state budget to the National Assembly at least **ninety** 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 75** 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 submit the draft state budget to the National Assembly* 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**

### **THE 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.

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



## **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 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 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 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, **two legal scientists appointed by the President of the Republic and two legal scientists appointed by the National Assembly.***

**The President of the Republic shall appoint a Chairman of the Council of Justice from among its members.**

## **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 of eligible candidates for judges and the lists of judges nominated for the professional advancement 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, submit a recommendation to the President of Republic on removing a judge from office;

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 96**

The Judge and the members of the Constitutional Court shall be unchangeable. The Judge and the member of the Constitutional Court shall hold their offices until the age of 65. 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 shall only be subject to *the Constitution and* 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.

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 and the Chairperson of the relevant court shall be notified immediately.

#### **Article 98**

Judges and members of the Constitutional Court may not hold any other public office, nor may they be a member of a body of local self-government, carry out entrepreneurial activities, as well as 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**

*In the Republic of Armenia the constitutional justice shall be administered by the Constitutional Court.*

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

- 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 representative bodies of the local self-government with the Constitution;*
- 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 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, 2, 3, 7 and 8 of Article 100 of the Constitution;*
- 2) the National Assembly – in cases stipulated in Clauses 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, 6 and 8 of Article 100 of the Constitution;*

5) *representative bodies of the local self-governance on the issue of compliance to the Constitution of the state bodies' normative acts violating their constitutional rights;*

6) *every person in a specific case when the final judicial act has been adopted, when the possibilities of restoring a specific right in courts of general jurisdiction have been exhausted and when the constitutionality of a law provision applied by the act in question is being challenged;*

7) *courts and the Prosecutor General on the issue of constitutionality of provisions of normative acts related to specific 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 an application.*

## **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 the Constitution or a part thereof.*

*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 103**

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

*In conformity with the procedure and cases defined by law* the Office of the Prosecutor General shall:

- 1) instigate criminal charges and prosecute;*
- 2) oversee the lawfulness of preliminary inquiries and investigations;*
- 3) present the case for the prosecution in court;
- 4) bring actions in court to defend the interests of the state;
- 5) appeal the judgments, verdicts and decisions of the courts:
- 6) oversee the discharge of penalties and other means of compulsion.*

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

## **CHAPTER 7**

### **THE LOCAL SELF-GOVERNMENT**

#### **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 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 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.*

*In order to secure more effective exercise of the state power the law may envisage the delegation thereof to the community bodies.*

#### **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 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 their services in conformity with the procedure defined by law.*

#### **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 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 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 powers 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 108.1**

*The law shall define the procedure for the state oversight over the discharge of the powers 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 109**

*The Government may, in cases prescribed by law and on the basis of a court judgment, 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 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. Before the discussion of the issue in the National Assembly the Government shall declare the outcomes of the local referenda held in those communities.*

*The communities may consolidate or separate irrespective of the outcomes of the local referenda.*

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

## 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 submission 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.

*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 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 Chapter 2 of the Constitution, except for Articles 42, 45, 46 and 47, as well as those of Articles 51, 52, 53, 54 and 64 may be amended by law.**

*The National Assembly may not initiate a process of constitutional amendments by 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 during martial law or state of emergency.*



**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**

The draft 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**

**TRANSITIONAL PROVISIONS**

**Article 115**

Amendments to the Constitution of the Republic of Armenia shall enter into force on the basis of the referendum outcomes after the new elections of the National Assembly.

**Article 116**

From the moment the Constitutional amendments enter into force:

- 1) The National Assembly shall within one year review the legislation in effect and harmonize it with the Constitutional amendments.
- 2) The Council of Justice and the Council of Aldermen of the city of Yerevan shall within one year after the Constitutional amendments become effective be formed and the Mayor of Yerevan appointed. Before that they shall function within the scope of their previous powers.
- 3) The bodies of local self-government shall continue functioning until the end of their term of office. The term of office stipulated in Part 1 of Article 107 shall become effective for the bodies of local self-government elected after the adoption of the Constitutional amendments.