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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT AMENDMENTS TO THE FIRST TWO CHAPTERS  
OF THE CONSTITUTION  
OF ARMENIA**

**(RESULTING IN THREE CHAPTERS)**

Chapter 1. The Foundations of Constitutional Order  
Chapter 2. Fundamental Rights and Freedoms of the Human Being and the Citizen  
Chapter 3. Legislative Guarantees and Main Objectives of State Policy in the Social, Economic and Cultural Spheres;

The Armenian People, accepting as a basis the fundamental principles of Armenian statehood and pan-national aspirations enshrined in the Declaration on the Independence of Armenia, having fulfilled the sacred behest of its freedom-loving ancestors to restore the sovereign state, dedicated to the strengthening and prosperity of the fatherland, with the aim of ensuring the freedom, general well-being, and civic cohesion of the generations, and affirming its commitment to universal values, 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, and social state governed by the rule of law.

#### **Article 2**

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

The people shall exercise its power through free elections, referenda, as well as through state and local self-government bodies and officials defined by the Constitution.

Usurpation of the power by any organization or individual shall be a crime.

#### **Article 3. The human being, his dignity, and fundamental rights and freedoms**

1. The human being shall be the supreme value in the Republic of Armenia. The inalienable dignity of the human being shall be the integral basis of his rights and freedoms.

2. The protection and the respect for dignity of the human being, fundamental rights and freedoms of the human being and the citizen shall be ensured by the public power.

3. The public power shall be bound by fundamental rights and freedoms of the human being and the citizen as the directly applicable law.

#### **Article 4. Suffrage Principles**

Elections of the National Assembly, and local self-government bodies, as well as referenda shall be held on the basis of universal, equal, free and direct suffrage, by secret vote.

#### **Article 5. Ideological pluralism and multipartisanism**

1. Ideological pluralism and multipartisanism shall be recognized in the Republic of Armenia.

2. Parties shall be formed and operate freely. Equal legal opportunities for activities of the parties shall be guaranteed by law.

3. Parties shall promote the formulation and expression of the people's political will by participating in elections and by other means.

4. The structure, objectives and activities of the parties may not contravene the fundamental principles of the Constitution.

#### **Article 6. The Principle of Separation and Balance of the Powers**

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

#### **Article 7. The Hierarchy of Legal Norms**

1. The Constitution shall have supreme legal force. Laws shall conform to the Constitution. Sub-legislative legal acts shall conform to the Constitution and laws.
2. The peremptory norms of general international law, and international treaties ratified or approved by the Republic of Armenia shall constitute an integral element of the legal system of the Republic of Armenia. The peremptory norms of general international law shall have priority over the laws. If a ratified international treaty provides norms that differ from those provided by laws, then the treaty norms shall be applied.

#### **Article 8. The Principle of Legality**

1. State and local self-government bodies and officials shall have the power to perform only such acts for which they are empowered by the Constitution or law.
2. Bodies foreseen by the Constitution, based on the Constitution and laws and with the purpose of implementing them, may be authorized by the law to adopt sub-legislative normative legal acts. Authorizing norms shall comply with the principle of legal certainty.
4. Laws and sub-legislative normative legal acts shall come into force after being duly published.

#### **Article 9. Local Self-Government**

Local self-government is guaranteed throughout the territory of the Republic of Armenia as one of the essential bases of democracy.

#### **Article 10. Economic Order**

A social market economy shall be the basis for the economic order in the Republic of Armenia. It shall be based on private ownership, freedom of economic activity, and free economic competition, and aimed at general economic well-being and social justice.

#### **Article 11. Preservation of the Environment and Sustainable Development**

1. The public power shall promote the preservation and regeneration of the environment and the reasonable utilization of natural resources governed by the principle of sustainable development and taking into account the responsibility towards future generations.
2. Everyone shall take care of the preservation of the environment.

#### **Article 12. Foreign Policy**

The foreign policy of the Republic of Armenia shall be conducted on the basis of the international law with the aim of establishing good-neighborly and mutually-beneficial relations with all states.

#### **Article 13. Defense of the Republic of Armenia**

1. The armed forces of the Republic of Armenia shall ensure security, defense, and territorial integrity of the Republic of Armenia, and the inviolability of its borders. The armed forces shall maintain neutrality in political matters and shall be under civilian control.
2. Every citizen shall be obliged to participate in the defense of the Republic of Armenia in the manner foreseen by law.

#### **Article 14. Protection of the Culture and Cultural Values**

1. The Republic of Armenia shall contribute to developing culture, and shall carry out a targeted policy in science, education, and arts.
2. Monuments of history and culture and other cultural values shall be under the care and protection of the state.

#### **Article 15. The State and the Church**

1. The freedom of activity shall be guaranteed in the Republic of Armenia for all religious organizations that operate in accordance with the procedure stipulated by law.

2. In the Republic of Armenia, the church shall be separate from the state.

#### **Article 16. The Armenian Apostolic Holy Church**

1. The Republic of Armenia shall recognize the exclusive mission of the Armenian Apostolic Holy Church as the national church in the spiritual life of the Armenian people, in the development of its national culture, and in the preservation of its national identity.
2. The relationship between the Republic of Armenia and the Armenian Apostolic Holy Church may be regulated by a special agreement.

#### **Article 17. Ties with the Armenian Diaspora**

1. The Republic of Armenia shall carry out an Armenianness-preserving policy of developing and strengthening comprehensive ties with the Diaspora.
2. Based on international law, the Republic of Armenia shall contribute to protecting the Armenian historical and cultural values located in other countries, and advancing Armenian educational and cultural life in such countries.

#### **Article 18. The State Language of the Republic of Armenia**

The Armenian language shall be the state language of the Republic of Armenia.

#### **Article 19. Symbols of the Republic of Armenia**

1. The flag of the Republic of Armenia shall be tricolor - with equal horizontal stripes of red, blue, and orange.
2. The coat of arms and anthem shall be defined by law.

#### **Article 20. The Capital of the Republic of Armenia**

The capital of the Republic of Armenia is Yerevan.

### **Chapter 2.**

#### **FUNDAMENTAL RIGHTS AND FREEDOMS OF THE HUMAN BEING AND THE CITIZEN**

##### **Article 1. Human Dignity**

Human dignity is inviolable.

##### **Article 2. Right to Life; the Prohibition of the Death Penalty**

1. Everyone shall have the right to life.
2. Deprivation of life shall not be regarded as violation of this Article when it results from the use of force, which is absolutely necessary:
  - (a) in defense of any person from unlawful violence;
  - (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
  - (c) in order to prevent unlawful actions carried out by the use of a weapon.
3. No one shall be condemned to the death penalty, or executed.

##### **Article 3. Right to Physical and Mental Integrity**

1. Everyone shall have the right to physical and mental integrity. This right may be restricted by law, if it is necessary for the protection of public security and the fundamental rights and freedoms of others.
2. In the fields of medicine and biology, the following must be prohibited in particular:
  - 1) eugenic practices;
  - 2) making the human body and its parts as such a source of financial gain;
  - 3) the reproductive cloning of human beings.

3. No one shall be subjected to scientific, medical and other experiments without his freely expressed consent. A person shall be in prior informed about potential consequences of such experiments.

**Article 4. Prohibition of Torture and Inhuman or Degrading Treatment or Punishment**

1. No one shall be subjected to torture, or to inhuman or degrading treatment or punishment.
2. Corporal punishments shall be prohibited.
3. Arrested, detained persons or persons deprived of liberty shall have the right to humane treatment.

**Article 5. Right to Personal Liberty**

1. Everyone shall have the right to personal liberty. A person may be deprived of liberty only in the procedure defined by law and only in the following cases:

- 1) a person is convicted by a competent court for committing a crime;
  - 2) a person has failed to carry out a court order that has entered into legal force;
  - 3) for the purpose of securing the fulfillment of certain obligations prescribed by law;
  - 4) there exists a reasonable suspicion that an offence has been committed, or it is necessary for preventing the commission of an offence by a person or for preventing his fleeing after having done so;
  - 5) for the purpose of placing a minor under educational oversight or bringing him before another competent body;
  - 6) for the purpose of preventing the spreading of infectious diseases dangerous for the public or for the purpose of preventing social danger emanating from persons of unsound mind;
  - 7) for the purpose of preventing unauthorized entry of a person into the Republic of Armenia, deporting or extraditing him to another state.
2. Everyone deprived of liberty shall be informed promptly, in a language which he understands, of the reasons, and in case of filing criminal charges, also of the charges. Everyone deprived of liberty shall have the right to immediately notify a person of his choosing about it.
3. If an arrested person is not detained by court decision within 72 hours from the moment of arrest, then he shall be released immediately.
4. A person detained by court decision may not be held in detention for longer than six months. In cases provided by law, the detention period in the pre-trial proceedings may be prolonged by the court decision rendered by a collective bench.
5. Everyone shall have the right to appeal to a higher-instance court against the lawfulness of depriving him of liberty.
6. A person may not be deprived of liberty only for the reason of being unable to fulfil his contractual obligations.
7. A person deprived of liberty in breach of this Article shall have the right, on the grounds and in the procedure provided by law, to compensation for inflicted damage.

**Article 6. Equality before the Law**

Everyone shall be equal before the law.

**Article 7. Prohibition of Discrimination**

Any discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, worldview, political or any other opinions, belonging to a national minority, property status, birth, disability, age, or other personal circumstances shall be prohibited.

**Article 8. Equality of rights between women and men**

Women and men shall have equal rights.

**Article 9. Inviolability of Private and Family Life and of Honor and Reputation**

Everyone shall have the right to inviolability of his private and family life and of honor and reputation. The right to inviolability of private and family life may be restricted by the law for the prevention or for the solution of crime.

**Article 10. Inviolability of the Home**

1. Everyone shall have the right to inviolability of the home.
2. A home may be searched only by court decision in the cases and the procedure prescribed by law. The person in whose home the search is being performed, or his representative shall have the right to be present during the performance of the search. In cases of urgent necessity, a home may be searched without court decision in the cases and procedure provided by law.
3. The right to inviolability of the home may be restricted by the law in order to prevent the commission of a crime or to solve it, to prevent the danger to the life, health and property of a person.

**Article 11. Freedom and Confidentiality of Communications**

1. Everyone shall have the right to freedom and confidentiality of correspondence, telephone conversations and other means of communication.
2. The confidentiality of the communication may be restricted for a certain period in the procedure defined by law only by court decision in order to prevent the commission of a crime or to solve it, or to prevent danger to the life, health and property of a person.

**Article 12. Protection of Personal Data**

1. Everyone shall have the right to protection of personal data concerning him.
2. Such data shall be processed fairly for purposes clearly defined by law, with consent of the person concerned or without such consent if another legitimate basis prescribed by law is present.
3. Everyone shall have the right to become acquainted with the information about him collected in state and local self-government bodies and the right to demand to correct any untruthful information about him, as well as to eliminate the unlawfully-obtained information about him.

**Article 13. Freedom of Marriage; Equality of Rights of Spouses**

1. Men and women of marriageable age shall have the right to marry and found a family by free expression of their will.
2. In marrying, during marriage, and in divorce, they shall have equal rights.

**Article 14. Protection of Family; Rights and Obligations of Parents**

1. Family, being the natural and fundamental cell of society and the basis for the preservation and growth of population, is under special protection and care of the state.
2. It shall be prohibited to dismiss from employment due to reasons related to maternity. In case of pregnancy and child delivery, every employed woman shall have the right to paid leave. Every employed parent shall have the right to leave in cases of a newborn child or child adoption.
3. Parents shall have the right and obligation to take care of the rearing, health, comprehensive and harmonious development and education of their children.
4. Deprivation or limitation of parental rights may be performed by court decision in the cases prescribed by law for protection from danger to the care and health of a child.

**Article 15. Rights of a Child**

1. Children shall have the right to express their views freely, which shall be taken into consideration on matters concerning them in accordance with their age and maturity.

2. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with his parents, unless a competent authority decides that it is contrary to his interests.

**Article 16. Right to Education**

1. Everyone shall have the right to education. Secondary education shall be compulsory. The minimum duration of secondary education shall be 10 years. Secondary education in state educational institutions is free of charge.

2. Every citizen shall have the right to receive vocational education in higher and secondary state educational institutions. The procedure and conditions of receiving vocational education in higher and secondary state educational institutions free of charge on the basis of competition shall be prescribed by law.

3. The institutions of higher education shall have the right to self-government within the framework prescribed by law.

**Article 17. Right of a Human Being to Act Freely**

Human beings shall be free to do what is not prohibited by the Constitution and by laws conforming it and what does not violate the rights and freedoms of others.

**Article 18. Right to Freedom of Movement; Right to Leave the Country or Return to the Country**

1. Everyone legally present in the Republic Armenia shall have the right to freedom of movement and choice of place of residence.

2. Everyone legally present in the Republic Armenia shall have the right to leave the Republic of Armenia.

3. Every citizen and everyone who has the right to legally reside in the Republic of Armenia shall have the right to enter the Republic of Armenia.

4. The right to freedom of movement and to leave the country may be restricted only by law, if it is necessary for the protection of public security, health, morals, or the fundamental rights and freedoms of others.

**Article 19. Freedom of Thought, Conscience, and Religion**

1. Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include the freedom to change one's religion or beliefs and the freedom, either alone or in community with others in public or in private, to manifest religion or belief in preaching, church ceremonies, other rituals of worship or in other forms.

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

**Article 20. Freedom of Opinion and Freedom of Information**

1. Everyone shall have the right to freely express his opinion. This right shall include freedom to hold own opinions, as well as to seek, receive, and impart information and ideas by any means of information without interference by state or local self-government bodies and regardless of state frontiers.

2. The freedom of the press, radio, television and other means of information shall be guaranteed. Diversity of informational, educational, cultural, and entertainment programs, as well as expression of the views of society shall be guaranteed in public radio and television.

3. The rights defined in this Article may be restricted only by law, if it is necessary for the protection of public security, health, morals, honor and reputation of others, as well as for the protection of other fundamental rights and freedoms.

**Article 21. Right to Freedom of Creation and Teaching**

Everyone shall have the right to freedom of literary, fine arts, scientific, and technical creation and teaching. This right may be restricted only by law, if it is necessary for the protection of public security, health, morals, or the fundamental rights and freedoms of others.

**Article 22. Freedom of Assembly**

1. Everyone shall have the right to organize and participate in peaceful assemblies. In cases defined by law, outdoor assemblies shall be conducted on the basis of prior notification made within a reasonable period.
2. Restrictions on the exercise of these rights by servicemen of the armed forces, the police, national security agencies, the prosecution office and the investigation bodies, as well as for judges and members of the Constitutional Court may be prescribed only by law.
3. This right may be restricted only by law, if it is necessary for the protection of public security, health, morals, the prevention of crime, the protection of fundamental rights and freedoms of others.

**Article 23. Freedom of Association**

1. Everyone shall have the right to freedom of association with others, including the right to form and to join trade unions for the protection of labor interests.
2. No one shall be compelled to join any private association.
3. The procedure of establishment and activities of associations shall be prescribed by law.
4. The freedom of associations may be restricted only by law, if it is necessary for the protection of public security, health, morals, the fundamental rights and freedoms of others.
5. The activities of associations may be suspended or prohibited only by a court decision in cases and in the procedure prescribed by law.

**Article 24. Right to Create a Party and Right to Join a Party**

1. Every citizen shall have the right to create a party with other citizens and the right to join a party.
2. Members of the Constitutional Court, judges, prosecutors and investigators may not be members of a party. The right to create or join a party may be restricted by law for servicemen of the armed forces, the police, the prosecution office and investigation bodies.
3. Parties shall publish annual reports on the sources of their means and expenditures, as well as on their property, the control over which shall be performed by a competent state authority in the procedure prescribed by law.
4. Parties, the structure, objectives, and activities of which endanger the fundamental principles of the Constitution and have been declared unconstitutional shall be prohibited. In cases prescribed by law, the activities of a party may be suspended by a decision of the Constitutional Court.

**Article 25. Right of Citizenship of the Republic of Armenia**

1. A child born to citizens of the Republic of Armenia shall be a citizen of the Republic of Armenia.
2. Every child whose one parent is a citizen of the Republic of Armenia shall have the right to citizenship of the Republic of Armenia. Every ethnic Armenian shall have the right to citizenship of the Republic of Armenia from the moment of establishing residence in the territory of the Republic of Armenia. The exercise procedure of the rights defined in this paragraph and the other grounds of acquiring citizenship of the Republic of Armenia shall be defined by law.
3. A citizen of the Republic of Armenia may not be deprived of citizenship.
4. The grounds of restoring and terminating citizenship of the Republic of Armenia shall be defined by law.
5. Citizens of the Republic of Armenia, while outside of the Republic of Armenia, shall be under the protection of the Republic of Armenia on the basis of international law.



**Article 26. Right to Vote and Right to Participate in Referenda**

1. Citizens of the Republic of Armenia, which have reached the age of 18 on the day of an election to the National Assembly or on the day of a referendum, shall have the right to vote in such election or to take part in such referendum.
2. Anyone who has attained the age of 25, has been a citizen of the Republic of Armenia for the preceding five years, has permanently resided in the Republic for the preceding five years, and has a command of the state language may be elected a member of the National Assembly.
3. Citizens of the Republic of Armenia and foreign citizens and stateless persons, who have attained the age of eighteen by the day of the election or local referendum and permanently reside in the respective community, shall have the right to vote and to be elected in elections of local self-government bodies or the right to take part in a local referendum.
4. Persons declared by court as legally incapable, as well as persons serving a sentence or convicted to imprisonment for the commission of a grave crime by a court judgment that has entered into legal force may not vote or be elected or take part in referenda.

**Article 27. Right to Join the Public Service**

1. Every citizen shall have the right to join the public service in accordance with his skills and professional preparedness on the basis of competition.
2. Public servants shall serve the whole people. They shall carry out their obligations impartially and in a politically-neutral manner, acting solely on the basis of professional considerations.
3. The procedure and conditions of exercise of this right shall be regulated by laws on public service.

**Article 28. Right to Access to Administration**

1. Everyone shall have the right to the impartial and fair examination, within a reasonable period, of cases concerning him by bodies and officials of the executive power and of local self-government.
2. This right shall, in particular, include the right of a person to become acquainted with the documents about him, whilst preserving the lawful interests of secrecy and professional and commercial secrets. This right obligates state and local self-government bodies and officials to hear the person before adopting an individual interfering act concerning such person and to substantiate the adopted act.
3. Non-governmental organizations specialized in issues of environmental protection shall have the right to participate in the proceedings of the adoption of administrative acts concerning environmental protection. The procedure of exercise of this right, as well as the extension thereof in other fields, shall be regulated by law.

**Article 29. Right of Access to Information**

Everyone shall have the right to access information on the activities of state and local self-government bodies and officials, including the right to become acquainted with documents, unless it contradicts the prevailing public interests. The procedure and conditions of obtaining information, as well as the grounds of liability of officials for concealing information or refusing to provide information without any legal ground, shall be defined by law.

**Article 30. Right to Apply to the Human Rights Defender**

Everyone shall have the right to receive the support of the Human Rights Defender, in the procedure prescribed by law, in case of violation of his rights and freedoms enshrined in the Constitution and laws by state and local self-government bodies and officials.

**Article 31. Right to Petition**

Everyone shall have the right to individually or in community with others submit petitions to state and local self-government bodies and officials and to receive an appropriate answer within a reasonable period. Details related to individual and collective petitions shall be regulated by laws.

**Article 32. Right to Political Asylum; Prohibition of Deportation or Extradition**

1. Persons under political persecution shall have the right to receive asylum in the Republic of Armenia. The procedure and conditions of granting asylum shall be defined by law.
2. No one may be deported or extradited to a foreign state, if there is a serious danger in case of deportation or extradition that such person may be subjected to the death penalty, torture, as well as to other inhuman or degrading treatment or punishment.
3. A citizen of the Republic of Armenia may be extradited to a foreign state only in cases stipulated by an international treaty of the Republic of Armenia.

**Article 33. Protection of the Right to a National and Ethnic Identity**

1. Everyone shall have the right to preserve his national and ethnic identity.
2. Persons belonging to national minorities shall have the right to preserve and develop their traditions, religion, language, and culture.
3. The exercise of the rights guaranteed in this Article shall be regulated by law.

**Article 34. Freedom to Choose Employment; Other Labor Rights; the Prohibition of Forced Labor; Alternative Service**

1. Everyone shall have the right to free choice of employment.
2. Everyone shall have the right to apply to services that provide free support in job placement matters.
3. Every worker shall have the right of protection against arbitrary dismissal from employment. The grounds of dismissal from employment shall be defined by law.
4. It shall be prohibited to hire children under the age of 16 for full-time employment. The procedure and conditions of their hiring for part-time employment shall be defined by law.
5. Forced or compulsory labor shall be prohibited. The following shall not be considered as forced or compulsory labor:
  - 1) any work required to be done in the ordinary course of detention imposed according to Article 5 of the Constitution or during conditional release from such detention;
  - 2) military service or alternative service;
  - 3) any service mandatory in case of an emergency or disaster threatening the life or wellbeing of the population; and
  - 4) any work or service that forms a part of normal civic obligations.
6. Every citizen for whom military service contradicts his religion or beliefs shall be obliged to perform alternative service.

**Article 35. Right to a Strike**

For the protection of their economic, social, and labor interests, workers shall have the right to a strike. The exercise procedure of strike shall be prescribed by law.

**Article 36. Freedom of Entrepreneurial Activities and the Guaranteeing of Economic Competition**

1. Everyone shall have the right to engage in economic, including entrepreneurial activities not prohibited by law.
2. Abuse of monopolistic or dominant position in the market and bad-faith competition shall be prohibited.
3. Restriction of competition, possible types of monopoly, and their permitted sizes may be prescribed only by law, if it is necessary for the protection of the interests of the public.

**Article 37. Right to Property and Right to Bequeath Property; Tax Obligations**

1. Everyone shall have the right to own, use, dispose of, and bequeath at his discretion the legally-acquired property. The exercise of the right to property shall serve also the interests of the public. Details shall be regulated by law.
2. Expropriation of property for prevailing public interests shall be performed only in exceptional cases and in the procedure prescribed by law only with prior fair compensation.
3. No one shall be deprived of his property as a result of a legal violation unless by court procedure.
4. The right to land ownership of foreign citizens and stateless persons may be restricted by law.
5. Intellectual property shall be protected by law.
6. Everyone shall be obliged to pay taxes and duties and make other compulsory payments to the state or community budget in the procedure and the amount prescribed by law.

**Article 38. Right to Judicial Protection; Right to Apply to International Bodies of Human Rights Protection**

1. Everyone shall have the right to effective judicial protection of his rights and freedoms enshrined in the Constitution and the laws.
2. Non-governmental organizations specialized in issues of environmental protection also shall have the right to apply to court in matters concerning environmental protection. The procedure of the exercise of this right, as well as the extension of such right in other fields, shall be regulated by laws.
3. Everyone shall, in conformity with the international treaties of the Republic of Armenia, have the right to apply to international bodies of protection of human rights and freedoms in order to protect his rights and freedoms.

**Article 39. Right to Compensation for Damage**

Everyone shall have the right to compensation for damage inflicted by unlawful actions or inaction of state and local self-government bodies and officials. The law shall define the amount and the procedure of compensation for damage.

**Article 40. Right to Public Trial within a Reasonable Period**

1. Everyone shall have the right to a public hearing of his case within a reasonable period by an independent and impartial court established by law.
2. The trial or a part of it may be held in camera in the procedure and cases provided by law, if it is necessary for the protection of the private life of the parties, the public order, or public security.
3. A judicial act solving the merits of the case shall be made public except when the interests of juvenile persons require otherwise, or when the proceedings concern matrimonial disputes or the guardianship of children.

**Article 41. Right to Receive Legal Aid**

For persons who do not possess enough means, legal aid shall be provided to the extent that it is necessary to ensure the effectiveness of justice.

**Article 42. Right to Be Exempted from the Duty to Testify**

No one shall be obliged to testify about him, his spouse, or his close relatives. The law may prescribe other cases of exemption from the duty to testify.

**Article 43. Right to Have a Legal Defender**

Everyone shall have the right to have a legal defender of his choosing from the moment of his arrest, detention, or the filing of charges. Everyone who has been arrested or detained or charged shall have the right to be immediately notified of the right to have a legal defender of his choosing and the right to refuse to testify.

**Article 44. The Presumption of Innocence**

1. A person accused of a crime shall be deemed innocent so long as his guilt has not been proven in accordance with the procedure stipulated by law and has not been confirmed by a court judgment that has entered into legal force.
2. The accused is not obliged to prove his innocence. The accused shall be given the benefit of the doubt.

**Article 45. Other Procedural Safeguards**

1. The use of evidence that is obtained in violation of fundamental rights and undermines the right to a fair trial shall be prohibited.
2. Everyone accused of crime shall have the following rights in particular:
  - 1) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation.
  - 2) to have adequate time and facilities to prepare his defense and to communicate with the defender of his choosing.
  - 3) to examine or to have examined the witnesses who have testified against him, to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
  - 4) to be provided with a translator free of charge in case he does not master Armenian.

**Article 46. Right Not to Undergo Criminal Prosecution or Sentencing Twice for the Same Act**

1. No one shall be tried or punished again in criminal proceedings for an offence for which he has already been acquitted or convicted by a court judgment that has entered into force in accordance with the law.
2. The provisions of Paragraph 1 of this Article shall not prevent the review of a case in accordance with law when new or newly-emerged circumstances have arisen, or when there had been significant shortcomings in the previous proceedings, which could affect its outcome.

**Article 47. Right to Appeal in Criminal Cases**

1. Everyone convicted by court for having committed a criminal offence shall have the right to have his conviction or verdict reviewed by a higher judicial instance. The exercise of this right, including the grounds of such exercise, shall be regulated by law.
2. There may be exceptions to this right for minor offences as prescribed by law.

**Article 48. Compensation for Wrongful Conviction**

When a person has been found guilty in committing a criminal offence by a verdict of the court that has entered into legal force, and subsequently that verdict has been reversed, or he has been pardoned on the ground that a new or newly discovered fact proves conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall receive compensation in accordance with law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

**Article 49. Right to Request Pardon and Mitigation of Punishment**

Every convict shall have the right to request pardon and mitigation of punishment.

**Article 50. Principle of Guilt; Principle of Proportionality in Sentencing**

1. Guilt shall be the basis for punishing the person who committed a crime.
2. The punishment prescribed by law and the specific imposed sentence type and severity shall be commensurate with the committed crime.

**Article 51. Principle of Legality in Defining Crimes**

No one shall be convicted for an action or inaction that was not defined as a crime at the time of its commission. A heavier penalty than the one applicable at the time of committing the crime may not be imposed. If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, then the latter shall be applicable.

**Article 52. Retrospective Effect of Laws**

1. Laws and other legal acts that aggravate a person's legal situation which was based on completed factual circumstances and the given person has relied on it, shall not have retrospective effect.

2. Legal acts improving a person's legal situation shall have retrospective effect if such acts so provide.

**Article 53. Application of Fundamental Rights and Freedoms in Respect of Legal Persons**

The fundamental rights and freedoms shall extend also to legal persons to the extent such rights and freedoms are by their essence applicable to them.

**Article 54. Organizational Structures and Procedures Required for the Effective Exercise of Fundamental Rights and Freedoms**

When regulating fundamental rights and freedoms, laws shall define the organizational structures and procedures necessary for their effective exercise.

**Article 55. Limitations of Fundamental Rights and Freedoms in Emergency Situations or during Martial Law**

In a state of emergency or during martial law, fundamental rights and freedoms of the human being and the citizen, with the exception of those stipulated by Articles 1-4, 6-8, 13-15, in the first paragraphs of Articles 16, 19, and 25, and in Articles 33 and 38-52 of the Constitution may be temporarily suspended or subjected to additional restrictions in the procedure defined by law to the extent required by the situation, subject to the international commitments undertaken with respect to derogations from commitments in emergency situations.

**Article 56. Prohibition of Abuse of Fundamental Rights and Freedoms**

It shall be prohibited to exercise rights and freedoms for the purpose of forcibly overthrowing the constitutional order, or inciting national, racial, or religious hatred, or preaching violence or war.

**Article 57. Principle of Proportionality**

The means chosen for restricting fundamental rights and freedoms shall be those that are applicable and necessary for the achievement of the objective prescribed by the Constitution. The aim of the restriction and the means chosen for restriction shall be commensurate with the role and significance of the fundamental right that is restricted.

**Article 58. Principle of Certainty**

In case of restriction of fundamental rights and freedoms, the preconditions and the scope of restrictions shall be stipulated by law; the latter shall be sufficiently certain for the holders of fundamental rights and the addressees to be able to engage in appropriate conduct.

**Article 59. Inviolability of the Essence of Provisions on Fundamental Rights and Freedoms**

The essence of provisions on fundamental rights and freedoms enshrined in this Chapter shall be inviolable.

**Article 60. Fundamental Rights and Freedoms and the International Legal Practice**

1. The current international standards and jurisprudence shall be taken into account when interpreting the provisions on fundamental rights and freedoms enshrined in this Chapter.
2. Restrictions of fundamental rights and freedoms may not exceed the restrictions defined by the international treaties of the Republic of Armenia.

**Chapter 3.****Legislative Guarantees and Main Objectives of State Policy in the Social, Economic, and Cultural Spheres****Article 1. Working Conditions**

1. Law shall define the right of every worker to healthy, safe, and dignifying working conditions.
2. Law shall define the right of every worker to limitation of maximum working hours, to daily and weekly rest periods, and to annual paid leave.

**Article 2. Social Security**

Law shall define the right of everyone to social security in cases such as maternity, having many children, illness, industrial accidents, need of care, loss of breadwinner, old age, loss of employment, and in other cases.

**Article 3. Decent Existence; Minimum Salary**

1. Law shall define the right of everyone in need and the elderly to a decent existence.
2. The minimum salary shall be defined by law.

**Article 4. Health care**

1. Law shall define the right of everyone to protection of health.
2. Law shall define the list of basic medical services provided free of charge and the procedure of their provision.

**Article 5. Main Objectives of State Policy**

The main objectives of state policy in the economic, social, and cultural spheres shall be:

- 1) to support the employment of the population and improvement of working conditions;
- 2) to foster housing construction;
- 3) to support factual equality between men and women;
- 4) to create conditions for effective and affordable medical services for the population;
- 5) to carry out disability prevention and treatment programs and to promote the participation of persons with disabilities in public life;
- 6) to protect consumer rights and to oversee the quality of goods, services, and work;
- 7) to develop the regions proportionately;
- 8) to promote physical culture and sports;
- 9) to support the participation of the youth in political, economic, and cultural life;
- 10) to support the development of free-of-charge higher and other vocational education; and
- 11) to support everyone's unhindered access to national and universal values.

**Article 6. Fulfillment of the Main Objectives of State Policy**

1. Within the scope of its powers and possibilities, the public power shall be obliged to fulfill the objectives enshrined in Article 5 of the Constitution.
2. The Government shall present to the National Assembly an annual report on the implemented measures.

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