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

**DRAFT AMENDMENTS**  
**TO THE CONSTITUTION OF ARMENIA**

**(submitted by the Specialized Commission on Constitutional Reforms adjunct to the President of the Republic of Armenia to the Venice Commission after the meeting on 24-25 August 2015)**

*[The proposed additions are highlighted in yellow and the proposed deletions are struck out in blue.]*

### **Article 17, The Armenian Apostolic Holy Church Par. 1**

1. The Republic of Armenia shall recognize the **unique**<sup>1</sup> 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.

### **Article 26. Personal Liberty, Par. 3**

3. If an arrested person is not detained by court decision ~~within 72 hours~~ **within a reasonable period but not more than 72 hours** of the moment of arrest, then he shall be released immediately.

### **Article 47. Right to Vote and Right to Participate in a Referendum,**

2. Anyone who has attained the age of 25, for the preceding ~~five~~ **four** years has been a citizen of the Republic of Armenia only, has permanently resided in the Republic for the preceding ~~five~~ **four** years, has voting right and has a command of the state language may be elected as a member of the National Assembly.

### **Article 89. National Assembly Composition and Election Procedure**

1. The National Assembly shall consist of at least 101 parliamentarians.

2. In accordance with the procedure prescribed by the Electoral Code, places shall be assigned in the National Assembly for representatives of national minorities.

~~3. The National Assembly shall be elected by a proportional electoral contest. The electoral contest of the National Assembly shall secure the formation of a stable parliamentary majority in the National Assembly.~~

~~4. If a stable parliamentary majority is not formed as a result of the first round of the National Assembly Election or within the terms and under the procedure prescribed by the Electoral Code, a second round of the election shall be conducted with the participation of the two parties (party alliances) that received the largest number of votes. These parties (party alliances) may form new alliances with the parties (party alliances) that have overcome the election thresholds on the first round.~~ **The Electoral Code shall guarantee the formation of stable parliamentary majority. If no stable parliamentary majority is formed as a result of the election or through building of a political coalition, second round of election may be held. The restrictions, conditions and the procedure of formation of political coalitions shall be prescribed by Electoral Code.**

~~5. The parties (party alliances) taking part in the second round of the election shall present a candidate for the position of the Prime Minister and the essential provisions of the Government's program.~~

~~6. Except for the party (party alliance) having won in the second round of the election, the parties (party alliances) that have overcome the election thresholds, shall receive parliamentary mandates based on the results of the first round.~~

~~7. Details shall be stipulated by the Electoral Code.~~

### **Article 105. Factions of the National Assembly, Par. 2**

2. The factions shall include parliamentarians **only** of the same party or pre-electoral alliance of parties. ~~New factions may not be formed in the National Assembly.~~

### **Article 124. Term of Office of and Requirements on the President of the Republic, Par. 2**

2. Everyone who has attained the age of 40, **for the preceding six years** has been a citizen of the Republic of Armenia only, has permanently resided in the Republic of Armenia for the preceding ~~seven~~ **six** years, and has voting right may be elected as President of the Republic.

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<sup>1</sup> Correct translation.

**Article 147. Requirements on Government Members, Par. 1**

1. Every citizen of the Republic of Armenia who meets the requirements for a parliamentarian may be appointed as a member of the Government. ~~Everyone who is a citizen of only the Republic of Armenia, and has voting right may be appointed as a member of the Government. As Prime Minister may be appointed a citizen of the Republic of Armenia, who has permanently resided in the Republic of Armenia for the preceding seven years.~~

**Article 163, The Status of a Judge, Par. 10**

10. Details related to the status of judges shall be prescribed by Law on Constitutional Court and Judicial code. The amount of remuneration of judges shall be prescribed by law.

**Article 166, Composition and Formation Procedure of the Constitutional Court, Par. 3**

3. Judges of the Constitutional Court shall be elected from among reputed lawyers that are citizens of only the Republic of Armenia and have voting rights of the Republic of Armenia, have reached the age of 40, and have strong professional qualities and professional work experience of at least 15 years. The General Assembly of Judges shall propose the candidacies of a Constitutional Court judge from among the judges.

**Article 175, The Prosecution Office, Par. 2, Point 4**

4. Initiate a claim in court for the protection of state interests in certain cases;

**Article 191, Independence of the Human Rights Defender, Par. 3**

3. The Human Rights Defender shall enjoy the immunity prescribed for a parliamentarian. The National Assembly may deprive the Human Rights Defender of immunity by at least a three-fifths majority vote of the total number of the parliamentarians in the procedure prescribed by law. The powers of the Human Rights Defender shall be terminated prematurely from the moment a convicting court judgment in respect to him enters into legal force.

**Article 201. Adopting and Amending the Constitution, Par. 1**

1. The Constitution shall be adopted, and Chapters 1-3, 7, 10, and 15, as well as Articles Article 88-89, Paragraph 1 of Article 90, Paragraph 2 of Article 103, and Articles 108, 115, 119-120, 123-125, 145, 148, and 154 of the Constitution shall be amended, only through a referendum. The right of the respective initiative shall belong to at least one third of the total number of parliamentarians, the Government, or 200,000 citizens having the right of suffrage. The National Assembly shall adopt a decision on putting a draft to the referendum by at least a two-thirds majority vote of the total number of parliamentarians.