



## THE CONSTITUTION OF THE REPUBLIC OF ARMENIA (WITH AMENDMENTS)

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**Non official translation**

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The Armenian People, recognizing as a basis the fundamental principles of the Armenian statehood and national aspirations engraved in the Declaration of Independence of Armenia, having fulfilled the sacred message of its freedom loving ancestors for the restoration of the sovereign state, committed to the strengthening and prosperity of the fatherland, to ensure the freedom, general well being and civic harmony of future generations, declaring their faithfulness to universal values, hereby adopts the Constitution of the Republic of Armenia.

### CHAPTER 1

#### THE FOUNDATIONS OF CONSTITUTIONAL ORDER

##### **Article 1**

The Republic of Armenia is a sovereign, democratic, social state governed by rule of law.

##### **Article 2**

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

The people exercise their power through free elections, referenda, as well as through state and local self-governing bodies and public officials as provided by the Constitution.

The usurpation of power by any organization or individual constitutes a crime.

##### **Article 3**

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

The state shall ensure the protection of fundamental human and civil rights in conformity with the principles and norms of the international law.

The state shall be limited by fundamental human and civil rights as a directly applicable right.

##### **Article 4**

The elections of the President of the Republic, the National Assembly and local self-government bodies, as well as referenda shall be held on the basis of the right to universal, equal and direct suffrage by secret ballot.

##### **Article 5**

The state power shall be exercised in conformity with the Constitution and the laws based on the principle of the

separation and balance of the legislative, executive and judicial powers.

State and local self-government bodies and public officials are competent to perform only such acts for which they are authorized by Constitution or laws.

#### **Article 6**

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

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

The laws shall come into force following the official publication in the Official Bulletin. Other normative legal acts shall come into force following the official publication in the manner prescribed by law.

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

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

#### **Article 7**

The ideological pluralism and multiparty system are recognized in the Republic of Armenia.

Parties are formed freely and promote the formulation and expression of the political will of the people. Their activities may not contravene the Constitution and the laws, nor may their practice contravene the principles of democracy.

Parties shall ensure the openness of their financial activities.

#### **Article 8**

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

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

##### **Article 8.1**

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

The Republic of Armenia recognizes the exclusive historical mission of the Armenian Apostolic Holy Church as a national church, in the spiritual life, development of the national culture and preservation of the national identity of the people of Armenia.

Freedom of activities for all religious organizations in accordance with the law shall be guaranteed in the Republic of Armenia.

The relations of the Republic of Armenia and the Armenian Apostolic Holy Church may be regulated by the law.

##### **Article 8.2**

The armed forces of the Republic of Armenia shall ensure security, defense and territorial integrity of the Republic of Armenia, as well as inviolability of its borders. The armed forces shall maintain neutrality in political matters and remain under civilian control.

#### **Article 9**

The foreign policy of the Republic of Armenia shall be conducted in accordance with the principles and norms of the international law, with the aim of establishing good neighborly and mutually beneficial relations with all states.

**Article 10**

The state shall ensure the protection and reproduction of the environment and the reasonable utilization of natural resources.

**Article 11**

Historical and cultural monuments and other cultural values are under the care and protection of the state.

Within the framework of the principles and norms of the international law the Republic of Armenia shall contribute to fostering relations with the Armenian Diaspora, protecting the Armenian historical and cultural values located in other countries, advancing the Armenian education and culture.

**Article 11.1**

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

**Article 11.2**

The Republic of Armenia guarantees the local self-governance.

**Article 11.3**

The citizens of the Republic of Armenia shall be under the protection of the Republic of Armenia within the territory of the Republic of Armenia and beyond its borders.

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

The rights and responsibilities of citizens with dual citizenship shall be defined by law.

**Article 12**

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

**Article 13**

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

The coat of arms of the Republic of Armenia depicts, in the center on a shield, Mount Ararat with Noah's ark and the coats of arms of the four kingdoms of historical Armenia. The shield is supported by a lion and an eagle while a sword, a branch, a sheaf, a chain and a ribbon are portrayed under the shield.

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

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

The capital of the Republic of Armenia is Yerevan.

**CHAPTER 2****FUNDAMENTAL HUMAN AND CIVIL RIGHTS AND FREEDOMS****Article 14**

Human dignity shall be respected and protected by the state as an inviolable foundation of human rights and freedoms.

**Article 14.1**

Everyone shall be equal before the law.

Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features,

language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal or social circumstances shall be prohibited.

#### **Article 15**

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

#### **Article 16**

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

- 1) a person is sentenced for committing a crime by the competent court;
- 2) a person has not executed a legitimate judicial act;
- 3) to ensure the fulfillment of certain responsibilities prescribed by the law;
- 4) when reasonable suspicion exists of commission of a crime or when it is necessary to prevent the commission of a crime by a person or to prevent his/her escape after the crime has been committed;
- 5) to establish educational control over a minor or to present him/her to the competent body;
- 6) to prevent the spread of infectious diseases and other social dangers posed by mental patients, persons addicted to alcohol and drugs, as well as vagrants;
- 7) to prevent the unauthorized entry of a person into the Republic of Armenia, as well as to deport or extradite him/her to a foreign country.

Everyone who is deprived of his/her freedom shall in a language comprehensible to him/her immediately be informed of the reasons for this and of an indictment should such be brought against him/her. Everyone who is deprived of his/her freedom shall have a right to immediately notify this to any person chosen by him/her.

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

Every person shall have the right to recover damages in case when he/she has illegally been deprived of freedom or subjected to search on the grounds and by the procedure defined by the law. Every person shall have the right to appeal to a higher instance court against the lawfulness and reasons for depriving him/her of freedom or subjecting to search.

No one shall be deprived of freedom for not honoring his/her civil and legal obligations.

No one shall be subjected to search otherwise than in conformity with the procedure prescribed by the law.

#### **Article 17**

No one shall be subjected to torture, as well as to inhuman or degrading treatment or punishment. Arrested, detained or incarcerated persons shall be entitled to human treatment and respect of dignity.

No one shall be subjected to scientific, medical and other experiments without his/her consent.

#### **Article 18**

Everyone shall be entitled to effective legal remedies to protect his/her rights and freedoms before judicial as well as other public bodies.

Everyone shall have a right to protect his/her rights and freedoms by any means not prohibited by the law.

Everyone shall be entitled to have the support of the Human Rights' Defender for the protection of his/her rights and freedoms on the grounds and in conformity with the procedure prescribed by law.

Everyone shall in conformity with the international treaties of the Republic of Armenia be entitled to apply to the international institutions protecting human rights and freedoms with a request to protect his/her rights and freedoms.

#### **Article 19**

Everyone shall have a right to restore his/her violated rights, and to reveal the grounds of the charge against him/her in a fair public hearing under the equal protection of the law and fulfilling all the demands of justice by an independent and impartial court within a reasonable time”.

The representatives of the mass media and the public may be excluded from all or part of the trial in the interests of morals, public order, national security, protection of the private life of the participants, or if the administration of justice so require.

#### **Article 20**

Everyone shall be entitled to legal assistance. In cases prescribed by the law the legal assistance shall be provided at the expense of the state resources.

Everyone shall have a right to the assistance of a legal defender chosen by him/her starting from the moment of his/her arrest, subjection to a security measure or indictment.

Every convicted person shall have the right to review of the judgment passed on him/her by a higher instance court in conformity with the procedure prescribed by the law.

Every convicted person shall have a right to request pardon or mitigation of the punishment.

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

#### **Article 21**

Everyone charged with a criminal offence shall be presumed innocent until proved guilty by the court judgment lawfully entered into force as prescribed by law.

The defendant shall not be obliged to prove his/her innocence. The remaining suspicions shall be interpreted in favor of the defendant.

#### **Article 22**

No one shall be obliged to testify about himself/herself, his/her spouse or close relatives. The law may prescribe other cases of release from the obligation to testify.

The use of illegally obtained evidence is prohibited.

Imposing of a heavier punishment than the one prescribed by the law in effect at the time when the crime was committed shall be prohibited.

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

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

The law prescribing or increasing liability shall not be retroactive.

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

#### **Article 23**

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

The collection, maintenance, use or dissemination of any information about the person other than that stipulated by

the law without the person's consent shall be prohibited. The use and dissemination of information relating to the person for purposes contravening the aims of their collection or not provided for by the law shall be prohibited.

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

Everyone shall have the right to correction of any non-verified information and elimination of the illegally obtained information about him/her.

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

The place of residence can be searched only by the decision of the court in cases and in conformity with the procedure prescribed by law.

#### **Article 25**

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

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

Every citizen and everyone legally residing in the Republic of Armenia 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. This right includes freedom to change the religion or belief and freedom to, either alone or in community with others manifest the religion or belief, through preaching, church ceremonies and other religious rites.

The exercise of this right may be restricted only by law in the interests of the public security, health, morality or the protection of rights and freedoms of others.

#### **Article 27**

Everyone shall have the right to freely express his/her opinion. No one shall be forced to recede or change his/her opinion.

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

Freedom of mass media and other means of mass information shall be guaranteed.

The state shall guarantee the existence and activities of an independent and public radio and television service offering a variety of informational, cultural and entertaining programs.

#### **Article 27.1**

Everyone shall have the right to submit letters and recommendations to the authorized public and local self-government bodies for the protection of his/her private and public interests and the right to receive appropriate answers to them in a reasonable time.

#### **Article 28**

Everyone shall have the right to freedom of association with others, including the right to form and to join trade unions.

Every citizen shall have a right to form political parties with other citizens and join such parties.

The rights to form parties and trade unions and join them may be restricted in a manner prescribed by law for the employees in the armed forces, police, national security, prosecutor's office, as well as judges and members of the Constitutional Court.

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

The activities of associations can be suspended or prohibited only through judicial procedure and in cases prescribed by the law.

### **Article 29**

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

Restrictions on exercising these rights by the employees in the armed forces, police, national security, prosecutor's office, bodies as well as judges and members of the Constitutional Court may be prescribed only by the law.

### **Article 30**

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

The law may define the right of suffrage for the elections of the bodies of local self-government and for the local referenda for persons who are not citizens of the Republic of Armenia.

Citizens found to be incompetent by a court decision, duly sentenced to prison or serving the sentence, shall not be entitled to vote or be elected.

### **Article 30.1**

A child born of citizens of the Republic of Armenia, shall be a citizen of the Republic of Armenia. Every child whose one parent a citizen of the Republic of Armenia, shall have the right to citizenship of the Republic of Armenia.

The procedure for being granted or terminating the citizenship of the Republic of Armenia shall be defined by the law.

No person may be deprived of citizenship of the Republic of Armenia, or the right to change citizenship.

A citizen of the Republic of Armenia may not be extradited to a foreign state save for cases stipulated in the international treaties ratified by the Republic of Armenia.

The rights and responsibilities of the persons having dual citizenship shall be defined by the law.

### **Article 30.2**

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

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

### **Article 31**

Everyone shall have the right to freely own, use, dispose of and bequeath the property belonging to him/her. The right to property shall not be exercised to cause damage to the environment or infringe on the rights and lawful

interests of other persons, the society and the state.

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

The private property may be alienated for the needs of the society and the state only in exclusive cases of prevailing public interests, in the manner prescribed by the law and with prior equivalent compensation.

Foreign citizens and non-citizens shall not enjoy the right to land ownership except for cases prescribed by the law

The intellectual property shall be protected by the law.

#### **Article 31.1**

The state shall protect the interests of consumers, take measures prescribed by the law to exercise quality control over goods, services and works

#### **Article 32**

Everyone shall have the freedom to choose his/her occupation.

Everyone shall have the right to fair remuneration in the amount no less than the minimum set by the law, as well as the right to working conditions in compliance with the safety and hygiene requirements.

The employees shall have the right to strike for the protection of their economic, social and employment interests, the procedure and limitations thereof shall be prescribed by the law.

The children under the age of 16 shall not be allowed to work full time. The procedure and conditions for their hiring to a part-time job shall be defined by the law.

Compulsory employment shall be prohibited.

#### **Article 33**

Everyone shall have the right to rest.

The law shall define the maximum working hours, holidays, as well as the minimum length of annual leave.

#### **Article 33.1**

Everyone shall have the right to freedom of enterprise not prohibited by law.

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

Restriction of competition, possible forms of monopoly and their permitted sizes may be prescribed by the law.

#### **Article 33.2**

Everyone shall have the right to live in an environment favorable to his/her health and well-being and shall be obliged to protect and improve it in person or jointly with others.

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



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

Dismissal for reasons connected with maternity is prohibited. Everyone woman-employee shall, in case of pregnancy and childbirth, have the right to paid maternity leave and parental leave following the birth or adoption of a child.

#### **Article 36**

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

No one may be deprived of or restricted in his/her parental rights save by the decision of the court in conformity with the procedure prescribed by the law.

Adult capable persons are obliged to take care of their parents who are incapacitated and in need of such care.

#### **Article 37**

Everyone shall have the right to social security during old age, disability, loss of bread-winner, unemployment and other cases prescribed by the law. The extent and forms of social security shall be prescribed by the law.

#### **Article 38**

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

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

#### **Article 39**

Everyone shall have a right to education.

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

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

The law shall define the principles of autonomy in higher educational institutions.

The procedures for establishing and operations of educational institutions shall be defined by the law.

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

#### **Article 40**

Everyone shall have the right to freedom of literary, aesthetic, scientific and technical creation, to make use of the scientific advancement and to participate in the cultural life of the society.

#### **Article 41**

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

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

#### **Article 42**

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

Everyone shall have the right to act in a way not prohibited by the law and not violating others' rights and freedoms. No one shall bear obligations not stipulated by the law.

The laws and other legal acts exacerbating the legal status of an individual shall not be retroactive.

The legal acts improving the legal status of an individual, eliminating or mitigating his/her liability shall be retroactive if prescribed by the acts in question.

#### **Article 42.1**

The fundamental human and civil rights and freedoms shall apply to legal persons to the extent these fundamental rights and freedoms are applicable to them.

#### **Article 43**

The fundamental human and civil rights and freedoms set forth in Articles 23-25, 27, 28-30, 30.1, Part 3 of Article 32 may be temporarily restricted only by the law if it is necessary in a democratic society in the interests of national security, public order, crime prevention, protection of public health and morality, constitutional rights and freedoms, as well as honor and reputation of others.

Limitations on fundamental human and civil rights and freedoms may not exceed the scope defined by the international commitments assumed by the Republic of Armenia.

#### **Article 44**

Special categories of fundamental human and civil rights, except for those stipulated in Articles 15, 17-22 and 42 of the Constitution may be temporarily restricted as prescribed by the law in case of martial law or state of emergency within the scope of the assumed international commitments on deviating from commitments in cases of emergency.

#### **Article 45**

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

#### **Article 47**

Everyone shall be obliged to honor the Constitutions and laws, to respect the rights, freedoms and dignity of others.

The exercise of the rights and freedoms with the purpose of overthrow of the constitutional order, incitement to national, racial and religious hatred, propaganda of violence or warfare shall be prohibited.

#### **Article 48**

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

- 1) to protect and patronage the family, the motherhood and the childhood;
- 2) to contribute to the employment for the population and the improvement of working conditions;
- 3) to foster housing construction, to contribute to the improvement of every citizen's housing conditions

- 4) to implement health care programs for the population and contribute to the effective and affordable medical service for the population;
- 5) to contribute to the involvement of the youth in the political, economic and cultural life of the country;
- 6) to promote the physical culture and sport;
- 7) to carry out a policy of preventive care, treatment and integration of the handicapped ;
- 8) to support the development of free of charge higher and vocational education;
- 9) to support the development of science and culture;
- 10) to pursue the environmental security policy for present and future generations;
- 11) to support the free access for each person to national and universal values;
- 12) to ensure decent living standard for old persons.

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

### CHAPTER 3

#### THE PRESIDENT OF THE REPUBLIC OF ARMENIA

##### **Article 49**

The President of the Republic of Armenia shall be the head of the state.

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

The President of the Republic shall be the guarantor of the independence, territorial integrity and security of the Republic of Armenia.

##### **Article 50**

The President of the Republic shall be elected by the citizens of the Republic of Armenia for a five year term of office.

Every person having attained the age of thirty five, having been a citizen of the Republic of Armenia for the preceding ten years, having permanently resided in the Republic for the preceding ten years, and having the right to vote is eligible to be elected as President of the Republic.

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

##### **Article 51**

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

The candidate who has received more than half of the votes shall be elected President of the Republic.

If the election involves more than two candidates and none of them receives the required number of votes a second round of election shall be held on the fourteenth day following the voting. The two candidates having received the highest number of votes may participate in the second round of election of the President of the Republic. In the second round the candidate receiving the highest number of votes shall be elected President of the Republic.

If only one candidate runs for the election, he/she shall be elected if he/she receives more than half of the votes of electors participated in the polls.

If the Constitutional Court admits a case on the results of presidential elections, it must render a decision within ten days following the receipt of the application, and the terms defined in this article shall be calculated starting from the moment the court decision comes into force.

If the President of the Republic is not elected, a new election shall be appointed and the voting shall be held on the fortieth day following the date of appointment of the new election.

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

The President of the Republic elected by new or extraordinary elections shall take office on the twentieth day following the elections.

### **Article 52**

Should one of the presidential candidates face insurmountable obstacles, the election of the President of the Republic shall be postponed for two weeks. In the event that the obstacles recognized as insurmountable are not eliminated within the aforementioned period of time a new election shall be appointed and the voting shall be held on the fortieth day following the expiration of the two-week's period.

In case of the death of one of the candidates before the day of voting a new election shall be appointed and the voting shall be held on the fortieth day following the date of appointment of the new election.

### **Article 53**

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

#### **Article 53.1**

During martial law or state of emergency no elections of the President of the Republic shall be held and the President of the Republic shall continue the discharge of his/her responsibilities. In this case the election of the President of Republic shall be held on the fortieth day following the expiration of the term of the martial law or state of emergency.

### **Article 54**

The President of the Republic shall accept office in conformity with the procedure prescribed by law at the special sitting of the National Assembly by swearing the following oath to the people, "Assuming the office of the President of the Republic of Armenia I swear: to fulfill the requirements of the Constitution in an unreserved manner; to respect the fundamental human and civil rights and freedoms; to ensure the protection, independence, territorial integrity and security of the Republic to the glory of the Republic of Armenia and to the welfare of the people of the Republic of Armenia.

### **Article 55**

The President of the Republic:

- 1) shall deliver addresses to the people and the National Assembly;
- 2) shall, within twenty one days of receipt, sign and promulgate, the laws passed by the National Assembly;

Within this period he/she may remand the law passed by the National Assembly to the latter with objections and recommendations requesting for new deliberations. The President shall, within five days, sign and promulgate the law re-adopted by the National Assembly;

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

4) shall, on the basis of the distribution of the seats in the National Assembly and consultations held with the parliamentary factions, appoint as Prime Minister the person enjoying confidence of the majority of the Deputies and if this is impossible the President of the Republic shall appoint as the Prime Minister the person enjoying confidence of the maximum number of the Deputies. The President of the Republic shall appoint the Prime Minister within ten days after acceptance of the resignation of the Government. The Government shall be formed within 20 days after the appointment of the Prime Minister.

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

The President of the Republic shall accept the resignation of the Government on the day of the first sitting of the newly elected National Assembly, of the assumption of the office by the President of the Republic, of the expression of the vote of no confidence to the Government, of not giving approval to the program of the Government, of the resignation of the Prime Minister or when the office of the Prime Minister remains vacant. After the acceptance of the resignation of the Government by the President of the Republic the members of the Government shall continue discharging their responsibilities until the formation of the new Government;

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

6) shall form and preside over the National Security Council, may establish other advisory bodies;

7) shall represent the Republic of Armenia in international relations, execute the general guidance of the foreign policy, conclude international agreements, forward the international agreements to the National Assembly for ratification and sign their ratification forms, approve, suspend or annul the international agreements for which no ratification is required;

8) shall appoint to and recall from office the diplomatic representatives of the Republic of Armenia in foreign countries and international organizations, accept the letters of credence and recall of the diplomatic representatives in foreign countries and international organizations;

9) shall recommend to the National Assembly the candidacy of the Prosecutor General, the Chairman of the Central Bank and the Chairman of Control Chamber. Shall upon the recommendation of the Prosecutor General appoint and release the deputies of the Prosecutor General;

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

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

11) upon the recommendation of the Council of Justice:

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

b) shall terminate their powers,

c) give agreement to involve them as accused, detain them or initiative administrative proceedings against them through judicial process;

Upon the conclusion of the Council of Justice appoint judges of the appeal, first instance and professional courts.

11.1) shall appoint two legal scholars as members of the Council of Justice

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

13) in the event of an armed attack against the Republic, an imminent danger thereof or declaration of war, shall declare a martial law, may call for a general or partial mobilization and shall decide on the use of the armed forces.

During warfare the President may appoint or dismiss from the office the Highest Commandant.

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

The law shall define the legal regime of martial law.

14) in the event of an imminent danger to the constitutional order, after consulting with the Chairman of the National Assembly and the Prime Minister, shall declare state of emergency and take measures appropriate in the given circumstances and address the people on the situation.

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

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

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

16) shall award the orders and medals of the Republic of Armenia, promote to highest military ranks and award honorary titles, as well as promote to highest diplomatic and other classification ranks;

17) may grant pardon to convicted persons.

#### **Article 56**

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

#### **Article 56.1**

The President of the Republic shall be immune.

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

The President of the Republic may be prosecuted for the actions not connected with his or her status after the expiration of his/her term of office.

#### **Article 57**

The President may be impeached for state treason or other heavy crimes.

In order to obtain a conclusion on the motion of impeaching the President of the Republic from office, the National Assembly shall appeal to the Constitutional Court by a resolution adopted by the majority of the deputies.

The resolution to remove the President of the Republic from office shall be passed by the National Assembly by a two-thirds majority vote of the total number of deputies, based on the conclusion of the Constitutional Court.

In the event that the Constitutional Court concludes that there are no grounds for impeaching the President of the Republic the motion shall be removed from the agenda of the National Assembly.

**Article 58**

The President of Republic shall submit his/her resignation to the National Assembly. In case of submitting the resignation for a second time within 2 days following the expiration of a ten-day period, the resignation shall be deemed accepted and an extraordinary election shall be held in conformity with the procedure and terms stipulated in the Constitution.

**Article 59**

In case of serious illness of the President of Republic or other insurmountable obstacles which enduringly render the discharge of his/her responsibilities impossible, the National Assembly shall upon the recommendation of the Government, the conclusion of the Constitutional Court and with a minimum of two thirds majority vote of the total number of its members adopt a decision on the incapacity by the President of the Republic to discharge his/her responsibilities.

In the event that the Constitutional Court concludes that the grounds for the incapacity of the President of Republic to discharge his/her responsibilities do not exist, the Government may not put such motion forward to the National Assembly.

**Article 60**

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

**Article 61**

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

**CHAPTER 4****THE NATIONAL ASSEMBLY****Article 62**

Legislative power in the Republic of Armenia shall be vested in the National Assembly. In cases stipulated in Clauses 13 and 14 of Article 55, Articles 57, 59, part 2 of this Article, 66, 67, 69, 73, 74, 74.1, 75, 77, 79, part 2 of Article 80, 81, 83, 83.1, 83.2, 83.3, 83.4, 84, 94.1, Clause 2 of Article 101, 103, 111 and 112 as well as on matters related to the organization of its activities the National Assembly shall adopt resolutions, which shall be signed and promulgated by the Chairman of the National Assembly.

The National Assembly shall make addresses and announcements in conformity with the procedure prescribed by the Law on the Rules of Procedure of the National Assembly.

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

The procedure of the activities of the National Assembly, as well as the formation and activities of its bodies shall be defined by the Constitution and the Rules of Procedure of the National Assembly.

**Article 63**

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

The National Assembly is elected for a term of five years. Its term of office shall begin at the moment when the newly elected National Assembly convenes for its first sitting. The term of office of the National Assembly shall expire at the moment of opening of the first sitting of the newly elected National Assembly.

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

In the course of martial law or state of emergency elections to the National Assembly may not be held and the term of office of the National Assembly shall be extended until the opening of the first session of the newly elected National Assembly following the end of the martial law and state of emergency. In this case the election to the National Assembly shall be held no sooner, than fifty and no later than sixty days after the state of emergency or martial law is abolished.

#### **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 having the right to vote, may be elected a Deputy.

#### **Article 65**

A Deputy may not be engaged in entrepreneurial activities, hold an office in state and local self-government bodies or in commercial organizations, as well as engage in any other paid occupation, except for scientific, educational and creative work. A Deputy shall discharge his/her responsibilities on a permanent basis.

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

#### **Article 66**

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

A 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, including the opinions expressed by him/her in the National Assembly, provided these are not insulting or defamatory.

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

A Deputy may not be arrested without the consent of the National Assembly except for cases when he/she is arrested when caught in the act. In such a case the Chairman of the National Assembly shall be immediately notified.

#### **Article 67**

The powers of a Deputy shall terminate upon the expiration of the term of office of the National Assembly, dissolution of the National Assembly, violation of the provisions stipulated in Part 1 of Article 65 of the Constitution, loss of citizenship, absence from more than half of floor voting in the course of a single session, prison sentence, legal incapacity and resignation from office.

A Deputy's term of office shall be terminated in the manner prescribed by the Rules of Procedure of the National Assembly.

#### **Article 68**

Regular elections to the National Assembly shall be held no sooner than fifty and no later than forty days prior to the expiration of the term of the National Assembly.

The extraordinary elections of the National Assembly shall be held no sooner than thirty and no later than forty



days after the dissolution of the National Assembly.

The date of elections to the National Assembly shall be appointed by a Presidential decree.

The first session of a newly elected National Assembly shall convene on the third Thursday following the election of at least two thirds of the total number of Deputies.

The first session of a newly elected National Assembly shall convene on the third Thursday following the election of at least two thirds of the total number of Deputies.

In case of an extraordinary election the first session of the newly elected National Assembly shall convene on the second Thursday following the election of at least two thirds of the total number of Deputies.

#### **Article 69**

The regular sessions of the National Assembly shall be convene on the dates and in the manner prescribed by Law on the Rules of Procedure of the National Assembly.

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

#### **Article 70**

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

#### **Article 71**

The laws and resolutions of the National Assembly, save for cases set forth in the Constitution, shall be adopted by the majority of votes of the Deputies having participated in the voting provided that more than half of the total number of Deputies have voted.

#### **Article 72**

Should the National Assembly decline to accept the recommendations and objections presented by the President of the Republic, it shall pass the remanded law, again with a majority vote of the number of Deputies.

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

#### **Article 73**

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

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

If necessary and in conformity with the procedure stipulated in the Law on Rules of Procedure of the National Assembly ad hoc committees may be established for the preliminary review of special draft laws or for submission of conclusions and reports on special issues, events and facts to the National Assembly.

#### **Article 74**

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

#### **Article 74.1**

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

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

- a) If the National Assembly fails within three months to resolve on the draft law deemed urgent by the decision of the Government or;
- b) If in the course of a regular session no sittings of the National Assembly are convened for more than three months or
- c) If in the course of a regular session the National Assembly fails for more than three months to adopt a resolution on issues under debate.

#### **Article 75**

The right to legislative initiative in the National Assembly shall belong to the Deputies and the Government.

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

In conformity with the conclusion of the Government the National Assembly shall adopt the draft laws reducing the state budget revenues or increasing the state budget expenditures by the majority of the total number of votes of the Deputies.

The Government may put forward a motion on confidence in the Government in conjunction with the adoption of a draft law proposed by the Government. If within twenty four hours after the Government has raised the question of the vote of confidence a minimum of one third of the total number of Deputies does not put forward a draft resolution on expressing no confidence in the Government or if no resolution on expressing no confidence in the Government is adopted by the majority of the total number of Deputies during the period set forth in Article 84 Part 3 in case when such a draft is put forward, the draft law proposed by the Government shall be considered adopted.

The Government may not raise the issue of its confidence in conjunction with a draft law more than twice during any single session.

#### **Article 76**

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

The procedure for debate on and adoption of the state budget shall be prescribed by the Law on the Rules of Procedure of the National Assembly.

#### **Article 77**

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

The National Assembly shall examine the annual report on the execution of the state budget and adopt the report based on the findings of the Control Chamber.

#### **Article 78**

[Removed].

#### **Article 79**

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

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

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

#### **Article 80**

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

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

#### **Article 81**

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

- 1) declare amnesty;
- 2) ratify, suspend or denounce the international treaties of the Republic of Armenia. The National Assembly shall ratify those international treaties:
  - a) which are of political or military nature or stipulate changes of the state borders,
  - b) which relate to human rights, freedoms and obligations,
  - c) which stipulate financial commitments for the Republic of Armenia,
  - d) application of which shall bring about legislative amendments or adoption of a new law, or stipulate norms contravening the laws,
  - e) which prescribe ratification,
  - f) in other cases defined by law.
- 3) resolves on declaring war and proclaiming peace. In the event when convening a sitting of the National Assembly is impossible, the President of Republic shall solve the issue of declaring war.

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

#### **Article 82**

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

#### **Article 83**

The National Assembly shall:

- 1) upon the recommendation of the Chairman of the National Assembly appoint five members of the Constitutional Court;
- 2) within 30 days after the office of the Chairman of the Constitutional Court is vacant and upon the recommendation of the Chairman of the National Assembly, appoint the Chairman of the Constitutional Court from among the members of the Constitutional Court,

3) may, on the basis of the conclusion of the Constitutional Court and by a majority vote of the total number of Deputies terminate the powers of any of its appointees in the Constitutional Court, or give its consent to involve the member as an accused, detain him/her or authorize to institute a court proceeding to subject him/her to administrative liability.

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

#### **Article 83.1**

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

Any person held in high esteem by the public and corresponding to the requirements envisaged for a Deputy of the National Assembly may be elected as a Human Rights' Defender.

The Human Rights' Defender shall be irremovable.

The Human Rights' Defender is an independent official who implements the protection of the violated human rights and freedoms by state and local self-government bodies and their officials.

The state and local self-government bodies and their officials shall cooperate with the Human Rights' Defender.

The Human Rights' Defender shall be endowed with the immunity envisaged for the Deputy.

Other guarantees of the activities of the Human Rights' Defender shall be established by the law.

#### **Article 83.2**

To ensure the goals of freedom, independence and plurality of the broadcasting media, an independent regulatory body shall be established by the law, half of whose members shall be elected by the National Assembly for a six-year term while the other half shall be appointed by the President of the Republic for a six-year term. The National Assembly shall elect the members of this body by a majority of its votes.

#### **Article 83.3**

The main objective of the Central Bank of the Republic of Armenia shall be to ensure stability of prices in the Republic of Armenia. The Central Bank shall develop, approve and implement monetary policy programs.

The Central Bank shall issue the currency of the Republic of Armenia – the Armenian Dram.

The Central Bank shall be independent whilst performing the tasks and functions granted by the Constitution and the law.

The Chairman of the Central Bank shall be appointed by the National Assembly upon the recommendation of the President of the Republic for a six-year term. The same person may not be elected to the office of Chairman of the Central Bank for more than two consecutive terms.

In cases prescribed by the law the National Assembly may by a majority of its votes and upon the recommendation of the President of the Republic remove the Chairman of the Central bank from office.

#### **Article 83.4**

The Control Chamber of the Republic of Armenia shall be an independent body, which shall oversee the use of the budget resources and the state and community property.

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

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

The law shall define the regulations on the procedure and powers of the Control Chamber.

The Chairman of the Control Chamber shall be appointed by the National Assembly upon the recommendation of the President of the Republic for a six- year term. Any person complying with the requirements for the Deputy can be appointed Chairman of the Control Chamber. The same person may not be elected for the post of Chairman of the Control Chamber for more than two consecutive terms.

#### **Article 83.5**

The issues below shall be set forth exclusively by the laws of the Republic of Armenia:

- 1) terms and procedures for the exercise and protection of the rights by natural persons and legal entities;
- 2) restrictions on the rights and freedoms of natural persons and legal entities, their obligations, as well as forms, extent and procedure for liability thereof, means of compulsion and the procedure for such, types, amounts and procedures for the payment of taxes, duties and other binding fees paid by natural persons and legal entities;
- 3) cases, terms and procedures for control and oversight over the activities of legal entities and natural persons engaged in entrepreneurship (including checks, examinations and inspections);
- 4) terms and procedure for establishing legal entities, suspending or terminating the activities thereof;
- 5) list of information not deemed private or family secret for natural persons or commercial secret for legal entities;
- 6) cases, procedure and terms for criminal, administrative, economic (property) or disciplinary liability, the procedure for serving criminal sentences, the procedure for compulsory execution of judicial and administrative acts, the status and powers of attorneys;
- 7) procedure for holding referenda and elections of the President of the Republic of Armenia, National Assembly of the Republic of Armenia and bodies of local self-government;
- 8) procedure for the state budget revenues and expenditures;
- 9) procedure and terms for concluding and denouncing the international treaties of the Republic of Armenia;
- 10) legal status of the political parties and other non-governmental associations, as well as mass media entities;
- 11) administrative-territorial units of the Republic of Armenia and their borders.

#### **Article 84**

The National Assembly may express no confidence in the Government by a majority vote of the total number of the Deputies.

The draft resolution on expressing no confidence in the Government may be submitted by the President of the Republic or by at least one third of the total number of the Deputies. During martial law or state of emergency no such draft resolution may be presented.

The draft resolution on no confidence to the Government shall be voted on no sooner than forty eight hours and no later than seventy two hours following its initial submission.

## **CHAPTER 5**

### **THE GOVERNMENT**

#### **Article 85**

The Government shall develop and implement the domestic policy of the Republic of Armenia. The Government shall develop and implement the foreign policy of the Republic of Armenia jointly with the President of the Republic.

The authority of the Government shall encompass all matters of public administration not bestowed on other state or local self-government bodies by the law.

By virtue of the Constitution, the international treaties, the laws of the Republic of Armenia, or the decrees of the President of the Republic and to ensure the implementation thereof the Government shall adopt decisions, which shall be subject to observance in the whole territory of the Republic.

The Government shall comprise the Prime Minister and the Ministers. Upon the recommendation of the Prime Minister one of the Ministers may be appointed Deputy Prime Minister by the President of the Republic and substitute the Prime Minister in his/her absence.

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

The Prime Minister and the Ministers shall be citizens of the Republic of Armenia.

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

The structure of the Government shall upon the recommendation of the Government be defined by the law. The procedure for the organization of operations of the Government and other public administration bodies under the Government shall upon the submission of the Prime Minister be defined by the decree of the President of the Republic.

#### **Article 86**

The Prime Minister shall convene and chair the Government sittings.

The President of the Republic may convene and chair a sitting of the Government on issues related to the foreign policy, defense and national security.

The Government decisions shall be signed by the Prime Minister.

The President of the Republic can suspend the effect of a Government decision for a period of one month and make an official request to the Constitutional Court for the verification of its compliance with the Constitution and laws.

#### **Article 87**

The Prime Minister shall supervise the Government activities and coordinate the work of the Ministers.

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

#### **Article 88**

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

#### **Article 88.1**

Regional Governors shall be appointed to and dismissed from office by the decision of the Government. These Government decisions shall be validated by the President of the Republic.

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

The peculiarities of the territorial administration in the city of Yerevan shall be defined by the law.

#### **Article 89**

The Government shall:

- 1) submit its program to the National Assembly for approval in accordance with Article 74 of the Constitution;
- 2) submit the draft state budget to the National Assembly for approval, ensure the execution of the budget and submit financial reports on the budget execution to the National Assembly;
- 3) manage the state property;
- 4) implement unified state policies in the areas of finances, economy, taxation, loans and credits;
  - 4.1) implement the state territorial development policy.
- 5) implement state policies in the areas of science, education, culture, health, social security and environmental protection;
- 6) ensure the implementation of the defense, national security and foreign policies of the Republic;
- 7) ensure maintenance of law and order, take measures to strengthen the legal order and ensure rights and freedoms of the citizens;
- 8) perform other functions and powers provided by the Constitution and laws.

#### **Article 90**

The Government shall submit the draft of the state budget to the National Assembly at least ninety days prior to the beginning of the fiscal year and may request that this draft be voted on prior to the expiration of the budget deadline with any amendments it may adopt. The Government may put forward a motion of its confidence in conjunction with the adoption of the state budget. If the National Assembly does not express no confidence in the Government in conformity with the procedure set forth in Article 75 of the Constitution, then the state budget as well as the amendments approved by the Government shall be considered adopted.

If the National Assembly expresses no confidence in the Government in conjunction to the draft of the state budget, the new Government shall submit the draft state budget to the National Assembly within a period of ten days after the approval of its program. This draft shall be debated and voted on by the National Assembly within a period of thirty days in accordance with the procedure defined by this Article.

## **CHAPTER 6**

### **THE JUDICIAL POWER**

#### **Article 91**

In the Republic of Armenia justice shall be administered solely by the courts in accordance with the Constitution and the laws.

The final acts of the court shall be adopted in the name of the Republic of Armenia.

#### **Article 92**

The courts operating in the Republic of Armenia are the first instance court of general jurisdiction, the courts of appeal, the Court of Cassation, as well as specialized courts in cases prescribed by the law.

The highest court instance in the Republic of Armenia, except for matters of constitutional justice, is the Court of Cassation, which shall ensure uniformity in the implementation of the law. The powers of the Court of Cassation shall be defined by the Constitution and the law.

Establishing emergency tribunals shall be forbidden.

**Article 93**

The Constitutional Court shall administer the constitutional justice in the Republic of Armenia.

**Article 94**

The independence of courts shall be guaranteed by the Constitution and laws.

The powers, the procedures of formation and activities of the courts shall be defined by the Constitution and laws.

The powers 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 Constitution and the law shall define the procedure for the formation and activities of the Council of Justice.

The Council of Justice shall consist of up to nine judges elected by secret ballot for a period of five years by the General Assembly of Judges of the Republic of Armenia in conformity with the procedure defined by the law, two legal scholars appointed by the President of the Republic and two legal scholars appointed by the National Assembly.

The sittings of the Justice Council shall be chaired by the Chairman of the Court of Cassation without the right to vote.

**Article 95**

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

- 1) form and present to the approval of the President of the Republic the list of candidates of judges and the lists of their professional advancement, which shall be used as a basis for appointments;
- 2) give a conclusion on the submitted candidacies of judges;
- 3) nominate the candidates for the chairman of the court of cassation, chairmen and members of its chambers and candidates for the chairmanship of the appeal courts, first instance courts and specialized courts;
- 4) shall express opinion on issues of pardon on the request of the President of the Republic;
- 5) shall subject the judges to disciplinary responsibility, shall submit recommendation to the President of the Republic on terminating the powers of a judge, detaining him/her, on agreeing to involve him/her as an accused or instituting a court proceeding to subject him/her to administrative liability.

**Article 96**

The Judge and the members of the Constitutional Court shall be irremovable. The Judge and the member of the Constitutional Court shall hold their offices until the age of 65. They may be removed from office only in the cases and in the manner prescribed by the Constitution and the law.

**Article 97**

When administering justice, judges and members of the Constitutional Court shall be independent and shall only be subject to the Constitution and the law.

The guarantees for the exercise of their duties and the grounds and procedures of the liability applicable to judges and members of the Constitutional Court shall be prescribed by the law.

The Judge and the member of the Constitutional Court may not be detained, involved as an accused or subjected to administrative liability through the judicial process except with the consent of the Council of Justice or the Constitutional Court respectively. The Judge and the member of the Constitutional Court shall not be arrested save



for cases when caught in the act or immediately after that. In this case the President of the Republic and the Chairman of the Cassation Court or Constitutional Court, respectively, shall be notified immediately about the arrest.

#### **Article 98**

Judges and members of the Constitutional Court may not be engaged in entrepreneurial activities nor may they hold an office in state and local self-government bodies or in commercial organizations not connected with their duties, as well as engage in any other paid occupation, except for scientific, pedagogical and creative work.

Judges and members of the Constitutional Court may not be members of any political party nor may they engage in any political activity.

#### **Article 99**

The Constitutional Court shall be composed of nine members.

#### **Article 100**

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

- 1) determine the compliance of the laws, resolutions of the National Assembly, decrees and orders of the President of the Republic, decisions of the Prime Minister and bodies of the local self-government with the Constitution;
- 2) prior to the ratification of international treaties determine the compliance of the commitments stipulated therein with the Constitution;
- 3) resolve all disputes arising from 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 Deputies;
- 4) declare insurmountable or eliminated obstacles for a candidate for the President of the Republic;
- 5) provide a conclusion on the existence of grounds for impeaching the President of Republic;
- 6) provide a conclusion on the incapacity by the President to discharge his/her responsibilities;
- 7) provide a conclusion on terminating the power of a member of the Constitutional Court, detaining him/her, agreeing to involve him/her as an accused or instituting a court proceeding to subject him/her to administrative liability;
- 8) provide a conclusion on the grounds to discharge the head of community;
- 9) in cases prescribed by the law adopt a decision on suspending or prohibiting the activities of a political party.

#### **Article 101**

In conformity with the procedure set forth in the Constitution and the law on the Constitutional Court the application to the Constitutional Court may be filed by:

- 1) the President of the Republic - in cases stipulated in Clauses 1, 2, 3, 7 and 9 of Article 100 of the Constitution;
- 2) the National Assembly – in cases stipulated in Clauses 3, 5, 7 and 9 of Article 100 of the Constitution;
- 3) at least one-fifth of the total number of the deputies - in cases stipulated in Clause 1 of Article 100 of the Constitution;
- 4) the Government - in cases stipulated in Clauses 1, 6, 8 and 9 of Article 100 of the Constitution;

- 5) bodies of the local self-governance on the issue of compliance to the Constitution of the state bodies' normative acts violating their constitutional rights;
- 6) every person in a specific case when the final judicial act has been adopted, when the possibilities of judicial protection have been exhausted and when the constitutionality of a law provision applied by the act in question is being challenged;
- 7) courts and the Prosecutor General on the issue of constitutionality of provisions of normative acts related to specific cases within their proceedings;
- 8) the Human Rights' Defender – on the issue of compliance of normative acts listed in clause 1 of Article 100 of the Constitution with the provisions of Chapter 2 of the Constitution;
- 9) candidates for the President of the Republic and Deputies – on matters listed in Clauses 3.1 and 4 of Article 100 of the Constitution;

The Constitutional Court shall start proceedings only upon the receipt of an application.

### **Article 102**

The Constitutional Court shall adopt decisions and conclusions in conformity with the procedure and terms stipulated in the Constitution and the Law on the Constitutional Court.

The decisions and conclusions of the Constitutional Court shall be final and shall come into force following the publication thereof.

The Constitutional Court may adopt a decision stipulating a later term for invalidating a normative act contradicting the Constitution or a part thereof.

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

If the conclusion of the Constitutional Court is negative, the issue shall be removed from the scope of competence of the relevant body.

### **Article 103**

The Office of the Prosecutor General in the Republic of Armenia represents a unified, centralized system, headed by the Prosecutor General. The Prosecutor General shall be appointed by the National Assembly upon the recommendation of the President of the Republic for a six-year term. The same person may not be appointed Prosecutor General for more than two consecutive terms.

In cases prescribed by the law and upon the recommendation of the President of the Republic the National Assembly may by a majority of its votes remove the Prosecutor General from office.

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

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

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

## CHAPTER 7

### THE LOCAL SELF-GOVERNMENT

#### **Article 104**

The local self-government shall be exercised in the communities.

The local self-governance is the right and power of the community to resolve on its own responsibility issues of local significance aimed at the welfare of the inhabitants in accordance with the Constitution and the law.

#### **Article 104.1**

A community comprises the populace of one or more residential areas.

A community shall be a legal entity, have the right to property and other economic rights.

#### **Article 105**

The powers of the community pertaining to managing and administering the community's property, resolving issues of community significance, and other powers aimed at fulfilling the requirements of the community shall be exercised by the community in its own name and under its responsibility. A certain part of community's authorities may by law be deemed obligatory.

In order to secure more effective exercise of the power of state bodies the law may envisage the delegation thereof to the local self-government bodies.

#### **Article 105.1**

The land in the administrative territory of the community with the exception of the land necessary for state needs and those belonging to natural persons and legal entities shall be deemed property of the community.

#### **Article 106**

The community shall generate its budget independently.

The law shall define the sources of the community revenues.

The law shall define the sources of community finances that will secure the discharge of their responsibilities.

Responsibilities delegated to the communities shall be funded from the state budget.

The communities shall establish local taxes and duties within the scope defined by law. The communities can set forth fees for their services.

#### **Article 107**

The community shall exercise its right of self-government through the bodies of local self-government – the Council of Aldermen and the Head of Community, who shall be elected for a 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 the law manage the community property, approve the community budget upon the submission of the Head of Community, oversee the community budget execution, envisage local taxes, duties and fees in conformity with the procedure defined by the 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 thereof.

The community members may directly take part in the administration of the community affairs by resolving the issues of local significance through local referenda. The law shall define the procedure for conducting a local referendum.

#### **Article 108**

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

#### **Article 108.1**

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

#### **Article 109**

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

#### **Article 110**

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

The law shall define the principles and procedure for consolidation or separation of the communities as well as the terms for the election of local self-government bodies of the newly formed communities.

### **CHAPTER 8**

#### **ADOPTION OF THE CONSTITUTION, AMENDMENTS AND REFERENDUM**

#### **Article 111**

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

The President of the Republic shall call a referendum upon the request or agreement of the National Assembly. For such a decision of the National Assembly is required the majority votes of the total number of the Deputies.

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

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

If the initiative belongs to the President of the Republic, the National Assembly shall within a three-month period following the receipt of the draft of the Constitution or amendments thereof put the motion on holding a referendum on the draft to the vote. If the majority of the total number of the deputies of the National Assembly vote for the draft, the latter shall be deemed adopted and the President of the Republic shall submit the draft to a referendum

on the date set up by himself/herself.

#### **Article 112**

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

Laws passed by referendum may only be amended by referendum.

#### **Article 113**

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

#### **Article 114**

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

### **CHAPTER 9**

#### **FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 115**

Amendments to the Constitution of the Republic of Armenia shall come into force on the day following the publication in the "Official Bulletin of the Republic of Armenia" except for the provisions on the Chairman of the Control Chamber in the first sentence of Clause 9, Article 55, the provision of the first sentence of Part 2, Article 63, Part 1 Article 74.1, Article 83.4, the provision in the first sentence of Part 6, Article 85, Article 86, Part 1, Article 88.1, Clause 6, Article 101, the term fixed in Article 107 Part 1.

#### **Article 116**

The provisions on the Chairman of the Control Chamber and the Prosecutor General in the first sentence of Clause 9, Article 55, Part 1, Article 74.1, the provision in Article 83.4, Article 86 and Part 1, Article 88.1, shall come into force on the day of opening of the first session of the National Assembly of the subsequent convocation.

The provision of the first sentence of Part 2, Article 63 shall be applied for the subsequent convocations of the National Assembly.

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

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

#### **Article 117**

After the amendments to the Constitution come into force:

- 1) The National Assembly shall within a two-year period harmonize the current legislation with the amendments to the Constitution;
- 2) The National Assembly shall within a one-year period define by law the national anthem of the Republic of Armenia. The national anthem adopted prior to the amendments to the Constitution shall be valid before that.
- 3) The social rights provided in the Constitution shall be valid to extent specified by the appropriate laws.
- 4) Before the day of opening of the first session of the National Assembly of the subsequent convocation the President of the Republic:
  - a) may after consultations with the Chairman of the National Assembly and the Prime Minister dissolve the National Assembly and call for a special election;

b) may remove the Prime Minister.

5) Before the day of opening of the first session of the National Assembly of the subsequent convocation the meetings of the Government shall be chaired by the President of the Republic, or upon his or her recommendation, by the Prime Minister. Government decisions shall be signed by the Prime Minister and approved by the President.

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

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

8) The Chairman of the Control Chamber shall be appointed within three months after the first session of the subsequent convocation of the National Assembly. Until that the Control Chamber shall continue to exercise its powers defined prior to the amendments to the Constitution.

9) The Prosecutor General shall continue to remain in office for no more than five months following the opening day of the first session of the National Assembly of the subsequent convocation, until the appointment of the Prosecutor General in conformity with the procedure prescribed in Clause 9, Article 55 of the Constitution.

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

11) The incumbent members of the independent body provided in Article 83.2 shall continue to remain in office until the expiry of their term of office determined by the "Law on TV and Radio". If their terms of office expires or their powers are terminated the vacancies shall be filled by the National Assembly and the President of the Republic successively.

12) The bodies of the local self-government in the City of Yerevan shall be formed not later than within two years after the adoption of the appropriate law. Before that the local self-government and territorial administration in the city of Yerevan shall be exercised in conformity with the procedure defined in the current legislation.

13) The incumbent members of the Constitutional Court shall continue to remain in office until the age of 70 years.

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