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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT CONSTITUTION
OF THE REPUBLIC OF ARMENIA**

**AS WOULD RESULT FROM THE 3RD SET OF PROPOSALS
FOR AMENDMENTS TO THE CONSTITUTION¹**

Working document

¹ CDL(2004)100 [http://venice.dctnet.coe.int/restricted/2004/CDL\(2004\)100-e.asp](http://venice.dctnet.coe.int/restricted/2004/CDL(2004)100-e.asp)

CONSTITUTION OF THE REPUBLIC OF ARMENIA

The Armenian People,
Recognizing as a basis the fundamental principles of Armenian statehood and the national aspirations engraved in the Declaration of Independence of Armenia, Having fulfilled the sacred message of its freedom-loving ancestors for the restoration of the sovereign state, Committed to the strengthening and prosperity of the fatherland.
In order 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 power lies with the people.

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

Article 3.

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

Article 4.

The Republic of Armenia shall recognize 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 the rights stipulated in the Constitution as a directly functioning right.

Article 4.1.

The State shall be the official representative of people and shall express the will and interests thereof. The State, its bodies and officials shall serve, report and be accountable to the people.²

² Draft Law erroneously numbers change of Article 14 instead of Article 4

Article 5.

The state power in the Republic of Armenia shall be exercised on the basis of separation and balance of the legislative, executive and judicial powers.

The legislative, executive and judicial powers shall within the scope of authority granted by the Constitution and the laws function independently, cooperate, check and balance each other.

Unity of the state power shall be ensured in the Republic of Armenia.

The President of the Republic, the National Assembly, the Government, the courts and other bodies performing functions of the executive power, as defined by law, shall exercise the state power in the Republic of Armenia.

The state and local self-government bodies and the officials shall only be entitled to action, for which they are authorized by the legislation.

Article 6.

The supremacy of law and the rule of law shall be guaranteed in the Republic of Armenia.

The Constitution of the Republic shall have supreme force and the norms thereof shall apply directly.

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

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

International agreements shall come into force in the Republic of Armenia following their official ratification or approval only. The international agreements of the Republic of Armenia shall form a constituent part of the legal system of the Republic of Armenia. If a ratified international agreement sets forth other norms than those stipulated in laws, the norms of the agreement shall prevail.

Laws and special norms thereof not complying with the Constitution, as well as other legal acts or special norms thereof not complying with the Constitution, international agreements shall have no legal force.

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

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

Article 7.

Ideological pluralism and a multi-party system is recognized and guaranteed in the Republic of Armenia.

Political parties shall be formed freely and contribute to the development and expression of the people's political will. Their activities cannot contradict the Constitution and laws; neither can their procedures contradict the principles of democracy.

The political parties shall ensure the public nature of their financial operations.

Article 8.

The right of ownership shall be guaranteed and protected in the Republic of Armenia.

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

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

Restriction of competition, possible forms of monopoly and their permitted scope may only be defined by law, in the interest of the State and society.

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, as well as other cultural values shall be under the auspices and protection of the State. The State shall contribute to free access to the world cultural heritage for everybody.

The Republic of Armenia shall within the framework of principles and norms of the international law contribute to the protection of Armenian historical and cultural values located in other countries and the advancement of 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 shall recognize and guarantee the local self-government.

Article 11.3.

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

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

A citizen of the Republic of Armenia may not be extradited to a foreign country.

Citizens of other countries or non-citizens shall be extradited to a foreign country in cases prescribed by the international agreements of 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.

Citizens persecuted for their political convictions shall have the right to political asylum.

Article 11.4.

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

The Republic of Armenia shall recognize the exclusive historical mission of the Armenian Apostolic 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 functioning in conformity with the law shall be guaranteed in the Republic of Armenia.

Article 11.5.

The armed forces of the Republic of Armenia shall have the duty to ensure security, defense and territorial integrity of the Republic of Armenia, as well as inviolability of its borders. The armed forces shall not be politicized and shall be subject to civilian control.

Article 12.

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

Article 13.

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

The coat of arms (image 33) of the Republic of Armenia depicts, in the center on a shield, Mount Ararat with Noah's ark and the coats of arms of the four kingdoms of historical Armenia.

The shield is supported by a lion and an eagle while a sword, a branch, a sheaf, a chain and a ribbon are portrayed under the shield.

The national anthem of the Republic of Armenia shall be defined by law.

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

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

The rights and freedoms stipulated in the Constitution are not exhaustive and cannot be interpreted as excluding other universally recognized human and citizen rights and freedoms.

Article 14.1.

People shall be equal in rights regardless of race, sex, language, religion, political or other views, national or social origin, property or other status; have all the rights, freedoms and obligations stipulated in the Constitution and laws and shall without discrimination of any kind be given equal protection under the law.

Article 15.

Everyone shall have the right to life.

Death penalty is prohibited in the Republic of Armenia.

Article 16.

Everyone shall have the right to liberty and inviolability.

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) when there is grounded suspicion that a person has committed a crime, or to prevent his/her escape after a crime is committed;
- 3) to prevent a crime or when there is grounded suspicion that a crime is going to be committed;
- 4) for educational supervision of minors;
- 5) to prevent the spread of infectious diseases;

6) to prevent the illicit entry of a person into the Republic of Armenia, as well as his/her deportation or extradition to a foreign country.

Everyone arrested shall be immediately notified in a language, which he/she understands, of the reasons for his/her arrest and of the charges against him/her.

The family of the arrested person or any other person chosen by him/her shall be immediately notified of the arrest. The arrested person shall not be 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 24 hours take a decision on subjecting him/her to a means of restraint or releasing him/her.

No one may be detained or subjected to another means of restraint otherwise than by the court decision and in conformity with the procedure defined by law.

No one may be subjected to search otherwise than in cases and in conformity with the procedure defined by law.

Everyone shall be entitled to appeal against the lawfulness and grounds of his/her arrest, search, detention or other means of restraint to a higher instance court.

Everyone shall have the right to recover the damages caused by the decision on unlawful arrest, search, detention or other means of restraint or by the detention on the grounds and in conformity with the procedure defined by law.

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

Article 17.

Everyone arrested, detained or deprived of his/her freedom shall be entitled to human treatment and respect of dignity. No one shall be subjected to torture, cruel or degrading treatment or punishment.

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 protection of his/her rights and freedoms by any means not prohibited by law.

Everyone shall be entitled to 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 defined by law.

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

Article 19.

Everyone shall be entitled to an equal and fair hearing within a reasonable time held publicly by an independent and impartial tribunal to restore his/her violated rights as well as 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 by law where the interests of morals, public order, national security, protection of the private life of the parties or administration of justice so require, but the final judicial acts shall be pronounced publicly at an open sitting of the court.

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 the service of the defense attorney or in other cases prescribed by law.

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

Everyone convicted shall have the right to appeal the verdict to a higher court. Everyone convicted shall have a right to pardon or mitigation of the punishment.

All damages incurred by the victim shall be adequately 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 verdict 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 his/her spouse and close relatives. The law may prescribe other cases of release from the obligation to testify.

The use of evidence obtained by the violation of the law shall be prohibited.

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

No one shall be held guilty of 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 protect his/her private and family life from illegal interference, as well as to protect his/her honor and reputation from violation.

The illegal collection, preservation, use and dissemination of information about a person's private and family life shall be prohibited.

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

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

Article 25.

The citizens of the Republic of Armenia as well as anyone legally sojourning in the Republic of Armenia shall have the right to freedom of movement and choice of residence within the borders of the Republic of Armenia.

Everyone shall have the 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 freedom of expression. No one shall be forced to deny or change his/her opinion.

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

Freedom of press and other mass media shall be guaranteed.

Article 27.1.

Everyone shall have the right to, either individually or jointly with others, submit letters, recommendations and complaints in a written form to the authorized public and local self-government bodies for the protection of private and public interests and 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 the right to form political parties with other citizens and join such.

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

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

The activities of associations can be suspended or prohibited only by the court decision and in cases prescribed by law, while the activities of political parties can be suspended or prohibited by the decision of the Constitutional Court.

Article 29.

Everyone shall have the right to freedom of peaceful and unarmed assembly, rallies, protest marches and demonstrations.

Restrictions on the exercise of these rights by the military and public servants 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 citizens of the Republic of Armenia, who have other citizenship may not vote or be elected. The law may define the right of suffrage for the elections to the bodies of local self-government for persons having no citizenship of the Republic of Armenia or those having other citizenship.

Citizens declared incapable by the court judgment; duly sentenced to prison or serving the sentence in conformity with the lawful court verdict, shall not have the right to vote or be elected. The law may prescribe other restrictions on the right to vote in the elections for the bodies of local self-government.

Article 30.1.

The citizens shall in conformity with the general principles set forth in the law have the right of access to the state service.

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

Article 31.

Everyone shall have the right to ownership and inheritance.

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

Citizens of other states and non-citizens shall not be entitled to land ownership save for cases prescribed by law.

Alienation of property in the interests of the society and the state may take place in exceptional cases only and on the basis of the law substantiating the exceptional nature of a given alienation and setting up equivalent compensation for that.

The right to ownership 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 and 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 enterprise not prohibited by law. The restrictions on the exercise of this right 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 restrictions on the exercise of this right shall be defined by law.

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

Compulsory work 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 both individually and jointly with others.

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

The public officials shall be held responsible for hiding information on environmental issues and denying access to it.

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, and are entitled to equal rights as to marriage, during marriage and divorce.

Marriage and family related legal relations, as well as the patronage and protection by the society and the State shall be regulated by law.

Article 36.

Parents shall have the right and the obligation to take care of the rearing, health as well as full and harmonious development and education 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.

Article 37.

Everyone shall, in conformity with the procedure defined by law, have the right to social security in old age, in the event of disability, loss of a bread-winner, unemployment and other cases, as 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 advancement of physical education and sport.

Article 39.

Every citizen shall have a right to education.

The obligatory level of education in the Republic of Armenia shall be defined by law.

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 procedures for establishing and functioning, as well as the principles of autonomy of educational institutions shall be defined by law.

Every citizen 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 achievements and to participate in the cultural life of the society.

The intellectual property shall be protected by law.

Article 41.

The right of people belonging to national minorities to preserve their traditions, as well as to freely express, protect and advance their ethnic, language, cultural and religious identity is recognized and guaranteed in the Republic of Armenia.

Article 42.

Everyone shall be free 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, as well as eliminating or mitigating his/her liability shall be retroactive if prescribed by the acts in question.

Article 43.

The fundamental human and citizen rights and freedoms set forth in Articles 23-30, Part 4 of Article 32 can be restricted only by law 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 in a democratic society.

Article 44.

Certain human and citizen rights, except for those stipulated in Articles 15, 17-22, 26 and 42 of the Constitution, can, proportional to the situation and in conformity with the procedure defined by law, be temporarily restricted during martial law or state of emergency within the scope of international obligations on deviating from commitments in cases of emergency.

Article 44.1

Restrictions on the human and citizen rights and freedoms shall not exceed the scope of the norms of international law in effect, nor shall they violate the nature of the law.

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 Constitution and laws, to respect the rights, freedoms and dignity of others.

Every citizen of the Republic of Armenia shall be entitled to protect the Constitution, the principles of the constitutional order stipulated therein and the laws.

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 are in their nature applicable to them.

CHAPTER 3 **The President of the Republic of Armenia**

Article 49.

The President of the Republic of Armenia is the Head of the State.

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

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

The President of the Republic shall be the highest official and the guarantor of lawfulness in 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 for the Presidency.

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

Article 51.

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

The candidate who has received more than half of the valid votes shall be considered elected President of the Republic. If more than two candidates have been voted and none of them has received 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 has received the highest number of valid votes in the second round shall be elected.

If only one candidate runs for the election, he/she shall be deemed elected if he/she receives more than half of the votes of participants.

If the Constitutional Court accepts a case on the results of the 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.

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

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

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

Article 52.

In case of insurmountable obstacles for one of the presidential candidates 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 new election shall be held on the fortieth day following the expiration of the two-week period.

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

Article 53.

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

Article 54.

The President of the Republic shall accept office in conformity with the procedure prescribed by law at the special sitting of the National Assembly in the presence of the members of the Constitutional Court 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; to respect the fundamental human and citizen 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 our people.

Article 55.

The President of the Republic:

- 1) shall address the people and the National Assembly;
 - 1.1) shall have a right to legislative initiative,
- 2) shall, within twenty one days of receipt, sign and promulgate, the laws passed by the National Assembly;

Within this period may return the law to the National Assembly with objections and/or recommendations demanding for new deliberations. The President shall within five days sign and promulgate the law re-adopted by the National Assembly and apply to the Constitutional Court for a conclusion on the compliance of the law with the Constitution. If the conclusion

provided by the Constitutional Court declares the provisions of the law not complying with the Constitution the law shall not be promulgated and shall have no legal force.

If the Constitutional Court concludes that the law complies with the Constitution the President of the Republic shall within a three-day period promulgate the law.

3) shall in cases stipulated in Article 74.1 reduce the term of office of the National Assembly and declare special elections. The special elections shall be held no sooner than 30 days and no later than 40 days following the reduction of the term of office of the National Assembly;

Following the reduction of the term of office of the National Assembly in any of the cases stipulated in Article 74.1 of the Constitution, the incumbent Prime Minister shall not be dismissed.

Following the reduction of the term of office of the National Assembly in the case stipulated in clause “d” of Article 74.1 of the Constitution, the term of office of the newly elected National Assembly shall not be reduced in conformity with clause “d” Article 74 within 1 year following the elections.

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

4) shall in cases and in conformity with the procedure stipulated in the Constitution, decree the appointment and dismissal of the Prime Minister. Upon the recommendation of the Prime Minister shall decree the appointment and dismissal of the Government members;

4.1) shall in cases stipulated in the Constitution accept the resignation of the Prime Minister and the Government;

4.2) may dismiss the Minister of Foreign Affairs and the Minister of Defense without the Prime Minister’s presentation,

5) shall in cases stipulated in the law make appointments to state office positions;

5.1) shall upon consultations with the National Assembly factions appoint the Chairman of the Control Chamber and upon the consent of the National Assembly dismiss the Chairman of the Control Chamber;

5.2) shall nominate the candidate for the Chairman of the Central Bank to be approved by the National Assembly,

5.3) shall appoint the deputies of the Chairman and members of the Board of the Central Bank,

5.4) shall nominate the candidate for the Human Rights’ Defender to be approved by the National Assembly,

5.5) shall in cases stipulated in Article 109.1 of the Constitution appoint the acting Mayor of Yerevan community;

6) may establish advisory bodies.

7) shall represent the Republic of Armenia in international relations, determine the foreign policy priorities, conduct general supervision 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 terminate the international agreements for which no ratification is required;

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

9) shall uphold the state interests through a unified system of the Prosecution Office.

Shall appoint to and dismiss from office the Prosecutor General and deputies to the Prosecutor General;

10) shall appoint members to the Constitutional Court;

On the basis of the conclusion of the Constitutional Court may terminate the powers of any of his/her appointees in the Constitutional Court, or give his/her consent to involve the appointee in question as an accused or subject him to administrative liability through judicial procedure;

10.1) shall in the case set forth in Article 83 of the Constitution appoint the Chairman of the Constitutional Court,

11) shall appoint, in accordance with the procedure provided in Article 95 of the Constitution, the judges of the Court of Cassation and its chambers, the Court of Appeal, the courts of first instance and specialized courts,

Shall give consent to involve the judge as an accused or subject him to administrative liability through judicial procedure.

11.1) shall appoint and dismiss the chairmen of the Court of Cassation and its chambers, the Court of Appeal, the courts of first instance and specialized courts;

11.2) shall award qualification grades to the judges on the basis of the conclusion of the Council of Justice;”

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

12.1) In cases stipulated in Article 81 of the Constitution shall adopt a decision on proclaiming war;

13) shall adopt a decision on the use of the armed forces; declare martial law in case of an armed attack on the Republic, immediate danger thereof or proclamation of war and may declare general or partial mobilization. During warfare can appoint to or dismiss from office the Highest Commandant. In case of the use of the armed forces or declaration of martial law a special sitting of the National Assembly shall immediately be convened by force of law.

The legal regime of martial law shall be defined by law;

14) in the event of an immediate danger to the constitutional order and after consulting with the Chairman of the National Assembly and the Prime Minister, shall declare a state of emergency, take measures appropriate to the given circumstances and address the people on the situation. In this case a special sitting of the National Assembly shall immediately be convened by force of law.

The legal regime of the state of emergency shall be defined by law;

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

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

17) may grant pardons to convicted individuals.

Article 56.

The President of the Republic shall issue decrees and orders, which shall be subject to implementation in the whole territory of the Republic of Armenia and shall conform to the Constitution and the laws.

Article 56.1.

The President of the Republic shall have immunity.

Article 57.

The President may be removed from office for state treason or violation of the Constitution or other high crimes.

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

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

Article 58.

In the event that the President of the Republic resigns, his/her resignation shall be submitted to the National Assembly. The resignation of the President of the Republic shall be discussed and deemed accepted.

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 of the President of the Republic to discharge his/her powers. 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 this motion forward to the National Assembly.

Article 60.

In the event that the post of the President of the Republic is vacant and before the newly elected President assumes the office, the Chairman of the National Assembly or, if that is impossible, the Prime Minister shall discharge the responsibilities of the President. If it is impossible for either the Chairman of the National Assembly or the Prime Minister to discharge the President's responsibilities, the Chairman of the Constitutional Court shall discharge them.

In case the President of the Republic of Armenia is temporarily unable to discharge his/her responsibilities, he/she shall officially notify the Chairman of the National Assembly, who shall afterwards assume the responsibilities of the President of the Republic for that term.

The person discharging the President's responsibilities shall exercise the powers granted to the President of the Republic by the Constitution save for cases stipulated in Clauses 2-6 and 8-12 of Article 55 of the Constitution.

Article 60.1.

In the course of martial law no elections of the President of the Republic shall be held and the President of the Republic shall continue the discharge of his/her responsibilities. In this case on the fortieth day following the termination of martial law elections of the President of Republic shall be held.

Article 60.2.

In case of declaration of martial law when the elections of the President of the Republic have already been held, the incumbent President shall hand over the power to the elected President.

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.

The National Assembly, the parliament of the Republic of Armenia, shall be a permanently functioning supreme representative body of the state power, which shall exercise legislative powers and other authority as prescribed by the Constitution.

In cases stipulated in Articles 57, 59, 66, 67, 73, 74.1, 74.2, 77, 80.1, 81, 83, 84, 85.3, 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.

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

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

Article 63.

The National Assembly shall be comprised of one hundred and twenty one deputies.

The National Assembly shall be elected for a five-year term of office.

The term of office of the National Assembly shall expire on the day of the opening of the first session of the newly elected National Assembly: the date when the term of office of the newly elected National Assembly shall start.

The term of office of the National Assembly can be reduced in cases prescribed by Article 74.1 of the Constitution.

The term of office of the National Assembly shall not be reduced in cases stipulated in sections 3, 13 and 14 of Article 55, Articles 58-59 as well as in the event a motion on impeaching the President of Republic is put forward.

Article 63.1.

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

In the event when the elections to the National Assembly have been held before the date of declaring martial law, the newly elected National Assembly shall take office on the first Thursday following the end of martial law.

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 local self-government body, as well as be involved in another paid work save for academic, pedagogical and creative activities.

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

The status and guarantees of the activity of the Deputy shall be defined by the Constitution and laws.

Article 66.

The Deputy shall not be restricted by imperative mandate but shall be guided by his/her conscience and convictions.

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

The Deputy may not be involved as an accused or subjected to administrative liability through judicial procedure without the consent of the National Assembly.

The Deputy may not be arrested or detained without the consent of the National Assembly except for cases when caught in the act or immediately thereafter. In this case the Chairman of the National Assembly shall immediately be notified.

The Deputy shall have a right to refuse to testify against the persons who have confided in him/her when discharging his/her deputy's responsibilities or on information conveyed to him either in writing or by word of a mouth.

Article 67.

The powers of a Deputy shall terminate upon the expiration of the term of the National Assembly, upon the reduction of the term of office of the same, upon violation of the provisions of part I of Article 65 of the Constitution, upon loss of citizenship of the Republic of Armenia, upon being sentenced to imprisonment, when deemed incapacitated and upon his or her resignation.

A Deputy's term of office shall be terminated in a manner prescribed by the law on 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 68.1

Holding elections of the National Assembly simultaneously with the elections of the President of the Republic, as well as within 60 days prior or following the elections of the President of the Republic shall be prohibited.

Article 69.

The regular sessions of the National Assembly shall convene twice per year from the second Monday of September to the third Wednesday of December and from the third Monday of January to the second Wednesday of June.

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

Article 70.

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

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

Article 71.

The laws and resolutions of the National Assembly, save for cases set forth in Section 3 of Article 57, Articles 59, 84 and 111, Section 1 of Article 75.1, Section 1 of Article 79, Section 2 of Article 83 shall be adopted by the majority of votes of the deputies who have registered for the sitting provided that more than half of the total number of deputies have voted.

Drafts of the laws, discussion, addresses, announcements of the National Assembly shall be put to the vote after they are deliberated on in conformity with the law on the rules of procedure of the National Assembly.

Article 72.

The National Assembly shall deliberate on the law returned by the President of the Republic on a priority basis.

The law returned to the National Assembly with the objections and/or recommendations of the President of the Republic shall be put to the vote for a second time.

Article 73.

There may be no 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.

The standing committees shall conduct parliamentary oversight on behalf of the National Assembly. To this end they may hold parliamentary hearings, discussions, conduct expert reviews and studies.

The National Assembly may also establish ad hoc committees to analyze special problems and to submit to the National Assembly conclusions thereon, as well as to conduct an examination or oversight.

Upon the demand of one-fifth of the deputies or a faction, the National Assembly shall be obliged to establish an ad hoc committee to analyze certain problems and to submit to the National Assembly conclusions thereon, as well as to conduct an examination or oversight.

Ministers and other officials shall be obliged to be present at the committee sittings when asked to do so and answer to questions raised.

Article 74.1

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

- a) If the National Assembly fails within two months to deliberate and vote on the draft law deemed urgent by the decision of the President of the Republic or 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 decisions on the issues under debate.
- d) If the National Assembly does not approve the proposal of the President of the Republic on dismissing the Prime Minister.

Article 74.2.

In the event when the term of office of the National Assembly is reduced in cases stipulated in Article 74.1, a sitting of the National Assembly may be convened in cases stipulated in clauses 13 and 14 of Article 55 of the Constitution by force of the law.

Article 75.

The right of legislative initiative shall belong to the President of the Republic, the Deputies, and the Government.

The President of the Republic and the Prime Minister shall have the right to speak at the National Assembly on a priority basis.

The President of the Republic and the Government may consider urgent the draft laws submitted by them to the National Assembly.

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

Article 75.1.

In conformity with the conclusion of the Government, the National Assembly shall upon the demand 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 Prime Minister may put forward a motion on confidence in the Prime Minister relating to the adoption of a draft law proposed by the Government. If the National Assembly adopts a decision on expressing confidence in the Prime Minister the draft law proposed by the Government shall be deemed adopted.

The Prime Minister may put forward a motion on confidence in the Prime Minister relating to the adoption of the draft law proposed by the Government no more than twice during any single session.

The Prime Minister may put forward a motion on confidence in the Prime Minister relating to the adoption of a draft law proposed by a Deputy. If the National Assembly adopts a decision on expressing confidence in the Prime Minister the debate of the draft law proposed by the deputy shall be terminated and the issue shall be removed from the agenda.

The Prime Minister may put forward a motion on confidence in the Prime Minister relating to the adoption of the draft law proposed by a Deputy no more than twice during any single session.

Article 76.

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

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

Article 77.

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

The National Assembly shall examine the annual report on the realization of the state budget and adopt the report based on the findings of the Oversight Office.

Article 78.1.

The bodies of the National Assembly shall be: the Chairman, the factions, the deputies and the committees of the National Assembly.

Article 79.

The National Assembly, by the majority of votes of the total number of its deputies, shall elect and may recall the Chairman and the two Deputy Chairmen of the National Assembly.

The Chairman of the National Assembly shall chair the sittings as well as ensure the regular functioning of the National Assembly.

The Chairman of the National Assembly shall in conformity with the procedure prescribed by the Constitution and the law on the rules of procedure of the National Assembly manages the material resources of the National Assembly.

Article 79.1.

No search, arrest or detention may take place on the premises of the National Assembly without the consent of the Chairman of the National Assembly. No armed unit may have access to the premises of the National Assembly without the Chairman's consent.

The Chairman of the National Assembly shall notify the National Assembly at its upcoming sitting in cases prescribed by 4 Section of Article 66 of the Constitution.

Article 79.2.

To organize the activities of the National Assembly a Board of the National Assembly shall be established, which shall be comprised of the Chairman, the Deputy Chairmen, the leaders of factions, and chairs of standing committees of the National Assembly. The Board shall approve the nomination of the Chief of Staff of the National Assembly, the organizational structure and the number of the staff, as well as the cost estimate of the National Assembly. The procedure for the Board shall be defined by the Law on the Rules of Procedure of the National Assembly.

Article 80.

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

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

The Deputies shall be entitled to forward written questions to the Government, other bodies discharging functions of the executive power under the law, heads of territorial administration bodies, state institutions and local self-government bodies and receive responses from them.

Responses to the Deputies' written questions shall not be presented at the sitting of the National Assembly.

Article 80.1.

Each faction may make one written interpellations to the Government during any session of the National Assembly. The Prime Minister and the Government members shall respond to the interpellation in the course of the regular session no later than 30 days after receiving the interpellation or at the first sitting of the next session if the regular session is over. The response to the inquiry shall be presented at the sitting of the National Assembly and may, upon the resolution of the National Assembly, be debated on at the next sitting.

Article 81.

The National Assembly shall upon the recommendation of the President of Republic:

Declare an amnesty;

Ratify, suspend or terminate the international agreements of the Republic of Armenia. The National Assembly shall ratify the 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 obligations for the Republic of Armenia,
- d) application of which shall bring about legislative amendments or adoption of a new law; or which stipulate other norms than those stipulated in the laws,
- e) which prescribe ratification,

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

Decide on dismissing the Prime Minister;

Give consent on dismissing the Chairman of the Control Chamber;

Appoint and dismiss the Chairman of the Central Bank,

Appoint the Human Rights' Defender. The grounds for terminating the term of office of the Human Rights' Defender shall be defined by law.

In cases prescribed by law approve the appointments to state office positions.

Article 82.

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

Article 83.

The National Assembly shall:

Appoint members of the Constitutional Court and the Chairman of the Constitutional Court from among its members;

In the event when the National Assembly fails to appoint the Chairman of the Constitutional Court within thirty days after it is formed, the President of the Republic shall appoint the Chairman of the Constitutional Court;

Terminate the powers of any of its appointees in the Constitutional Court, or give its consent to involve the appointee in question as an accused or subject him/her to administrative liability through judicial procedure based on the conclusion of the Constitutional Court;

Appoint four members to the Council of Justice;

May stop the progress of the measures prescribed by Clauses 13 and 14 of Article 55 of the Constitution.

Article 83.1.

The following shall be defined exclusively by the laws of the Republic of Armenia:

Human and citizen rights, freedoms and obligations, as well as the guarantees of these rights and freedoms;

Citizenship and the citizens' rights to law, status of foreign citizens and non-citizens;

Basic principles of the use of natural resources and environmental security;

Basic principles of social protection, forms and types of the provision of pensions, as well as basic principles of labor and employment, marriage, family, protection of childhood and motherhood, children's education, science, education, culture and health care;

Labor relations and social security;

Legal status of the property;

Legal grounds and guarantees of entrepreneurship, rules of competition and norms of anti-monopoly regulation;

Status of physical and legal persons, subjects and objects of civil law, transactions, representation, law of obligation;

Basic principles of foreign relations and foreign economic activity;

Legal regime of establishing a free economic zone;

Basic principles of regulation of demographic and migration processes;

Basic principles of establishing political parties and other associations of citizens;

Legal status of the mass media entities;

Basic principles of the executive power bodies and state service;

Basic principles of state statistics and information;

Administrative-territorial structure of the Republic of Armenia;

Basic principles of local self-governance;

Court composition, court proceedings, the status of judges, basic principles of court expert examination, organization and functioning of the prosecution office, the bodies of preliminary inquiry and investigation, the state notary's office, the punishment execution bodies and institutions, basic principles of organization and functioning of defense attorneys;

Status of the capital city and the special status of other residential areas of the Republic of Armenia;

National Security, organization of the armed forces of the Republic of Armenia, basic principles of ensuring public order;

Legal regime of the state border;

Legal regime of martial law and state of emergency;

Procedure for organizing and holding elections and referenda;

Procedure for the formation and functioning of the RA National Assembly; status of the deputies of the National Assembly;
Criminal offences, administrative and disciplinary violations and establishing liability for such;
State budget and the budget system of the Republic of Armenia;
Tax system, taxes, duties and mandatory fees;
Basic principles of organization and operation of financial, loan and investment markets;
Status of the national currency and the legal regime for the use of foreign currency in the Republic of Armenia;
Procedure for the issue and circulation of securities;
Procedure for deploying the armed forces' units of the Republic of Armenia in other countries as well as the procedure and conditions for deploying the armed forces' units of other countries in the territory of the Republic of Armenia;
State anthem;
Procedure for using and protecting the state symbols;
State awards;
Military ranks, diplomatic ranks and other titles;
State holidays;
Procedure for defining the units of weight, measure and time as well as the state standards; and
Alienation of the state property.

This list of laws shall not be deemed exhaustive and may be extended by the law.

Article 84.

The National Assembly may by the majority of votes of the total number of its Deputies express no confidence in the Prime Minister.

The draft resolution on expressing no confidence in the Prime Minister shall be put forward by at least one-third of the total number of the Deputies. The draft resolution on expressing no confidence in the Prime Minister shall be put to the vote within forty-eight hours after it is submitted.

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

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.

The Government is the supreme body of the executive power.

The Government shall supervise and implement the domestic and foreign policy of the Republic of Armenia in compliance with the Constitution and the laws.

The authority of the Government shall encompass all matters of public administration, which the law does not assign to other state or local self-government bodies.

By virtue of the Constitution, the international agreements and the laws of the Republic of Armenia, and to perform its functions within the scope of the authority granted by the Constitution and the laws, the Government shall adopt decisions subject to observance in the whole territory of the Republic.

The Government shall be comprised of the Prime Minister, the Deputy Prime Minister and the Ministers.

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

The powers of the Government shall be defined by the Constitution and the laws.

The structure of and the procedure for the functioning of the Government shall be defined by law.

Article 85.1.

The Members of the Government shall conform to the requirements set forth for the Deputies in Article 64 of the Constitution.

Article 85.2

The Prime Minister shall at the forthcoming sitting of the newly elected National Assembly announce his/her resignation to the President of the Republic thereby terminating the powers of the Government.

Article 85.3

Within 5 days following the resignation or dismissal of the Prime Minister the National Assembly shall by the majority of votes of the total number of its Deputies appoint the Prime Minister at its sitting. The President of the Republic shall on the basis of the decision of the National Assembly on appointing the Prime Minister and within three days following its adoption, decree the appointment of the Prime Minister.

The President of the Republic shall within 10 days following the appointment of the Prime Minister and upon his/her recommendation decree the formation of the Government. The Prime Minister shall within 10 days following the formation of the Government submit to the National Assembly the Government's Concept of Action.

In the event when the National Assembly fails to appoint the Prime Minister or to approve the Government's Concept of Action, the Chairman of the National Assembly shall immediately address the President of the Republic with a request to form the Government. The President of the Republic shall within a two-week period appoint the Prime Minister and form the Government. Following the formation of the Government the Prime Minister shall within a two-week period present the Government's Concept of Action at a sitting of the National Assembly, which the National Assembly shall take for information.

Article 85.4

The decision of the National Assembly on approving the Government's Concept of Action shall be adopted by the majority of votes of the total number of the Deputies.

In the event when no decision on approving the Government's Concept of Action is adopted by the National Assembly, the Prime Minister shall submit to the President of the Republic his/her resignation.

Article 86.

The Prime Minister shall convene and preside over the Government sittings.

The Prime Minister shall sign the Government decisions.

The President may make an official request to the Constitutional Court for the verification of the compliance of the Government's decision with the Constitution and the laws. Until the relevant decision of the Constitutional Court is adopted, the actions of such a decision shall be suspended by the decree of the President of the Republic.

Article 87.

The Prime Minister shall be in charge of the supervision of the Government and coordination of the activities of the Government, as well as other bodies performing functions of the executive power.

The Prime Minister shall adopt decisions on the organizational aspects of the government activities.

The Deputy Prime Minister shall coordinate affairs in areas of the territorial administration and the interior affairs of the Government.

In the absence of the Prime Minister, the Deputy Prime Minister shall discharge the Prime Minister's responsibilities.

A Minister shall supervise a special sector of the government as prescribed by law and shall ensure the implementation of the Government program in this sector on the basis of the law.

Article 88.

A Government member cannot be a member of any representative body, conduct entrepreneurial activities, hold another office or perform other paid work save for academic, pedagogical and creative activities.

Article 88.1.

State administration in the regions shall be exercised by the Regional Governors appointed to and dismissed from office by a Government decision upon the nomination of the Prime Minister.

The Regional Governors shall be in charge of the territorial policy of the government, supervise the activities of the territorial services of the executive bodies save for cases stipulated in the law.

The state administration in the city of Yerevan shall be exercised in conformity with the procedure defined by the law on the city of Yerevan.

Article 89.

The Government shall:

Submit to the National Assembly its Concept of Action;

Submit to the National Assembly the draft of the state budget and the five-year plan of its action for approval; annually ensure the execution of the budget and the implementation of the plan and submit a report on the plan to the National Assembly;

Organize the management of the state property and efficiency of its use;

Ensure implementation of a unified financial and economic, credit and tax policy;

Ensure the implementation of the territorial development policy;

Ensure the implementation of the development program in areas of science, education, culture, health care, social security and environmental protection;

Ensure the implementation of the defense, national security and foreign policies;

Ensure maintenance of law and order, take measures to strengthen legal order, ensure rights and freedoms of the citizens.

Article 90.

The Government shall submit the draft of the state budget and its five-year plan of action to the National Assembly for discussion at least ninety days prior to the beginning of the fiscal year.

The Government may demand that the draft budget and its five-year action plan are put to the vote simultaneously with the adjustments agreed and prior to the beginning of the fiscal year.

The Prime Minister shall put the motion of confidence in the Prime Minister in conjunction with the approval of the budget and the plan. If the National Assembly adopts a decision on expressing confidence in the Prime Minister and does not adopt a decision on expressing no-confidence in the Government, the state budget and the plan shall be considered adopted with the adjustments agreed by the Government.

In the event when the National Assembly does not give a vote of confidence to the Prime Minister, the Prime Minister shall resign and terminate the Government's powers.

The new Government shall submit the drafts of the budget and the plan to the National Assembly within thirty days following its formation. They shall be put to the vote within thirty days in conformity with the procedure stipulated in this article.

CHAPTER 6

Judicial Power

Article 91.

Justice in the Republic of Armenia shall be administered only by the courts in conformity with the Constitution and the laws.

The judicial power shall protect the rights and lawful interests of people, legal persons and the State.

Judicial acts shall be passed in the name of the Republic of Armenia.

Article 92.

The Constitutional Court, the court of general jurisdiction of the first instance, courts 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 prohibited.

Article 93.

Judgments, verdicts and decisions of the first instance courts, appeal courts and other specialized courts lawfully entered into force may, in accordance with the procedure and terms stipulated in the law, be reviewed by the Court of Cassation.

Article 94.

Independence of the courts shall be guaranteed by the Constitution and the laws.

Courts sittings shall be open to public. The public nature of the court proceedings may be restricted only in cases prescribed by the Constitution and the laws.

The court proceedings shall be based on the principles of the adversarial system. Equality of the parties before the law shall be guaranteed during court proceedings.

The aim of court proceedings shall be the revealing of the truth. The court decisions, judgments and verdicts shall be substantiated.

The competences of the courts, as well as the guarantees and procedures for the formation and functioning of the courts shall be defined by the Constitution and the laws.

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

Article 94.1.

The Council of Justice shall be formed and function in conformity with the procedure defined by the Constitution and the law. The guarantees for the functioning of the Council of Justice shall be defined by law.

The Council of Justice shall consist of up to six judges elected by secret ballot for a period of five years by the General Assembly of Judges of the Republic of Armenia, two defense attorneys and two scientists representing the legal profession, as well as *ex officio* the Minister of Justice and the General Prosecutor.

The Council of Justice shall elect a Chairman from among its members. The *ex officio* members of the Council of Justice may not be elected Chairman.

Article 95.

The Council of Justice shall:

In conformity with the procedure defined by the law make and approve the lists of eligible candidates for judges and the list of their professional advancement on the basis of which appointments shall be made.

Provide recommendations to the President of the Republic on the appointment of judges;
Provide recommendations to the President of the Republic on awarding qualification grades to the Judges;

Dismiss a judge on the basis of the conclusion of the Constitutional Court;

Upon the demand of the President of the Republic provide a conclusion to him/her on agreeing to involve a judge as an accused or to institute proceedings to subject a judge to administrative liability through judicial procedure.

Article 96.

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

Article 97.

When administering justice the Judge and the member of the Constitutional Court shall be independent and shall obey only the Constitution and the laws.

Interference with the activities of the Judge or the member of the Constitutional Court shall be prohibited and punished under the law. The guarantees for their activities, as well as the grounds and procedures for their liability shall be defined by law.

The Judge and the member of the Constitutional Court may not be involved as an accused or subjected to administrative liability through judicial procedure 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 or immediately thereafter. In this case the President of the Republic, the Chairman of the Council of Justice, the Chairman of the Constitutional Court and the chairman of the relevant court shall immediately be notified.

Article 98.

The Judge and the member of the Constitutional Court may not hold another state office position, be a member of any local self-government body, conduct entrepreneurial activities, or perform other paid work save for academic, pedagogical and creative activities³

Article 98.1

Constitutional justice in the Republic of Armenia shall be administered by the Constitutional Court.

Article 99.

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

Article 100.

The Constitutional Court, in accordance with the law:

- 1) 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, as well as other legal acts with the Constitution;
 - 1.1) resolve the disputes on the issue of constitutionality of powers arising between the bodies of state power, as well as between these bodies and the state and local self-government bodies; in case of resolving such disputes interpret the Constitution and the legislation of the Republic of Armenia;
 - 1.2) determine the compliance of the decrees and orders of the President of Republic, decisions of the National Assembly, decisions of the Prime Minister, and other legal acts with the laws of the Republic of Armenia;
- 2) shall decide, prior to the ratification and approval of an international treaty, whether the obligations assumed therein are in conformity with the Constitution;
- 3) resolve all disputes arising from the decisions adopted with regard to the outcomes of referenda;
 - 3.1) resolve all disputes arising from decisions adopted with regard to the elections of the President of the Republic and the Deputies;
- 4) shall ascertain the existence of insurmountable obstacles facing a presidential candidate or the elimination of such obstacles;
- 5) shall determine whether there are grounds stipulated in the Constitution for the removal of the President of the Republic;

³ Draft Law erroneously indicates change of Article 97

- 6) shall determine whether there are grounds for the application of Sections 13 and 14 of Article 55 of the Constitution;
- 7) shall determine whether the President of the Republic is incapable of continuing to perform his or her functions;
- 8) provide a conclusion on terminating the office of the member of the Constitutional Court, involving him/her as an accused or subjecting him/her to administrative liability in through judicial procedure;”
- 8.1) provide a conclusion on the existence of the grounds prescribed by law for terminating the powers of a judge;
- 8.2) provide a conclusion on the existence of the grounds prescribed by law for dismissing a head of the community and/or reducing the term of office of a member of the Council of the Aldermen;
- 9) shall decide on the suspension or prohibition 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:

The President of the Republic - in cases stipulated in Clauses 1, 1.1, 1.2, 2, 3, 8 and 9 of Article 100 of the Constitution;

The National Assembly – in cases stipulated in Clauses 1, 1.1, 1.2, 3, 5, 6, 7, 8 and 9 of Article 100 of the Constitution;

At least one-tenth of the total number of the Deputies - in cases stipulated in Clauses 1, 1.1, 1.2 and 3 of Article 100 of the Constitution;

The Government - in cases stipulated in Clauses 1, 1.1, 1.2, 7, 8.2 and 9 of Article 100 of the Constitution;

The bodies of the local self-governance to dispute the constitutionality of the normative acts relating to their constitutional rights and listed in clauses 1 and 1.2 or on the grounds that the state bodies exceed the powers entrusted to them by the Constitution;

Every person when the final act of the court on a specific case is in effect and when the constitutionality or compliance with the law of any provision of the law or any other normative act listed in Clause 1.2 of Article 100 of the Constitution, is challenged;

The courts and the Prosecutor General on the issue of constitutionality or compliance with the law of provisions of sub-legislative acts related to a special case within their proceedings;

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;

Candidates for the President of the Republic and deputies – on matters related to themselves listed in Clauses 3.1 and 4 of Article 100 of the Constitution;

The Central Electoral Commission – in cases stipulated in Clause 4 of Article 100 of the Constitution;

The Council of Justice - in cases stipulated in Clause 8.1 of Article 100 of the Constitution;

The Constitutional Court shall institute the proceedings only upon the receipt of the relevant 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, shall not be subject to review 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, which shall not exceed six months following the adoption of the decision by the Constitutional Court.

If in conformity with the decision of the Constitutional Court a law or another legal act constituting the basis of a judicial act that violates the constitutional rights of an individual, has been declared not in compliance with the Constitution, the fact of declaring this law or legal act contradicting the Constitution shall constitute the basis for invalidating the judicial act in question

On matters stipulated in Clauses 1, 1.1, 1.2, 2.3, 3.1, 4 and 9 of Article 100 of the Constitution the Constitutional Court shall adopt decisions whilst on matters stipulated in Clauses 5, 6, 7, 8, 8.1 and 8.2 it shall issue conclusions. The conclusions and the decision on matters stipulated in Clauses 1.1 and 9 shall be adopted by at least two-thirds of votes of the total number of the members whilst the remaining decisions shall be adopted by a simple majority of votes.

On matters relating to the elections of Deputies, as well as on the basis of individual applications of citizens the Constitutional Court, may in conformity with the procedure defined by law, hear the case and render a decision by a panel of three members of the Constitutional Court.

Other bodies of the state power may not adopt decisions contradicting the conclusions of the Constitutional Court.

CHAPTER 6.1
The Prosecution Office

Article 103.

The Prosecution Office of the Republic of Armenia shall be a unified, centralized system supervised by the Prosecutor General. In cases and in conformity with the procedure prescribed by law the Prosecution Office shall:

- Oversee the lawfulness of preliminary investigations,
- Institute criminal proceedings and carry out criminal prosecution;
- Defend the prosecution in the court;
- Claim the state property interests in the courts;
- May appeal against the judgments, verdicts and decisions of the courts,
- Control the execution of the punishment and other means of criminal and legal compulsion and administrative penalties.

The Prosecution Office shall function within the scope of authority vested by the Constitution on the basis of the law.

CHAPTER 6.2 **The Control Chamber**

Article 103.1.

The Control Chamber of the Republic of Armenia shall be an independent body overseeing the use of the budget resources and the state property.

Any citizen complying with the requirements set forth for Deputies in Article 64 of the Constitution may become Chairman of the Control Chamber.

The Control Chamber shall at least once a year report on the outcomes of the oversight conducted by the Control Chamber at a sitting of the National Assembly.

The Control Chamber shall provide conclusions on the progress of the execution and the execution of the state budget.

The responsibilities, guarantees and the procedure for the activities of the Control Chamber shall be defined by law.

CHAPTER 6.3. **The Central Bank**

Article 103.2

The Central Bank of the Republic of Armenia is a legal person performing state functions prescribed by law.

The main objective of the Central Bank shall be ensuring stability of prices in the Republic of Armenia. To achieve its main task 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 in performing the tasks and functions prescribed by the Constitution and the laws.

Article 103.3

The highest administrative body of the Central Bank shall be the Board of the Central Bank, which shall be comprised of the Chairman of the Central Bank, two deputies and four members of the Board.

The Chairman of the Central Bank shall be the highest official in the Central Bank. The Chairman, the deputies and the members of the Board of the Central Bank shall be appointed to

and dismissed from office in conformity with the procedure stipulated in the Constitution and the law.

The term of office of the Chairman, the deputies and members of the Board of the Central Bank shall be defined by law.

CHAPTER 7

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 the local problems aimed at the welfare of the inhabitants in conformity with the Constitution and the laws, which is ensured and guaranteed by the State.

Article 104.1.

A community shall comprise 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.

A community shall exercise its authority in the area of managing and administering the community's property, resolving the problems and meeting the requirements of the community in its own name and on its own responsibility. The law may define part of the community powers as compulsory.

In order to secure more effective exercise of the state power responsibilities the law may delegate them to the community bodies.

Article 105.1.

The land in the territory of the community with the exception of the land belonging to state, natural and legal persons 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 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 elected for a four-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, set up 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 the legislation; the law shall define the procedure for their publication and coming into force.

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

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 shall be a community.

The Law on the City of Yerevan shall define the specifics of the local self-governance in Yerevan as well as the specifics of the powers of its bodies.

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, 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 ninety days.

Article 109.1.

The National Assembly shall in cases prescribed by law, upon the recommendation of the Government and the conclusion of the Constitutional Court, adopt a resolution on discharging the Head of Yerevan Community from his/her office and/or reducing the term of the Council of Aldermen of the Yerevan community.

In case of this resolution the President of the Republic shall appoint an acting Head of Yerevan Community for a term not exceeding ninety days.

Article 110.

Consolidation or separation of communities may take place on a voluntary basis by the communities and regardless of their will, by the National Assembly upon the recommendation of the Government. Before the National Assembly debates on the issue the Government shall declare the outcomes of the local referendum in these communities. The consolidation or separation of communities may take place without regard to the outcomes of the local referendum.⁴

CHAPTER 8

Adoption Of The Constitution, Amendments And Referendum

Article 111.

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

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

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

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

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

Laws passed by referendum may only be amended by referendum.

⁴ Draft Law erroneously indicates change of Article 108

Article 113.

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

Article 114.

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

CHAPTER 9

Provisions For The Transitional Period

Article 115.

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

Article 116.

From the moment the Constitution enters into force:

- 1) The 1978 Constitution, its subsequent amendments and supplements, as well as related constitutional laws shall become inoperative;
- 2) Laws and other legal acts of the Republic of Armenia shall have the force of law to the extent they do not contravene this Constitution;
- 3) The President of the Republic shall exercise the powers reserved to him or her by the Constitution. Until the expiration of his powers, the Vice-President of the Republic shall carry out the instructions of the President of the Republic;
- 4) The National Assembly shall exercise the powers reserved to it by the Constitution. The provisions of Section I of Article 63, Article 64 and Section I of Article 65 of the Constitution shall apply to the sessions of the next National Assembly. Until that time, Articles 4 and 5 of the Constitutional Law dated March 27, 1995, shall be effective;
- 5) Until the formation of the Constitutional Court, international treaties shall be ratified without its determination;
- 6) Until the adoption of legislation pertaining to regional governments and local self-governing bodies in conformity with the Constitution, current village, town, city and regional councils of deputies and their executive bodies shall continue to exercise their powers as prescribed by law.

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

- 7) Until the adoption of legislation pertaining to court systems and procedures and the establishment of the new judicial system in conformance with the Constitution, the regional (city) people's courts and the Supreme Court shall continue to operate in accordance with their previous authorities;
- 8) Until the establishment of economic courts, the State Arbitrage shall continue to operate in accordance to their previous prerogatives;
- 9) The authority of the judges of the regional (city) people's court shall be extended for a maximum period of six months, during which the President of the Republic, upon the recommendation of the Judicial Council, shall appoint new judges for these courts for a period of three years;
- 10) The authority of the members of the Supreme Court shall be extended until the establishment of the court of appeals, but not for a period to exceed three years;
- 11) Until the institution of the new judicial system, the Judicial Council shall consist of eleven members appointed by the President of the Republic, composed of two legal scholars, six judges and three public prosecutors. Three Council members shall be appointed from among the judges of the regional (city) people's courts and three from the Supreme Court, in accordance with the provisions of Article 94 of the Constitution.

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

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

- 12) Until the passage of the law on the Office of the Persecutor General, the latter shall exercise the powers reserved for to it by the Constitution in accordance with current legislation;
- 13) The Supreme Court shall review court verdicts, judgments and decisions which have the force of law, when these are appealed by the Prosecutor General, his or her deputies and specially licensed lawyers registered with the Supreme Court;
- 14) Until the Criminal Code is made to conform with the Constitution, current procedures for searches and arrests shall remain in effect.

Article 117.

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

5 of July, 1995