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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT AMENDMENTS

TO THE CONSTITUTION
OF THE REPUBLIC OF ARMENIA
(For Second Reading)

CONSTITUTION 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, social state governed by rule of law.

Article 2

In the Republic of Armenia the power belongs to the people.

The people exercise their power through free elections, 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 of the Republic, the National Assembly and local self-governing bodies, as well as referenda, are held based on the right to universal, equal and direct suffrage by secret ballot.

Article 4

The human being, his/her dignity and the fundamental human rights and freedoms are an inalienable and ultimate value.

In the exercise of power the people and the state shall be limited by those rights, as a directly applicable right.

Article 5

State powers 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 are competent to perform only such acts for which they are authorized by Constitution and law.

Article 6

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

Laws shall conform to the Constitution. Other legal acts shall conform to the Constitution and the laws.

Laws shall come into force following the official publication in the Official Monitor. Other normative legal acts shall come into force following the official publication in a manner prescribed by law.

International treaties shall come into force only after being ratified or approved. The international treaties are a constituent part of the legal system of the Republic of Armenia. If a ratified international treaty stipulates norms other than those stipulated in the laws, the norms of the treaty shall prevail. The international treaties not complying with the Constitution can not be ratified.

The procedure for concluding international treaties shall be defined by law.

The normative legal acts shall be adopted on the basis of the Constitution and laws and for the purpose of the ensuring their implementation.

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 8

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

Freedom of economic activity and free economic competition is guaranteed in the Republic of Armenia.

Article 8.1

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 8.2

The armed forces of the Republic of Armenia shall 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 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.

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 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.

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.

Armenians by birth shall acquire citizenship of the Republic of Armenia through a simplified procedure.

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.

Details of the flag and the coat of arms shall be defined by law.

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

Everyone shall be equal before the law.

Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal and social circumstances shall be prohibited.

Article 15

Everyone has a right to life. No one shall be condemned to the death penalty or executed.

Article 16

Everyone shall have the right of liberty and security. A person can be deprived of or restricted in his/her liberty by the procedure defined by law and only in following cases:

- 1) a person is sentenced for committing a crime;
- 2) for non execution of the legitimate judicial act;
- 3) when reasonable suspicion exists of committing of a crime or when it is necessary to prevent the commission of a crime by a person 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 unauthorized entry of a person into 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.

If the arrested person is not detained within 72 hours by the court decision he/she must be released immediately.

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.

Every person shall have a right to appeal to a higher court against the lawfulness and reasons of his/her arrest, detention and search.

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, as well as to inhuman, 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.

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 to reveal the grounds of the charge against him/her in a fair public hearing under the equal protection of the law and fulfilling all the demands of justice within a reasonable time by an independent and impartial court ”.

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 participants, or administration of justice so require.

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 in cases prescribed by law.

Everyone shall have a right to the assistance of a legal defender chosen by him/her starting from the moment of being arrested, charged or choosing a security measure.

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 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 about 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.

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

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

The law prescribing or increasing liability shall not be retroactive.

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

Article 23

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

Without the person's consent the collection, keeping, use and dissemination of any information about the person other than stipulated by law is not allowed. The use and dissemination of information relating to the person for purposes contravening the aims of their collection or not provided by law is prohibited.

Everyone has the right to become acquainted with the data concerning him or her available in the state and local self-government bodies.

Everyone shall have the right of correction of non-verified information and elimination of the illegally received information about him or her.

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

Article 25

Everyone legally residing in the Republic Armenia shall have the right to freedom of movement and choice of residence the territory of the Republic Armenia.

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

Every citizen and those legally residing in the country shall have the right to return to the Republic of Armenia.

Article 26

Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his or her religion or belief and freedom, either alone or in community with others and in public or private, to manifest his or her religion or belief, in worship, teaching, practice and observance.

The exercise of this right may be restricted only by law, if it is necessary for the protection of health, morality or the rights and freedoms of others.

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

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 in a reasonable time.

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 set up parties and trade unions and join them may be restricted in a manner prescribed by law for the employees in the armed forces, police, national security, prosecutor's office, as well as judges.

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

The activities of associations 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 exercising those rights by the employees in the armed forces, police, national security, prosecutor's office, bodies as well as judges may be prescribed only by law.

Article 30

Eighteen-year old citizens of the Republic of Armenia have the right to take part in the elections and referendums as well as the right to take part in the state governance and local self-government through their representatives chosen directly and expression of free will.

The law may define the right of suffrage for the elections of the bodies of local self-government and for the local referenda 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

The child, whose two parents are the citizens of the Republic of Armenia, is citizen of the Republic of Armenia. Every child with one parent, who is a citizen of the Republic of Armenia, shall have the right to citizenship of the Republic of Armenia.

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.

Article 30.2

All citizens shall have the right to equal access to public service in conformity with the procedure prescribed by law.

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

Article 31

Everyone shall have the right to freely own, use, dispose of and bequeath the property belonging to him/her. 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.

No one shall be deprived of property except for cases prescribed by law in conformity with the court decision.

Private property may be alienated for the needs of society and the state only in cases of prevailing public interest, in a manner prescribed by law, and with prior equivalent compensation.

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

Intellectual property shall be protected by law.

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 freedom to choose his/her occupation.

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.

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 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.

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 freedom of enterprise not prohibited by law.

Abuse of monopoly or dominant position in the market and bad-faith competition are prohibited.

The restriction of the competition, forms of possible monopolies and their permitted sizes may be prescribed by law.

Article 33.2

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 in person or jointly with others.

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.

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

Dismissal for a reason connected with maternity is prohibited. Everyone has the right to paid maternity leave and parental leave following the birth or adoption of a child.

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 bread-winner, unemployment and other cases prescribed by law. The extent and the forms of social security shall be prescribed by law.

Article 38

Everyone shall have the right to benefit from medical aid and service under the conditions prescribed by law.

Everyone shall have the right to benefit from basic medical aid and services free of charge. The list and the procedure of the services shall be prescribed by law.

Article 39

Everyone shall have a right to education.

Basic general education shall be compulsory except the cases prescribed by law. The law can establish a higher level of compulsory education.

The secondary education in state educational institutions is free of charge.

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.

All citizens shall have the right to free higher and professional education in state higher and other professional educational institutions on the basis of competition as is prescribed by law. In cases and in conformity with the procedure prescribed by law the State shall provide financial and other assistance to institutions conducting higher and other professional education programs, as well as their students.

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.

Article 41

Everyone has the right to preserve his or her national and ethnic identity.

The persons belonging to national minorities have the right to preservation and development of their traditions, religion, language and culture.

Article 42

The fundamental human and civil rights and freedoms stipulated in the Constitution shall not exclude the other rights and freedoms prescribed by laws and international treaties.

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 42.1

The fundamental human and civil rights and freedoms shall apply to legal persons to the extent that those fundamental rights and freedoms permit.

Article 43

The fundamental human and civil rights and freedoms set forth in Articles 23-25, 27, 28-30, Part 4 of Article 32 can be temporarily restricted only by law 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 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

The basic tasks of the state in the economic, social and cultural spheres are:

- 1) to protect and patronage the family, the motherhood and the childhood;
- 2) to support the employment for the population and the improvement of working conditions;
- 3) to foster housing construction, to contribute to the improvement of housing conditions;
- 4) to implement health care programs for the population and contribute to the effective and affordable medical service for the population;
- 5) to contribute to the engagement of youth to the political, economic and cultural life of the country;
- 6) to promote the physical culture and sport;
- 7) to carry out a policy of preventive care, treatment and integration of the handicapped ;
- 8) to support development of free of charge higher and vocational education;

- 9) to support development of science and culture;
- 10) to pursue the environmental security policy for present and future generations;
- 11) to support the free access for each person to national and universal values;
- 12) to ensure decent living standard for old persons.

The state is obliged, within the scope of its possibilities to undertake necessary measures for the fulfilment of the purposes prescribed in this Article.

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 Republic of Armenia.

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 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 President of the Republic.

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 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 extraordinary elections shall take office within twenty 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, extraordinary presidential elections shall be held on the fortieth day following the vacancy of the office.

Article 53.1

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 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 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) dissolves the National Assembly in the cases and in conformity with the procedure prescribed by Article 74.1 of the Constitution and declares extraordinary elections;

4) shall appoint as Prime Minister the person who, upon the distribution of seats in the National Assembly and consultations held with the parliamentary factions, enjoys confidence of the majority of the Deputies. The President of the Republic shall appoint the Prime Minister within ten days after acceptance of the resignation of the Government. Within 20 days after the appointment of the Prime Minister the Government shall be formed.

The President of the Republic shall appoint to and dismiss from office the members of the Government upon the recommendation of the Prime Minister;

The President of the Republic shall accept the resignation of the Government on the day of the first sitting of the newly elected National Assembly, of the assumption of the office by the President of the Republic, of the expression of the vote of no confidence to the Government, of not giving approval to the program of the Government, of the resignation of the Prime Minister or the office of the Prime Minister remaining vacant. After the acceptance of the resignation of the Government by the President of the Republic the members of the Government shall continue the realization of their duties until the formation of 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, execute the general guidance of 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 submit to the National Assembly the candidacy of the Prosecutor General, the Chairman of the Central Bank and the Chairman of Control Chamber. Shall upon the recommendation of the Prosecutor General appoint and release the deputies of the Prosecutor General;

10) shall appoint 4 members of the Constitutional Court and, if the National Assembly fails to appoint the President of the Constitutional Court in the period prescribed in Article 83 Clause 1 - the President of the Constitutional Court;

He may, on the basis of a conclusion of the Constitutional Court terminate the powers of any of his appointees in the Constitutional Court or give his consent to involve the member as an accused, detain, authorize to institute a court proceeding to subject the member to administrative responsibility

11) upon the recommendation or conclusion of the Council of Justice

a) shall appoint the presidents and the judges of the Court of Cassation and its chambers, the courts of Appeals, the courts of first instance and specialized courts,

b) shall terminate their powers,

c) give agreement to involve them as an accused, detain or initiate administrative proceedings through the judicial process;

11.1) shall appoint two legal scholars as members of the Council of Justice in the manner provided by the Article 94.1 of the Constitution.

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 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.

The President of the Republic may not be prosecuted or held liable for actions arising from the performance of his/her status during and after the term of his/her office.

The President of the Republic may be prosecuted for the actions not connected with his or her status after the expiration of term of office, except for the cases provided in the Article 57.

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 within 2 days following the expiration of a ten-day period, the resignation shall be deemed accepted and an extraordinary 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 assumes the office, the presidential duties shall devolve onto the Chairman of the National Assembly or, if that is impossible, onto the Prime Minister. During the performance of duties of the President of the Republic by the Chairman of the National Assembly, the duties of the Chairman of the National Assembly shall devolve to the deputy of the Chairman of the National Assembly, who was elected to his/her post by most of votes. During this period it is prohibited to call a referendum, appoint the Prime Minister, appoint to and dismiss from office the Highest Command of the armed and paramilitary forces (except a martial law situation), make appointments to police and national security positions in cases prescribed by law, as well as exercise the powers stipulated in Clauses 3, 8, 16 and 17 of Article 55 of the Constitution.

Article 61

The President of the Republic shall in conformity with the procedure defined by law form his/her staff. The remuneration, 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. 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, 83.1, 83.2, 83.3, 83.4, 83.5, 84, 94.1, Clause 2 of Article 101, 110, 111 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 National Assembly is elected for a term of 5 years. Its term of office shall begin at the moment when newly-elected National Assembly assembles for its first sitting. The term of office of the National Assembly shall expire at the moment of opening of the first sitting of the newly elected National Assembly.

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 or state of emergency an election maynot be held and 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. In that case after the state of emergency or martial law is abolished the election of the National Assembly shall be held during not soon, than fifty and not late than sixty days.

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

The members of Parliament may not be engaged in entrepreneurial activities, hold an office in state and local self-government bodies or in commercial organizations, as well as engage in any other paid occupation, except for scientific, educational and creative work.

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. 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 not sooner than fifty and not later than forty days prior to the expiration of the term of the current Assembly.

During the extraordinary elections of the National Assembly the vote shall be held within not sooner than thirty and not later than forty days after the dissolution of the National 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.

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.

In case of an extraordinary election 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.

Article 69

The regular sessions of the National Assembly shall be convened in the dates and in a manner prescribed 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

An extraordinary session or sitting of the National Assembly shall be convened by the Chairman of the National Assembly at the initiative of the President of the Republic, at least one third of the total number of Deputies or of the Government. The extraordinary session or sitting shall be held by the agenda and timetable specified by the initiator.

Article 71

The laws and decisions of the National Assembly, save for cases set forth in 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

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.

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

Article 73

There may be not more than twelve standing committees established in the National Assembly.

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

If necessary and in conformity with the procedure stipulated in the Law on 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 issues, events and facts to the National Assembly.

Article 74

The Government shall within twenty days of its formation present its program to the National Assembly for its approval. The issue of approval of the program of the Government by the National Assembly shall be discussed on a priority basis and voted within five days after its presentation. Approval of the program of the Government requires a majority vote of the total number of Deputies.

Article 74.1

If the National Assembly does not give an approval to the program of the Government two times in succession within two months, the President of the Republic shall dissolve the National Assembly.

The President of Republic may also dissolve the National Assembly upon the proposal of the Chairman of the National Assembly or the Prime Minister in the following cases:

- a) If the National Assembly fails within three months to decide on the draft law deemed urgent by the decision of the Government or;
- b) If in the course of a regular session no sittings of the National Assembly are convened for more than three months or
- c) If in the course of a regular session the National Assembly fails for more than three 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 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. If within twenty four hours of the Government's raising of the question of the vote of confidence not less than one third of the total number of Deputies does not present a proposal for a vote of no confidence or if in case of such a proposal the National assembly does not pass a vote of no confidence to the Government by majority of the total number of Deputies during a period set forth in Article 84 Part 3, the Government's draft law shall be considered to have been 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 week 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 81

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

- 1) may declare amnesty;
- 2) ratify, suspend or denounce 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, approve the administrative territorial division of the Republic.

Article 83

The National Assembly shall:

- 1) upon the recommendation of the Chairman of the National Assembly appoint five members of the Constitutional Court;
- 2) After the post of the Chairman of the Constitutional Court is vacant, during 30 days upon the recommendation of the Chairman of the National Assembly appoint the Chairman of the Constitutional Court,
- 3) by a majority vote of the total number of Deputies and on the basis of a conclusion of the Constitutional Court terminate the powers of any of its appointees in the Constitutional Court, or

give its consent to involve the member as an accused, detain, authorize to institute a court proceeding to subject the member to administrative responsibility.

4) elects two legal scholars to the Council of Justice.

Article 83.1

The National Assembly shall elect the Ombudsman for a period of 6 years by 3/5 of total number of Deputies.

As an Ombudsman may be elected a person being a highly respected figure in the public and who will correspond to the requirements envisaged for a Deputy of the National Assembly.

The Ombudsman shall be irremovable.

The Ombudsman is an independent official who implements the protection of the violated human rights and fundamental freedoms by state bodies, local self-government bodies and their officials.

State and local self-government bodies and their officials cooperate with Ombudsman.

The Ombudsman shall be endowed with the immunity envisaged for the Deputy.

Other guarantees of the activity of the Ombudsman shall be established by law.

Article 83.2.

To ensure the goals of freedom, independence and plurality of the broadcasting media, an independent body established by the law, whose members shall be appointed in accordance with the procedure defined by law: one half (1/2) by the National Assembly and one half (1/2) by the President, for six years¹.

Article 83.3

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.

The Chairman of the Central Bank shall be appointed by the National Assembly upon the proposal of the President of the Republic for six years. The same person may not be elected for the post of Chairman of the Central Bank for more than two consecutive terms.

Article 83.4

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.

The work plan of the Control Chamber shall be approved by the National Assembly.

¹ *This modification has been suggested by the Venice Commission and accepted by the Armenian authorities.*

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.

The Chairman of the Control Chamber shall be appointed by the National Assembly upon the proposal of the President of the Republic for six years. A person complying with the requirements for the Deputy can be appointed Chairman of the Control Chamber. The same person may not be elected for the post of Chairman of the Control Chamber for more than two consecutive terms.

Article 83.5

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 denouncing 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.

A motion of no confidence to the Government may be presented by the President of the Republic or by at least one third of total number of Deputies. In situations of martial law or state of emergency such motion may not be presented.

The motion of no confidence to the Government shall be voted on not sooner than forty eight hours and not later than seventy two hours from its initial submittal.

CHAPTER 5 THE GOVERNMENT

Article 85

The Government shall determine and implement the domestic policy of the Republic of Armenia. The Government shall determine and implement the foreign policy of the Republic of Armenia jointly with the President of the Republic. 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, or 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 upon the recommendation of the Prime Minister by the President of the Republic 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.

The structure of the Government as well as the procedure for the organization of 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 when considering issues in connection of foreign policy, defence and national security.

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.

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 member of the Government may not be engaged in entrepreneurial activities, hold an office in state and local self-government bodies or in commercial organizations not connected with his/her duties, or be involved in another paid work, save for academic, pedagogical and creative activities.

Article 88.1

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

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.

The peculiarities of the territorial policy in the city of Yerevan shall be determined by law.

Article 89

The Government shall:

- 1) submit its program 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) implement the unified state policies in the areas of finances, economy, taxation and loans and credits;
 - 4.1) implement the state territorial development policy.
- 5) implement 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;
- 8) perform other functions and powers provided in Constitution and law.

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 ten days after approval of its program. 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

In the Republic of Armenia operate the court of general jurisdiction of the first instance, the courts of appeals and the Court of Cassation and, and in cases prescribed by law specialized courts as well.

The Court of Cassation is the highest court instance in the Republic of Armenia which shall assure uniformity in the implementation of the law. The competences of the Court of Cassation shall be defined by the Constitution and law.

Establishing emergency tribunals shall be forbidden.

Article 93

The Constitutional Court administers the constitutional justice in the Republic of Armenia.

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 scholars appointed by the President of the Republic and two legal scholars appointed by the National Assembly.

The sittings of the Justice Council are headed by the Chairman of the Court of Cassation without the right to vote.

Article 95

In conformity with the procedure stipulated in the law the Council of Justice shall:

- 1) shall form and present to the approval of the President of the Republic the list of candidates of judges and the lists of their professional advancement, which shall be used as basis for appointments;

- 2) shall give conclusion on the submitted candidacies of judges;
- 3) shall nominate the candidates for the chairman of the court of cassation, chairmen and members of its chambers and candidates for the chairmanship of the appellate courts, first instance courts and other courts;
- 4) shall express opinion on issues of pardon on the request of the President of the Republic;
- 5) shall subject the judges to disciplinary responsibility, shall submit recommendation to the President of the Republic on terminating the power of a judge, detaining the judge, on agreeing to involve the judge as an accused or to institute a court proceeding to subject the judge to administrative responsibility.

Article 96

The Judge and the members of the Constitutional Court shall be irremovable. 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 the cases and in a manner prescribed by the Constitution and the law.

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 detained, involved as an accused or subjected to administrative liability through the judicial process except with the consent of the Council of Justice or Constitutional Court. The Judge and the member of the Constitutional Court shall not be arrested save for cases when caught in the act or immediately after that. In this case the President of the Republic and accordingly the Chairman of the Cassation Court or Constitutional Court shall be notified immediately about the arrest.

Article 98

Judges and members of the Constitutional Court may not be engaged in entrepreneurial activities, hold an office in state and local self-government bodies or in commercial organizations not connected with his/her duties, 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.

Article 100

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 power of a member of the Constitutional Court, on detaining the member, on agreeing to involve the member as an accused or to institute a court proceeding to subject the member to administrative responsibility;
- 8) provide a conclusion on the basis to discharge the head of community;
- 9) 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 9 of Article 100 of the Constitution;
- 2) the National Assembly – in cases stipulated in Clauses 3, 5, 7 and 9 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, 8 and 9 of Article 100 of the Constitution;
- 5) 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 protection in courts 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 9 of Article 100 of the Constitution the Constitutional Court shall adopt decisions whilst on matters stipulated in Clauses 5-8 it shall issue conclusions. The conclusions and the decision on matters stipulated in Clause 9 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.

Article 103

The Office of the Prosecutor General in the Republic of Armenia represents a unified, centralized system, headed by the Prosecutor General. The Prosecutor General shall be appointed for six years. The same person may not be appointed Prosecutor General for more than two consecutive times.

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 the lawfulness of 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 in accordance to the Constitution and the law.

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 power of state bodies the law may envisage the delegation thereof to the community bodies.

Article 105.1

The land in the administrative 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

Yerevan is a community. The peculiarities of local self-government and formation of local self-government bodies in the City of Yerevan shall be defined by law. A law may provide for an indirect election of the Mayor of Yerevan.

Article 108.1

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

Article 109

The Government may remove the community head in cases prescribed by law on the basis of the conclusion of the Constitutional Court.

Article 110

The Communities may, based on the interests of the public, be merged with each other or separated by law. The appropriate law shall be adopted by the National Assembly upon the recommendation of the Government. Before submitting the legislative initiative the Government shall call for the local referenda held in those communities. The outcomes of the local referenda shall be attached to the legislative initiative. The communities may be merged or separated irrespective of the outcomes of the local referenda.

The law shall define the principles and procedure for consolidation or separation of the communities as well as the terms for the election of local self-government bodies of newly formed 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 of the National Assembly. For such a decision of the National Assembly is required the majority votes of the total number of the Deputies.

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 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 fourth of the number of registered voters.

Article 114

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

CHAPTER 9 FINAL AND TRANSITIONAL PROVISIONS

Article 115

Amendments to the Constitution of the Republic of Armenia shall come into force from the moment of the publication in the “Official Bulletin of the Republic of Armenia” except the provision on the Chairman of the Control Chamber in the first sentence of Article 55 Point 9, the provision of the first sentence of Article 63 Part 2, Article 74.1 Part 1, Article 83.4, Article 86, Article 88.1 Part 1, Article 101 Point 6, the term fixed in Article 107 Part 1.

Article 116

The provision on the Chairman of the Control Chamber in the first sentence of Article 55 Point 9, Article 74.1 Part 1, the provision contained in Article 83.4, Article 86 and Article 88.1 Part 1, shall come into force on the day of opening of the first session of the National Assembly of the next legislative period.

The provision of the first sentence of Article 63 Part 2 shall be applied for the next legislative periods.

The provision of the Point 6 of Article 101 shall enter into force on July 1, 2006.

The term fixed in Article 107 Part 1 shall come into force for the local self-government bodies elected after the adoption of the Amendments to the Constitution.

Article 117

After the amendments to the Constitution come into force:

- 1) The National Assembly shall make appropriate the acting laws to the amendments of the Constitution during one year;
- 2) The National Assembly shall within one year define by law the anthem of the Republic of Armenia. Until that the anthem prior to the amendments to the Constitution shall be valid.
- 3) Until the adoption of the new law the foreign citizens and persons without citizenship enjoy the right to land ownership according to current law.
- 4) The social rights provided in the Constitution shall be valid to extent specified by the appropriate laws.
- 5) Until the day of opening of the first session of the next legislative period of the National Assembly the President of the Republic
 - a) may after consultations with the President of the National Assembly and the Prime Minister dissolve the National Assembly and call for special election;

b) may remove the Prime Minister.

6) Until the day of opening of the first session of the next legislative period of the National Assembly 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.

7) Until the definition of the legal regime of the state of emergency by law in the event of an imminent danger to the constitutional order the President of the Republic after consulting with the Chairman of the National Assembly and the Prime Minister, shall declare state of emergency and take measures appropriate in the given circumstances and address the people on the situation.

8) The Chairman of the Central Bank shall remain in office until the expiry of the term of office determined by current law.

9) The Chairman of the Control Chamber shall be appointed within three months after the first session of the next legislative period of the National Assembly. Until that the Control Chamber shall continue to exercise its powers determined prior to the amendments to the Constitution.

10) The Prosecutor General shall continue to remain in office no more than for six months - until the appointment of the Prosecutor General in the manner prescribed in Article 55 Point 9 of the Constitution.

11) The acting judges and legal scholars of the Council of Justice shall continue to remain in office until the expiry of their term of office. The National assembly shall within three months elect two legal scholars of the Council of Justice.

12) The members of the independent body provided in Article 83.2 shall continue to remain in office until the expiry of their term of office determined by the “Law on TV and Radio”.

13) The bodies of the local self-government in the city of Yerevan shall be formed not later than within two years after the adoption of the appropriate law. Before that the current order for the local self-government and territorial administration of the city of Yerevan shall remain in force.

14) The acting members of the Constitutional Court shall continue to remain in office until reaching the age of 70 years.