

# Constitution of the Republic of Armenia

*Adopted 27.11. 2005*

The Armenian people — recognising as a basis the fundamental principles of the Armenian statehood and the pan-national aspirations enshrined in [the Declaration on the Independence of Armenia](#), having fulfilled the sacred behest of its freedom-loving ancestors for the restoration of the sovereign state, committed to the strengthening and prosperity of the fatherland, with a view to ensuring the freedom of generations, general well-being and civic solidarity, assuring the faithfulness to universal values — hereby adopt 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 the rule of law.

### **Article 2.**

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

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

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

### **Article 3.**

The human being, his or her dignity, fundamental rights and freedoms are the highest values.

The State shall ensure the protection of fundamental human and citizen's rights and freedoms, in conformity with the principles and norms of international law.

The State shall be bound by fundamental human and citizen's rights and freedoms as directly applicable law.

### **Article 4.**

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

### **Article 5.**

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

State and local self-government bodies and officials shall be competent to perform only such actions for which they are authorised under the Constitution or laws.

### **Article 6.**

The Constitution has supreme legal force, and its norms apply directly.

Laws must be in compliance with the Constitution. Other legal acts must be in compliance with the Constitution and laws.

Laws shall enter into force following their publication in the "Official Journal of the Republic of Armenia". Other regulatory legal acts shall enter into force following their publication as prescribed by law.

International treaties shall enter into force only after being ratified or approved. International treaties are an integral part of the legal system of the Republic of Armenia. If ratified international treaties define norms other than those provided for by laws, such norms shall apply. International treaties contradicting the Constitution may not be ratified.

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

#### **Article 7.**

Ideological pluralism and multiparty system are recognised in the Republic of Armenia.

Political parties shall be formed freely and shall contribute to the formation and expression of the political will of the people. Their activities may not contradict the Constitution and laws, and their practice may not contradict the principles of democracy.

Political parties shall ensure the publicity of their financial activities.

#### **Article 8.**

The right to property shall be recognised and protected in the Republic of Armenia.

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

#### **Article 8.1.**

The Church is separate from the State in the Republic of Armenia.

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

Freedom of activity of all religious organisations functioning as prescribed by 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 law.

#### **Article 8.2.**

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

#### **Article 9.**

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

#### **Article 10.**

The State shall ensure the preservation and restoration of the environment as well as the rational utilisation of natural resources.

#### **Article 11.**

Historical and cultural monuments and other cultural values shall be under the care and protection of the State.

The Republic of Armenia shall — within the framework of the principles and norms of international law — contribute to the strengthening of relations with the Armenian Diaspora, to the preservation of Armenian historical and cultural values located in other states, and to the development of the Armenian educational and cultural life.

**Article 11.1.**

The administrative-territorial units of the Republic of Armenia are the marzes regions and communities.

**Article 11.2.**

The Republic of Armenia shall guarantee local self-governance.

**Article 11.3.**

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 outside its borders.

Armenians by national origin shall acquire the citizenship of the Republic of Armenia through simplified procedure.

**Article 12.**

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

**Article 13.**

The flag of the Republic of Armenia is tricolour, with horizontal equal strips of red, blue and orange.

The coat of arms of the Republic of Armenia: in the centre, a shield with the representation of Mount Ararat with Noah's Ark and the coats of arms of the four kingdoms of historical Armenia. The shield is held by a lion and eagle, while a sword, a branch, a corn sheaf, a chain and a ribbon are depicted under the shield.

The detailed description of the flag and coat of arms shall be defined by law.

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

The capital city of the Republic of Armenia is Yerevan.

## **CHAPTER 2.**

### **FUNDAMENTAL HUMAN AND CITIZEN'S RIGHTS AND FREEDOMS**

**Article 14.**

Dignity of a person shall be respected and protected by the State as an inherent foundation for his or her rights and freedoms.

**Article 14.1.**

All human beings shall be equal before the law.

Discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, ideology, political or other views, membership to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.

**Article 15.**

Everyone shall have the right to life. No one may be sentenced to death penalty or be executed.

**Article 16.**

Everyone shall have the right to personal liberty and security. A person may be deprived of liberty in cases and as prescribed by law. The law may provide for deprivation of liberty only in the following cases:

- (1) a person has been convicted by a competent court for committing a crime;
- (2) a person has failed to comply with a court order that has legally entered into force;

- (3) for the purpose of ensuring the performance of certain duties prescribed by law;
- (4) there is a reasonable suspicion of committal of a crime, or when it is necessary to prevent the committal of a crime by a person or his or her fleeing after committing it;
- (5) for the purpose of placing a minor under educational supervision or bringing before another competent authority;
- (6) for the purpose of preventing the spread of infectious diseases or social danger emanating from persons of unsound mind, alcoholics, drug addicts, or vagrants;
- (7) for the purpose of preventing unauthorised entry of a person into the Republic of Armenia, deporting him or her or extraditing to another state.

Every person deprived of liberty shall be promptly informed about the reasons in a language understandable to him or her and, in case a criminal charge is brought, about the charge as well.

Every person deprived of liberty shall have the right to promptly inform thereon the person of his or her choosing.

When an arrested person is not detained upon a court decision within seventy-two hours from the moment of the arrest, he or she shall be subject to a prompt release.

Everyone shall have the right to compensation — on the grounds and as prescribed by law — of the damage caused in case of being unlawfully deprived of liberty or in case of unlawful search.

Everyone shall have the right to appeal against the lawfulness of, and grounds for, his or her deprivation of liberty or search in a higher court instance.

A person may not be deprived of liberty merely on the ground of inability to fulfil civil-law obligations.

No one may be subjected to search in cases and manner other than those prescribed by law.

#### **Article 17.**

No one shall be subjected to torture, or to inhuman or degrading treatment or punishment. Arrested, detained persons and those deprived of liberty shall have the right to humane treatment and respect for dignity.

No one may be subjected to scientific, medical or other experiments without his or her consent.

#### **Article 18.**

Everyone shall — for the protection of his or her rights and freedoms — have the right to effective judicial remedies, as well as effective legal remedies before other state bodies.

Everyone shall have the right to protect his or her rights and freedoms by all means not prohibited by law.

Everyone shall have the right to receive — on the grounds and as prescribed by law — the assistance of the Human Rights Defender for the protection of his or her rights and freedoms.

Everyone shall, in accordance with the international treaties of the Republic of Armenia, have the right to apply — with regard to the protection of his or her rights and freedoms — to international bodies for protection of human rights and freedoms.

#### **Article 19.**

Everyone shall have the right to a public hearing of his or her case by an independent and impartial court within a reasonable time, in equal conditions, meeting all the demands of justice, for restoring his or her violated rights, as well as determining the grounds for the charge brought against him or her.

Attendance of representatives of media and public may be excluded from all or part of the trial with a view to protecting the public morals, public order, state security, private life of participants of the judicial proceedings or the interests of justice.

#### **Article 20.**

Everyone shall have the right to legal assistance. In cases provided for by law, legal assistance shall

be provided at the expense of state funds.

Everyone shall have the right to a counsel of his or her own choosing from the moment of arrest, selection of a measure of restraint, or bringing a charge.

Everyone shall have the right to have the judgment entered against him or her reviewed, as prescribed by law, by a higher court.

Every convict shall have the right to request for pardon or commutation of inflicted punishment.

Damage caused to victims shall be compensated as prescribed by law.

#### **Article 21.**

Anyone charged with a crime shall be presumed innocent until proved guilty as prescribed by law, upon a court judgment that has legally entered into force.

An accused shall not be obliged to prove his or her innocence. Unresolved doubts shall be construed in favour of the accused.

#### **Article 22.**

No one shall be obliged to testify about himself or herself, his or her spouse or close relative. The law may provide for other cases of discharge from the obligation to testify.

Use of illegally obtained evidence shall be prohibited.

Imposition of a heavier punishment than the one applicable under the law in force at the time of the committal of the crime shall be prohibited.

No one may be held guilty of a crime if the act did not constitute a crime under the law in force at the time of committing the act.

A law abolishing or commuting the punishment for an act shall have retroactive effect.

A law imposing or aggravating liability shall have no retroactive effect.

No one may be tried again for the same act.

#### **Article 23.**

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

No information — other than that provided for by law — concerning a person may be collected, kept, used or disseminated without his or her consent. Use and dissemination of information concerning a person shall be prohibited if it contradicts the purposes of collecting the information or is not provided for by law.

Everyone shall have the right to acquaint himself or herself with the information — at state and local self-government bodies — concerning him or her.

Everyone shall have the right to correction of inaccurate information concerning him or her and destruction of illegally obtained information concerning him or her.

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

#### **Article 24.**

Everyone shall have the right to inviolability of residence. It shall be prohibited to enter a person's residence against his or her will, except for cases provided for by law.

A residence may be searched only in cases and as prescribed by law, upon a court decision.

#### **Article 25.**

Everyone lawfully staying within the Republic of Armenia shall have the right to move freely and choose a place of residence within the territory of the Republic of Armenia.

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

Every citizen and everyone enjoying the right to reside 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 shall include freedom to change religion or belief, and freedom — either individually or in community with others — to manifest them in preaching, church ceremonies and other rites of worship. Manifestation of this right may be limited only by law, where it is necessary to protect the public safety, health, morals or the rights and freedoms of others.

**Article 27.**

Everyone shall have the right to freely express his or her opinion. It shall be prohibited to force a person to renounce his or her opinion or to change it.

Everyone shall have the right to freedom of speech, including freedom to seek, receive and impart information and ideas through any media, regardless of state frontiers.

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

The State shall guarantee the existence and operation of independent public radio and television offering the diversity of information, educational, cultural and entertainment programmes.

**Article 27.1.**

Everyone shall have the right to file requests or recommendations with competent state and local self-government bodies and officials, with a view to protecting his or her private or public interests, and to receive an appropriate answer within a reasonable period.

**Article 28.**

Everyone shall have the right to form associations with other persons, including the right to form and join trade unions.

Every citizen shall have the right to establish political parties with other citizens and to join them.

The rights to establish political parties and trade unions and to join them may, as prescribed by law, be restricted for officers of the armed forces, police, national security bodies and bodies of the prosecutor's office, as well as for judges and members of the Constitutional Court.

No one may be forced to join any political party or association.

Operation of associations may be suspended or prohibited only in cases provided for by law, through judicial procedure.

**Article 29.**

Everyone shall have the right to hold peaceful, unarmed assemblies.

Restrictions for the exercise of these rights by officers of the armed forces, police, national security bodies and bodies of the prosecutor's office, as well as for judges and members of the Constitutional Court may be provided for only by law.

**Article 30.**

Citizens of the Republic of Armenia — who have attained the age of eighteen — shall have the right to vote and to take part in referenda, as well as to take part in the state governance and local self-governance directly and through their representatives elected by free expression of their will.

The law may establish the right of persons not holding the citizenship of the Republic of Armenia to take part in elections of local self-government bodies and in local referenda.

Citizens declared as having no active legal capacity by a court judgement, as well as those who have been sentenced to imprisonment by a judgment that has legally entered into force and are serving the punishment may not 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 — one of whose parents is a citizen of the Republic of Armenia — shall have the right

to citizenship of the Republic of Armenia. The procedure for acquisition and termination of the citizenship of the Republic of Armenia shall be prescribed by law.

No one may be deprived of the citizenship of the Republic of Armenia, nor of the right to change the citizenship.

A citizen of the Republic of Armenia may not be extradited to a foreign state, except for cases provided for by international treaties ratified by the Republic of Armenia.

Rights and responsibilities of persons holding dual citizenship shall be prescribed by law.

#### **Article 30.2.**

Citizens shall have the right to be admitted to public service on common basis prescribed by law.

Principles and procedure for arranging public service shall be prescribed by law.

#### **Article 31.**

Everyone shall have the right to possess, use, dispose of, and bequeath his or her property at his or her discretion. The exercise of the right to property shall not cause damage to the environment, infringe the rights and legitimate interests of other persons, the public and the State.

No one may be deprived of property, except through judicial procedure in cases provided for by law.

Expropriation of property for the needs of society and the State may be carried out only in exceptional cases of paramount public interest, as prescribed by law, with prior equivalent compensation.

Foreign citizens and stateless persons shall not enjoy ownership right over land, except for cases provided for by law.

Intellectual property shall be protected by law.

#### **Article 31.1.**

The State shall protect the interests of consumers, take measures provided for by law to exercise quality control over goods, services and works.

#### **Article 32.**

Everyone shall have the freedom to choose occupation.

Every worker shall have the right to a just remuneration not lower than the minimum laid down by law, as well as to working conditions meeting the safety and hygiene requirements.

For the protection of their economic, social and working interests, workers shall have the right to strike, and the procedure for the exercise thereof as well as the limitations thereon shall be prescribed by law.

It shall be prohibited to admit to permanent employment children under sixteen years of age. The procedure and conditions for admitting them to temporary employment shall be prescribed by law.

Forced labour shall be prohibited.

#### **Article 33.**

Everyone shall have the right to rest. The maximum working time, rest days and the minimum duration of annual paid leave shall be defined by law.

#### **Article 33.1.**

Everyone shall have the right to engage in entrepreneurial activity not prohibited by law.

Abuse of a monopolistic or dominant position in a market as well as unfair competition shall be prohibited.

Limitation of competition, possible forms of monopoly and the permissible sizes thereof may be defined only by law, where the protection of public interests so requires.

**Article 33.2.**

Everyone shall have the right to live in an environment favourable to his or her health and welfare, as well as shall be obliged to preserve and improve the environment individually and in community with others.

Officials shall be liable for concealing or refusing to provide environmental information.

**Article 34.**

Everyone shall have the right to adequate standard of living for himself or herself and his or her family, including the right to housing as well as the right to improvement of living conditions. The State shall undertake appropriate measures for the realisation of this right of citizens.

**Article 35.**

The family is the natural and fundamental group unit of society.

A man and a woman of marriageable age shall have the right to marry and form a family with free expression of their will. They shall enjoy equal rights as to marriage, during marriage and at its dissolution.

Dismissal from job for reasons connected with maternity shall be prohibited. Every woman- worker shall have the right to a paid leave in case of pregnancy and child delivery, and the right to parental leave for a new-born child, or the right to a leave for child adoption.

**Article 36.**

Parents shall have the right and responsibility to take care of upbringing, health, full and harmonious development and education of their children.

Deprivation or restriction of parental rights may be exercised only by a court decision, in cases and as prescribed by law.

Adult persons capable for work shall be obliged to take care of their parents who are incapable for work and are in need.

**Article 37.**

Everyone shall have the right to social security in cases of old-age, disability, sickness, loss of bread-winner, unemployment and other cases provided for by law. The scope and forms of social security shall be defined by law.

**Article 38.**

Everyone shall have the right to receive medical care and services in the manners prescribed by law.

Everyone shall have the right to benefit — free of charge — from basic medical services. The list and procedure for providing thereof shall be defined by law.

**Article 39.**

Everyone shall have the right to education.

Basic general education shall be compulsory, except for cases provided for by law. A higher level of compulsory education may be established by law.

Secondary education in state educational institutions shall be free of charge.

Principles of autonomy of higher educational institutions shall be determined by law.

Procedure for the establishment and functioning of educational institutions shall be prescribed by law.

Every citizen shall have the right to free education on competitive basis in state higher and other vocational educational institutions, as prescribed by law. The State shall — in cases and as provided for by law — provide financial and other assistance to educational institutions implementing higher and other vocational educational programmes and to students thereof.



**Article 40.**

Everyone shall have the right to freedom of literary, artistic, scientific and technical creation, the right to benefit from scientific achievements and to take part in the cultural life of 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 preserve and develop their traditions, religion, language and culture.

**Article 42.**

Fundamental human and citizen's rights and freedoms enshrined in the Constitution are without prejudice to other rights and freedoms prescribed by laws and international treaties.

Everyone shall be free to act in a way that is not prohibited by law and does not infringe the rights and freedoms of others. No one may bear obligations that are not prescribed by law.

Laws and other legal acts aggravating the legal status of a person shall have no retroactive effect.

Legal acts which improve the legal status of a person, eliminate or commute his or her liability shall have retroactive effect if so provided for by the acts concerned.

**Article 42.1.**

Fundamental human and citizen's rights and freedoms shall extend also to legal persons insofar as those rights and freedoms are inherently applicable to them.

**Article 43.**

Fundamental human and citizen's rights and freedoms enshrined in Articles 23-25, 27, 28-30, 30.1 and in the third part of Article 32 may be restricted only by law where it is necessary in a democratic society for the protection of state security, public order, for the prevention of crimes, for the protection of public health and morals, constitutional rights and freedoms, honour and good reputation of others.

Restrictions of fundamental human and citizen's rights and freedoms may not exceed the scope laid down under international commitments of the Republic of Armenia.

**Article 44.**

Certain fundamental human and citizen's rights and freedoms — except for those referred to in Articles 15, 17-22 and 42 of the Constitution — may be temporarily restricted, as prescribed by law, at the time of martial law or state of emergency, within the scope of international commitments assumed with respect to derogating from obligations in emergency situations.

**Article 45.**

Everyone shall be obliged to pay taxes, duties, and make other compulsory payments in the amount and as prescribed by law.

**Article 46.**

Every citizen shall be obliged to take part, as prescribed by law, in the defence of the Republic of Armenia.

**Article 47.**

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

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

**Article 48.**

The main tasks of the State in the economic, social and cultural spheres shall be to:

- (1) protect and patronise the family, motherhood and childhood;
- (2) contribute to the employment of population and to the improvement of work conditions;
- (3) foster housing construction and contribute to the improvement of housing conditions of each citizen;
- (4) implement healthcare programmes for the population, contribute to the establishment of conditions for effective and affordable medical service;
- (5) promote the participation of the youth in the political, economic and cultural life of the country;
- (6) promote the development of physical culture and sport;
- (7) implement programmes for the prevention and treatment of disability, promote the participation of disabled persons in the social life;
- (8) promote the development of free higher and other vocational education;
- (9) promote the development of science and culture;
- (10) implement a policy providing for the environmental security of present and future generations;
- (11) contribute to the free communication, of everyone, with the national and universal values;
- (12) ensure a decent standard of life for elderly persons.

The State shall be obliged to undertake — within its available resources — measures for the fulfilment of the tasks enshrined in this Article.

## **CHAPTER 3.**

### **PRESIDENT OF THE REPUBLIC**

**Article 49.**

The President of the Republic is the head of the State.

The President of the Republic shall oversee the observance of the Constitution, shall ensure the natural functioning of legislative, executive and judicial powers.

The President of the Republic shall be the guarantor of 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 term of five years.

Everyone who has attained the age of thirty-five, has been a citizen of the Republic of Armenia for the preceding ten years, has been permanently residing in the Republic in the preceding ten years and has the right of suffrage may be elected as President of the Republic.

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

**Article 51.**

The President of the Republic shall be elected as prescribed by the Constitution and the law.

Election of the President of the Republic shall be held fifty days prior to cessation of his or her powers.

The candidate who has received more than half of affirmative votes of electors, cast for all the candidates, shall be elected as President of the Republic.

Where more than two candidates have been voted upon, and none of them has received the required number of affirmative votes of electors, a second round of elections of the President of the Republic shall be held on the fourteenth day following the voting. The two candidates who have received the

highest number of affirmative votes of electors may take part in the second round of elections of the President of the Republic. In the second round, the candidate who has received the highest number of affirmative votes of electors shall be elected as President of the Republic.

In case one candidate is voted upon, he or she shall be elected where more than half of participants of the voting have cast affirmative votes.

Where the Constitutional Court accepts a case for examination concerning the results of elections of the President of the Republic, it must render a decision within a period of ten days upon receiving the application, and the time-limits prescribed by this Article shall be calculated from the moment the decision of the Court enters into force.

In case President of the Republic is not elected, new elections shall be called, and the voting shall be held on the fortieth day following the calling of new elections.

The President of the Republic shall assume his or her office on the day of cessation of the powers of the previous President of the Republic.

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

#### **Article 52.**

In case insurmountable obstacles arise for one of the candidates for the President of the Republic, elections of the President of the Republic shall be postponed for a two-week period.

In the event the obstacles recognised as insurmountable are not eliminated, new elections shall be called, and the voting shall be held on the fortieth day following the expiry of the mentioned two-week period.

In case of the death of one of the candidates prior to the voting day, new elections shall be called, and the voting shall be held on the fortieth day after calling new elections.

#### **Article 53.**

In cases of resignation, death of the President of the Republic, impossibility to exercise his or her powers or his or her removal from office as prescribed by Article 57 of the Constitution, early elections of the President of the Republic shall be called, and the voting shall be held on the fortieth day after the office of the President of the Republic becomes vacant.

#### **Article 53.1.**

No elections of the President of the Republic shall be held at the time of martial law and state of emergency, and the President of the Republic shall continue to exercise his or her powers. In this case, on the fortieth day after the end of martial law or state of emergency, elections of the President of the Republic shall be held.

#### **Article 54.**

The President of the Republic shall assume office upon the taking of the following oath to the people, as prescribed by law, at a special sitting of the National Assembly: “I, assuming the office of the President of the Republic of Armenia, swear to unreservedly fulfil the requirements of the Constitution: to respect human and citizen’s rights and freedoms, to ensure the 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 address the people and the National Assembly with a message;

(2) shall — within a period of twenty-one days upon the receipt of a law passed by the National Assembly — sign and promulgate it.

Within that period, [the President of the Republic] may remand — with objections and

recommendations — to the National Assembly the law passed by the National Assembly, requesting a new discussion. Within a period of five days, [the President of the Republic] shall sign and promulgate the law passed again by the National Assembly;

(3) shall dissolve the National Assembly in cases and as provided for in Article 74. 1 of the Constitution and call early elections;

(4) shall — on the basis of distribution of seats in the National Assembly and consultations with deputy factions — appoint as Prime Minister the person who enjoys the confidence of the majority of deputies, and in case this is not possible, shall appoint the person who enjoys the confidence of the highest number of deputies. The President of the Republic shall appoint the Prime Minister within a period of ten days upon accepting the resignation of the Government. The Government shall be formed within a period of twenty days upon appointment of the Prime Minister.

The President of the Republic shall appoint and remove 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 assuming of his or her office by the President of the Republic, of lodging a motion of non-confidence against the Government, of non- approval of the programme of the Government, of tendering resignation by the Prime Minister, or on the day when the office of the Prime Minister becomes vacant. After the President of the Republic accepts the resignation of the Government, the members of the Government shall continue to exercise their duties until the new Government is formed;

(5) shall make appointments to government positions in cases provided for by law;

(6) shall set up and preside over the National Security Council, may set up other advisory bodies;

(7) shall represent the Republic of Armenia in international relations, carry out the general administration of foreign policy, sign international treaties, submit international treaties to the National Assembly for ratification and sign the instruments of ratification thereof, shall approve, suspend or revoke international treaties not requiring ratification;

(8) shall appoint and recall diplomatic representatives of the Republic of Armenia in foreign states and to international organisations, receive credentials and letters of recall of diplomatic representatives of foreign states and international organisations;

(9) shall propose to the National Assembly candidacies for the Prosecutor General, Chairperson of the Central Bank and Chairperson of the Control Chamber.

Upon the recommendation of the Prosecutor General, [the President of the Republic] shall appoint and remove from office the deputies of the Prosecutor General;

(10) shall appoint four members of the Constitutional Court and, in case the National Assembly does not appoint the Chairperson of the Constitutional Court within the period defined in Article 83(2) of the Constitution, shall appoint the Chairperson of the Constitutional Court from among the members of the Constitutional Court.

On the basis of the opinion of the Constitutional Court, [the President of the Republic] may terminate the powers of a member of the Constitutional Court appointed by him or her or may give his or her consent on involving the member as an accused, detaining him or her or initiating a matter on subjecting him or her to administrative liability through judicial procedure;

(11) shall, upon the recommendation of the Council of Justice, appoint chairpersons and judges of the Court of Cassation and its chambers, chairpersons of the courts of appeal, first instance and specialised courts, shall terminate their powers, give consent for involving them as an accused, detaining them or initiating a matter on subjecting them to administrative liability through judicial procedure, and shall, upon the opinion of the Council of Justice, appoint judges of the courts of appeal, first instance and specialised courts;

(11.1) shall appoint two academic lawyer-members of the Council of Justice;

(12) is the Supreme Commander-in-Chief of the armed forces, shall co-ordinate the activities of state authorities in the field of defence, shall appoint and remove from office the highest command of the armed forces and of other troops;

(13) shall — in cases of armed attack against the Republic, imminent threat thereof or declaration of war — declare martial law and may order general or partial mobilisation and shall take a decision on the use of the armed forces.

At the time of war, the President of the Republic may appoint and remove from office the Commander-in-Chief of the armed forces.

In case of use of the armed forces or declaration of martial law, a special sitting of the National Assembly shall be convened without delay by virtue of law.

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

(14) shall — in case of an imminent threat to the constitutional order, by consulting with the Chairperson of the National Assembly and the Prime Minister — declare state of emergency, implement measures dictated by the situation and shall address the people with a message on the subject.

In case of declaration of state of emergency, a special sitting of the National Assembly shall be convened without delay by virtue of law.

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

(15) shall, as prescribed by law, resolve issues on granting citizenship of the Republic of Armenia and political asylum;

(16) shall award orders and medals of the Republic of Armenia, confer the highest military ranks and honorary titles, the highest diplomatic and other class ranks;

(17) shall grant pardon to convicts.

#### **Article 56.**

The President of the Republic shall promulgate decrees and executive orders, which may not contradict the Constitution and the laws of the Republic of Armenia and shall be subject to execution throughout the whole territory of the Republic.

#### **Article 56.1.**

The President of the Republic shall be immune.

During the term of his or her powers and thereafter, the President of the Republic may not be prosecuted and subjected to liability for actions deriving from his or her status.

The President of the Republic may be subjected to liability for actions not related to his or her status after the cessation of his or her powers.

#### **Article 57.**

The President of the Republic may be removed from office for treason or other grave crime.

In order to obtain an opinion on removing the President of the Republic from office, the National Assembly shall apply to the Constitutional Court by a decision adopted by a majority of votes of the total number of deputies.

The decision on removing the President of the Republic from office shall be taken by the National Assembly — on the basis of the opinion of the Constitutional Court — by at least two thirds of votes of the total number of deputies.

Where there are no grounds for removing the President of the Republic from office as per the opinion of the Constitutional Court, the issue shall be removed from the discussion of the National Assembly.

#### **Article 58.**

The President of the Republic shall tender his or her resignation to the National Assembly. In case the resignation is tendered again within a period of two days upon the expiry of the period of ten days following the tendering of the resignation, the resignation of the President of the Republic shall be considered accepted, and early elections shall be held within the terms and as defined by the Constitution.

**Article 59.**

In case of serious illness of the President of the Republic or when there are other insurmountable obstacles to the exercise of his or her powers, which render impossible the exercise of his or her powers for a lasting period of time, the National Assembly shall — upon the proposal of the Government and on the basis of the opinion of the Constitutional Court — take a decision on the incapacity of the President of the Republic to exercise his or her powers, by at least two thirds of votes of the total number of deputies. In case there are no grounds for the incapacity to exercise the powers of the President of the Republic as per the opinion of the Constitutional Court, the Government may not submit such a proposal to the National Assembly.

**Article 60.**

In case the office of the President of the Republic becomes vacant, the duties of the President of the Republic shall — until the newly elected President assumes the office — be exercised by the Chairperson of the National Assembly or, in case it is not possible, by the Prime Minister. While the Chairperson of the National Assembly exercises the duties of the President of the Republic, the powers of the Chairperson of the National Assembly shall be exercised by the deputy chairperson of the National Assembly who had received the highest number of votes when being elected to the position. During this period, it shall be prohibited to call a referendum, to appoint Prime Minister, to appoint and remove from office the highest command staff of the armed forces and of other troops (except at the time of martial law), make appointments to the positions of the police and national security bodies in cases provided for by law, as well as to exercise the powers prescribed in Article 55(3), (8), (16) and (17) of the Constitution.

**Article 61.**

The President of the Republic shall, as prescribed by law, form his or her staff. The procedure for the remuneration, service and security provision for the President of the Republic shall be defined by law.

## **CHAPTER 4.**

### **NATIONAL ASSEMBLY**

**Article 62.**

In the Republic of Armenia, the legislative power shall be exercised by the National Assembly. In cases provided for in Articles 55(13) and (14), 57, 59, the second part of this Article, Articles 66, 67, 69, 73, 74, 74.1, 75, 77, 79, the second part of Article 80, Articles 81, 83, 83.1, 83.2, 83.3, 83.4, 84, 94.1, 101(2), 103, 111 and 112, as well as on matters related to the organisation of its activities, the National Assembly shall adopt decisions which shall be signed and promulgated by the Chairperson of the National Assembly.

The National Assembly may issue messages and statements as provided for by the law on its Rules of Procedure.

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

The procedure for the operation of the National Assembly, the formation and operation of its bodies shall be defined by the Constitution and the Rules of Procedure of the National Assembly.

**Article 63.**

The National Assembly shall comprise one hundred and thirty-one deputies.

The National Assembly shall be elected for a term of five years. The term of its powers shall commence from the moment when the first sitting of the newly elected National Assembly is

convened. The term of powers of the National Assembly shall cease at the moment when the first sitting of the newly elected National Assembly is convened.

The National Assembly may not be dissolved at the time of martial law or state of emergency, neither when a matter on removing the President of the Republic from office is initiated.

Elections to the National Assembly shall not be held at the time of martial law or state of emergency, and the term of powers of the National Assembly shall be extended up to the day of opening of the first session of the newly elected National Assembly after the end of martial law or state of emergency. In this case, elections to the National Assembly shall be held not earlier than within fifty days and not later than within sixty days after the end of martial law or state of emergency.

#### **Article 64.**

Everyone having attained the age of twenty-five, having been a citizen of the Republic of Armenia for the preceding five years, having been permanently residing in the Republic in the preceding five years and having the right of suffrage may be elected as a deputy.

#### **Article 65.**

Deputies may not engage in entrepreneurial activities, hold a position in state or local self-government bodies or in commercial organisations, perform other paid work except for scientific, pedagogical or creative work.

Deputies shall exercise their powers on a permanent basis.

The status and guarantees of activities of deputies shall be defined by the Constitution and by law.

#### **Article 66.**

Deputies shall not be bound by imperative mandate, shall be guided by their conscience and convictions.

Deputies may not — during the term of their powers and thereafter — be prosecuted and subjected to liability for actions deriving from their status of deputy, including for any opinion expressed in the National Assembly, unless it contains defamation or insult.

Deputies may not be involved as an accused, detained, nor may a matter on subjecting them to administrative liability through judicial procedure be initiated without the consent of the National Assembly.

Deputies may not be arrested without the consent of the National Assembly, except for cases when the arrest is effected at the moment of committing a crime. In this case, the Chairperson of the National Assembly shall be informed promptly.

#### **Article 67.**

The powers of a deputy shall terminate in cases of expiry of the term of powers of the National Assembly, dissolution of the National Assembly, violation of the conditions of the first part of Article 65, loss of the citizenship of the Republic of Armenia, non-attendance, without good cause, of more than half of the votings in the course of one regular session, being sentenced to imprisonment, declared as having no active legal capacity, and resignation.

The procedure for termination of powers of deputies shall be defined by the law on the Rules of Procedure of the National Assembly.

#### **Article 68.**

Regular elections to the National Assembly shall be held not earlier than forty days and not later than thirty days prior to the expiry of the term of powers thereof.

Early elections to the National Assembly shall be held not earlier than within thirty and not later than within forty days after the dissolution of the National Assembly.

Elections to the National Assembly shall be called by a decree of the President of the Republic.

The first session of the newly elected National Assembly shall be convened on the third Thursday following the election of at least two thirds of the total number of deputies.

In case of early elections, the first session of the newly elected National Assembly shall be convened on the second Thursday following the election of at least two thirds of the total number of deputies.

**Article 69.**

Regular sessions of the National Assembly shall be convened within the terms and as defined by the law on the Rules of Procedure of the National Assembly.

Sittings of the National Assembly shall be public. A closed sitting may be convened by a decision of the National Assembly.

**Article 70.**

An extraordinary session or sitting of the National Assembly shall be convened by the Chairperson 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 according to the agenda and within the terms defined by the initiator.

**Article 71.**

Laws and decisions of the National Assembly shall, except for cases provided for by the Constitution, be adopted by a majority of votes of the deputies that have participated in the voting, provided that more than half of the total number of deputies has participated in the voting.

**Article 72.**

In case the National Assembly does not accept the objections and recommendations of the President of the Republic, the remanded law shall be passed again by a majority of votes of the total number of deputies.

The National Assembly shall discuss the law remanded by the President of the Republic on a priority basis.

**Article 73.**

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

Standing committees shall be established for preliminary discussion of draft legislative acts and other issues and for submitting opinions thereon to the National Assembly.

If appropriate, interim committees may be established as prescribed by the law on the Rules of Procedure of the National Assembly for preliminary discussion of certain draft laws or for submitting to the National Assembly opinions, statements on certain issues, events and facts.

**Article 74.**

The Government shall submit its programme to the National Assembly within a twenty-day period following its formation. The issue of approving the Government programme by the National Assembly shall be discussed on a priority basis and shall be put to vote within a five-day period upon its submission. The decision on approving the Government programme shall be passed by a majority of votes of the total number of deputies of the National Assembly.

**Article 74.1.**

The President of the Republic shall dissolve the National Assembly when the National Assembly fails to approve the Government programme for two consecutive times within two months.

The President of the Republic may dissolve the National Assembly upon the recommendation of the Chairperson of the National Assembly or the Prime Minister, when:

(a) in the course of three months of a regular session, the National Assembly does not render a



decision on a draft law considered as urgent by the decision of the Government;

(b) sittings of the National Assembly are not convened for more than three months in the course of a regular session;

(c) in the course of a regular session the National Assembly does not render any decision on issues under its discussion for more than three months.

#### **Article 75.**

The right of legislative initiative before the National Assembly belongs to the deputies and the Government.

The Government may determine the sequence of discussing the draft laws submitted thereby and request putting those to vote only with the corrections acceptable to it.

Draft laws which, upon the opinion of the Government, reduce the revenues or increase the expenditures of the State Budget, shall be adopted by the National Assembly through a majority of votes of the total number of deputies.

The Government may tender its motion of censure in connection with the adoption of a draft law submitted thereby. Where, within twenty-four hours following the tendering by the Government of the motion of censure, a draft decision on passing a motion of non-confidence against the Government is not submitted by at least one third of the total number of the deputies of the National Assembly, or, where such a draft is submitted but no decision on passing a motion of non-confidence against the Government is adopted by a majority of votes of the total number of the deputies within the terms defined in the third part of Article 84, the draft law submitted by the Government shall be considered adopted.

The Government may tender its motion of censure in connection with a draft law not more than twice in the course of the same session.

#### **Article 76.**

The National Assembly shall approve the State Budget upon the submission by the Government. In case the State Budget is not approved prior to the beginning of the fiscal year, expenditures shall be performed in the proportions of the previous year budget.

The procedure for discussion and approval of the State Budget shall be defined by the law on the Rules of Procedure of the National Assembly.

#### **Article 77.**

The National Assembly shall oversee the State Budget performance, as well as the use of loans and credits received from foreign states and international organisations.

The National Assembly shall — upon the availability of the opinion of the Control Chamber — discuss and approve the annual report on the State Budget performance.

#### **Article 78.**

(deleted)

#### **Article 79.**

The National Assembly shall elect the Chairperson of the National Assembly by majority of votes of the total number of deputies.

The Chairperson of the National Assembly shall preside over the sittings, dispose of the tangible assets of the National Assembly, ensure its normal functioning.

The National Assembly shall elect two deputy chairpersons of the National Assembly.

#### **Article 80.**

Deputies shall have the right to address written and oral questions to the Government, and factions and groups shall have the right to address interpellations to the Government. The Prime Minister

and the members of the Government shall answer to the questions of the deputies in one of the sittings during the week of convening sittings of a regular session. The National Assembly shall not render decisions with regard to the questions of the deputies.

Interpellations shall be submitted in writing and at least ten days prior to the discussion. The procedure for addressing interpellations, organising discussions and rendering decisions thereon shall be defined by the law on the Rules of Procedure of the National Assembly.

#### **Article 81.**

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

(1) declare amnesty;

(2) ratify, suspend or revoke the international treaties of the Republic of Armenia.

The National Assembly shall ratify the international treaties:

(a) which are of political or military nature or envisage modifications of national frontiers;

(b) which concern human rights, freedoms and obligations;

(c) which envisage financial obligations for the Republic of Armenia;

(d) the implementation of which envisages amendments to laws or adoption of a new law or defines norms contradicting the laws;

(e) which envisage ratification;

(f) in other cases prescribed by law;

(3) make a decision on declaring a war and establishing peace. In case of no possibility to convene a sitting of the National Assembly, the President of the Republic shall determine the issue of declaring a war.

The National Assembly may revoke the implementation of the measures provided for by Article 55(13) and 55(14) of the Constitution.

#### **Article 82.**

The National Assembly shall establish the administrative-territorial division of the Republic upon the recommendation of the Government.

#### **Article 83.**

The National Assembly:

(1) shall appoint five members of the Constitutional Court upon the recommendation of the Chairperson of the National Assembly;

(2) shall appoint the Chairperson of the Constitutional Court from among the members of the Constitutional Court, upon the recommendation of the Chairperson of the National Assembly, within a thirty-day period after the position of the Chairperson of the Constitutional Court becomes vacant;

(3) on the basis of the opinion of the Constitutional Court, may terminate, by a majority of votes of the total number of the deputies, the powers of a member of the Constitutional Court appointed by the National Assembly, give consent on involving him or her as an accused, detaining him or her or initiating a matter on subjecting him or her to administrative liability through judicial procedure;

(4) shall elect two academic lawyers of the Council of Justice.

#### **Article 83.1.**

The National Assembly shall elect the Human Rights Defender for a term of six years by at least three-fifth of votes of the total number of deputies.

A person enjoying high reputation among the public, who satisfies the requirements laid down for deputies, may be elected as Human Rights Defender.

The Human Rights Defender shall be irremovable.

The Human Rights Defender shall be an independent official, who defends the human rights and freedoms violated by state and local self-government bodies and officials.

State and local self-government bodies and officials shall cooperate with the Human Rights Defender.

The Human Rights Defender shall enjoy the immunity set for deputies.

Other guarantees for the activities of the Human Rights Defender shall be defined by law.

#### **Article 83.2.**

Proceeding from the objectives of ensuring the freedom, independence and plurality of the broadcasting media, an independent regulatory body shall be established by law, half of the members of which shall be elected by the National Assembly for a term of six years, and the other half shall be appointed by the President of the Republic for a term of six years. The National Assembly shall elect the members of such body by a majority of votes of the total number of deputies.

#### **Article 83.3.**

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

The Central Bank issues the currency of the Republic of Armenia, the Armenian Dram.

The Central Bank shall be independent when performing the tasks and functions vested in it by the Constitution and by law.

The Chairperson of the Central Bank shall be appointed by the National Assembly upon the recommendation of the President of the Republic for a term of six years. The same person may not be appointed as Chairperson of the Central Bank for more than two consecutive terms.

In cases prescribed by law, the National Assembly may remove the Chairperson of the Central Bank from office by a majority of votes of the total number of deputies, upon the recommendation of the President of the Republic.

#### **Article 83.4.**

The Control Chamber of the Republic of Armenia shall be an independent body which exercises oversees the use of budgetary funds, state and community property.

The National Assembly shall approve the action plan of the Control Chamber.

Not less than once a year, the Control Chamber shall submit to the National Assembly a report on the results of the oversight carried out by the Control Chamber.

The procedure for the activities and competences of the Control Chamber shall be defined by a law.

The Chairperson of the Control Chamber shall be appointed by the National Assembly upon the recommendation of the President of the Republic for a term of six years. A person satisfying the requirements laid down for deputies may be appointed as Chairperson of the Control Chamber. The same person may not be appointed as Chairperson of the Control Chamber for more than two consecutive terms.

#### **Article 83.5.**

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

(1) conditions of, and procedure for the exercise and protection of the rights of natural and legal persons;

(2) restrictions on the rights and freedoms of natural and legal persons, their responsibilities, as well as the types and extent of liability, the procedure for subjecting to liability, coercive measures and the procedure for the application thereof, the types, amount and procedure for payment of taxes, duties and other mandatory payments to be paid by natural and legal persons;

(3) cases and conditions of, and procedure for exercising control and oversight (including checks, examination, inspection) with regard to the activities of legal persons and natural persons engaged in entrepreneurial activities;

- (4) procedure for, and conditions of establishing legal persons, suspending or terminating the activities thereof;
- (5) list of personal and family information on natural persons, as well as information on legal persons not constituting a commercial secret;
- (6) cases of, procedure for, and conditions of imposing criminal, administrative, economic (in rem), disciplinary liability, procedure for execution of criminal penalties, compulsory enforcement of judicial and administrative acts, and the status and powers of advocates;
- (7) procedure for referenda, elections of the President of the Republic, to the National Assembly and local self-government bodies of the Republic of Armenia;
- (8) formation of the State Budget and the expenditures thereof;
- (9) procedure for, and conditions of signing and revoking the international treaties of the Republic of Armenia;
- (10) legal status of political parties and other public associations, as well as mass media;
- (11) administrative-territorial units of the Republic of Armenia and the boundaries thereof.

#### **Article 84.**

The National Assembly may pass a motion of non-confidence against the Government by a majority of votes of the total number of deputies.

The draft decision on passing a motion of non-confidence against the Government may be submitted by the President of the Republic or by at least one-third of the total number of deputies. No such draft decision may be submitted at the time of martial law or state of emergency.

The draft decision on passing a motion of non-confidence against the Government shall be put to vote not earlier than within forty-eight hours and not later than within seventy-two hours upon its submission.

## **CHAPTER 5.**

### **GOVERNMENT**

#### **Article 85.**

The Government shall develop and implement the internal policy of the Republic of Armenia. The Government shall develop and implement the foreign policy of the Republic of Armenia together with the President of the Republic. All matters of state administration, which are not reserved by law to other state or local self-government bodies, shall fall within the competence of the Government.

On the basis of, and with a view to ensure the implementation of the Constitution, the international treaties, laws of the Republic of Armenia or the regulatory acts of the President of the Republic, the Government shall adopt decisions which shall be subject to execution throughout the whole territory of the Republic.

The Government shall comprise the Prime Minister and ministers. One of the ministers may be appointed as Deputy Prime Minister by the President of the Republic upon the recommendation of the Prime Minister and replace the Prime Minister when the latter is absent.

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

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

The structure of the Government shall be defined by law upon the recommendation of the Government. The procedure for organising the activities of the Government and other state administration bodies under the Government shall be established by a decree of the President of the Republic, upon submission by the Prime Minister.

**Article 86.**

Sittings of the Government shall be convened and chaired by the Prime Minister.

The President of the Republic may convene and chair sittings of the Government on issues concerning foreign policy, defence, and national security.

Decisions of the Government shall be signed by the Prime Minister.

The President of the Republic may suspend the Government decisions for a period of one month and apply to the Constitutional Court to verify the compliance thereof with the Constitution.

**Article 87.**

The Prime Minister shall manage the activities of the Government and coordinate the work of ministers.

The Prime Minister shall adopt decisions on issues concerning the organisation of the Government activities.

**Article 88.**

A member of the Government may not engage in entrepreneurial activities, hold a position not related to his or her responsibilities in state or local self-government bodies or in commercial organisations, carry out other paid work except for scientific, pedagogical or creative work.

**Article 88.1.**

Marzpets [marz governors] shall be appointed to and removed from office by Government decision. Such Government decisions shall be ratified by the President of the Republic.

Marzpets shall implement the territorial policy of the Government, coordinate activities of regional services of executive bodies, except for cases provided for by law.

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

**Article 89.**

The Government shall:

- (1) submit its programme to the National Assembly for approval as provided for by Article 74 of the Constitution;
- (2) submit the draft State Budget to the National Assembly for approval, ensure budget implementation and submit a report to the National Assembly thereon;
- (3) administer state property;
- (4) implement the unified state financial-economic, credit and tax policy;
- (4.1) implement state policy on territorial development;
- (5) implement state policy in the areas of science, education, culture, healthcare, social security, and nature protection;
- (6) ensure the implementation of defence, national security and foreign policy of the Republic;
- (7) ensure the protection of public order, take measures aimed at strengthening the law and order, ensuring the rights and freedoms of citizens;
- (8) exercise other functions and powers defined by the Constitution and laws.

**Article 90.**

The Government shall submit the draft State Budget to the National Assembly for discussion at least ninety days prior to the beginning of the fiscal year and may request putting the draft to vote, with the corrections adopted by it, until the expiry of that period. The Government may lodge its motion of censure in connection with the budget approval. If the National Assembly does not pass a motion of non-confidence against the Government as provided for by Article 75 of the Constitution, the State Budget shall be deemed approved with the corrections adopted by the Government.

In case the National Assembly passes a motion of non-confidence against the Government in connection with the budget approval, the new Government shall submit the draft State Budget to the

National Assembly within ten days after its programme is approved, which shall be discussed and approved within thirty days as provided for by this Article.

## **CHAPTER 6.**

### **JUDICIAL AUTHORITIES**

#### **Article 91.**

In the Republic of Armenia, justice shall be administered only by courts in compliance with the Constitution and laws.

Final court acts shall be adopted on behalf of the Republic of Armenia.

#### **Article 92.**

In the Republic of Armenia there shall be courts of first instance of general jurisdiction, courts of appeal and the Court of Cassation, as well as, in cases provided by law, specialised courts.

The highest judicial instance of the Republic of Armenia — except for matters of constitutional justice — shall be the Court of Cassation which is called to ensure the uniform application of law. Powers of the Court of Cassation shall be defined by the Constitution and by law. Establishment of ad hoc courts shall be prohibited.

#### **Article 93.**

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

#### **Article 94.**

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

The powers, procedure for formation and operation of courts shall be defined by the Constitution and laws.

The powers and procedure for formation of the Constitutional Court shall be defined by the Constitution, and the procedure for operation thereof shall be defined by the Constitution and the law on the Constitutional Court.

#### **Article 94.1.**

The Council of Justice shall be formed and shall act as prescribed by the Constitution and by law.

The Council of Justice shall comprise nine judges, elected as prescribed by law by the General Assembly of Judges of the Republic of Armenia by a secret vote, for a term of five years; the President of the Republic and the National Assembly shall each appoint two academic lawyers.

The Chairperson of the Court of Cassation shall chair the sittings of the Council of Justice, without a voting right.

#### **Article 95.**

The Council of Justice, as prescribed by law, shall:

- (1) prepare the list of candidates for judges and official promotion lists of judges and submit them to the President of the Republic for approval, on the basis of which appointments are made;
- (2) give opinion on the nominated candidates for judges;
- (3) propose candidates for the Chairperson of the Court of Cassation, the Chairperson and judges of the chambers thereof, the chairpersons of the courts of appeal, courts of first instance and specialised courts;
- (4) give opinion on pardon matters upon the request of the President of the Republic;

(5) impose disciplinary liability on judges, submit proposal to the President of the Republic for consent on terminating the powers of a judge, detaining him or her, involving him or her as an accused or subjecting him or her to administrative liability through judicial procedure.

**Article 96.**

Judges and members of the Constitutional Court shall be irremovable. Judges and members of the Constitutional Court shall serve the office until attaining the age of sixty-five. Their authorities shall terminate only in cases and as provided for by the Constitution and by law.

**Article 97.**

Judges and members of the Constitutional Court shall be independent when administering justice, and shall be governed only by the Constitution and by law.

Guarantees for the activities of the judges and members of the Constitutional Court as well as the grounds of, and procedure for the liability thereof shall be defined by the Constitution and by law. Judges and members of the Constitutional Court may not be detained, involved as an accused, nor may a matter on subjecting them to administrative liability through judicial procedure be initiated, without the consent of the Council of Justice or the Constitutional Court, respectively. Judges and members of the Constitutional Court may not be arrested, except for cases when the arrest is effected at the moment of committing a crime or immediately thereafter. In such cases, the President of the Republic and the Chairperson of the Court of Cassation or the Chairperson of the Constitutional Court, respectively, shall be promptly informed about the arrest.

**Article 98.**

Judges and members of the Constitutional Court may not engage in entrepreneurial activities, hold a position not related to their responsibilities in state or local self-government bodies or a position in commercial organisations, carry out other paid work except for scientific, pedagogical and creative work.

Judges and members of the Constitutional Court may not be members to any party or engage in political activities.

**Article 99.**

The Constitutional Court shall comprise nine members.

**Article 100.**

The Constitutional Court shall, as prescribed by law:

- (1) determine the compliance of laws, decisions of the National Assembly, decrees of the President of the Republic, decisions of the Government, Prime Minister, local self-government bodies with the Constitution;
- (2) prior to ratification of an international treaty, determine the compliance of commitments enshrined therein with the Constitution;
- (3) settle the disputes concerning the results of referenda;
- (3.1) settle the disputes concerning the decisions on the results of elections of the President of the Republic and deputies;
- (4) declare the obstacles faced by a candidate for the President of the Republic as insurmountable or eliminated;
- (5) give opinion on the existence of grounds for removing the President of the Republic from office;
- (6) give opinion on the incapacity of the President of the Republic to exercise his or her powers;
- (7) give opinion on terminating the powers of a member of the Constitutional Court, detaining him or her, involving him or her as an accused, as well as on initiating a matter on subjecting him or her to administrative liability through judicial procedure;
- (8) give opinion on grounds for removing the head of the community from office;

(9) in cases provided for by law, render decisions on suspending or prohibiting the activities of a party.

#### **Article 101.**

As prescribed by the Constitution and the law on the Constitutional Court, applications to the Constitutional Court may be filed by:

- (1) the President of the Republic, in cases provided for by Article 100(1), (2), (3), (7) and (9) of the Constitution;
- (2) the National Assembly, in cases provided for by Article 100(3), (5), (7) and (9) of the Constitution;
- (3) at least one fifth of the deputies, in cases provided for by Article 100(1) and (3) of the Constitution;
- (4) the Government, in cases provided for by Article 100(1), (6), (8) and (9) of the Constitution;
- (5) local self-government bodies, on the matter of compliance, with the Constitution, of the regulatory acts of state bodies violating their constitutional rights;
- (6) everyone, with regard to a specific case, where a final court act is available, all the judicial remedies are exhausted, and who challenges the constitutionality of a legal provision applied with respect to him or her upon such act;
- (7) courts and the Prosecutor General, on the matters of constitutionality of the provisions of regulatory acts concerning a specific case pending before them;
- (8) the Human Rights Defender, on the matter of compliance of the regulatory acts referred to in Article 100(1) of the Constitution with the provisions of Chapter 2 of the Constitution;
- (9) candidates for the President of the Republic and for deputies, on matters concerning them within the scope of Article 100(3.1) and (4) of the Constitution.

The Constitutional Court shall examine the case only when a relevant application is filed.

#### **Article 102.**

The Constitutional Court shall adopt decisions and opinions within the terms and as defined by the Constitution and the law on the Constitutional Court.

The decisions and opinions of the Constitutional Court shall be final and shall enter into force upon their publication.

The Constitutional Court may define a later term for repealing a regulatory act, or a part thereof, not complying with the Constitution.

The Constitutional Court shall adopt decisions on the matters provided for by Article 100(1)-(4) and (9) and opinions on the matters provided for by Article 100(5)-(8) of the Constitution. The opinions and decisions on the matters provided for by Article 100(9) of the Constitution shall be adopted by at least two thirds of votes of the total number of members; the rest of the decisions shall be adopted by a majority of votes of the total number of members.

Where the opinion of the Constitutional Court is negative, the case shall be excluded from examination of the competent authority.

#### **Article 103.**

The Prosecutor's Office of the Republic of Armenia shall be a uniform 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 term of six years. The same person may not be appointed as Prosecutor General for more than two consecutive terms. The National Assembly may remove the Prosecutor General from office by a majority of votes of the total number of deputies, upon the recommendation of the President of the Republic in cases prescribed by law.

In cases and as provided for by law, the Prosecutor's Office shall:

- (1) instigate criminal prosecution;



- (2) oversee the lawfulness of inquest and preliminary investigation;
  - (3) pursue a charge in the court;
  - (4) bring an action to court with regard to protection of state interests;
  - (5) appeal against the judgments and decisions of courts;
  - (6) oversee the lawfulness of applying punishments and other coercive measures.
- The Prosecutor's Office shall act within the scope of powers vested therein by the Constitution on the basis of law.

## **CHAPTER 7.**

### **LOCAL SELF-GOVERNANCE**

#### **Article 104.**

Local self-governance shall be exercised in communities.

Local self-governance shall be the right and the capacity of the community to settle, under its own responsibility, local issues for the welfare of the population in accordance with the Constitution and laws.

#### **Article 104.1.**

Community is the entirety of the population within one or several residential areas.

Community is a legal entity, having the right of ownership and other property rights.

#### **Article 105.**

The community shall, as its own powers, exercise powers of managing and disposing of the community property, settling issues of community concern, and other powers to satisfy the needs of the community. Part of the own powers of the community may be defined by law as binding. For the purpose of more effective exercise of the powers of state bodies, such powers may be delegated by law to local self-government bodies.

#### **Article 105.1.**

The land within the administrative boundaries of the community shall be the property of the community, except for the land necessary for the state needs, as well as the land belonging to natural and legal persons.

#### **Article 106.**

Communities shall generate their budgets independently.

Sources of community revenues shall be defined by law.

Sources for financing the communities, which ensure the exercise of the powers thereof, shall be defined by law.

The powers delegated to communities shall be subject to mandatory financing from the State Budget.

Communities shall set local taxes and duties within the scope provided for by law. Communities may set fees for services they provide.

#### **Article 107.**

The community shall exercise its right of self-governance through local self-government bodies — the Council of Elders and head of community, which shall be elected for a term of four years as prescribed by law.

The Council of Elders shall dispose of the community property as prescribed by law, approve the

community budget upon submission by the head of community, oversee the budget performance, set local taxes, duties and payments as prescribed by law, adopt legal acts which shall be subject to mandatory execution throughout the territory of the community. Acts adopted by the Council of Elders may not contradict the legislation; the procedure for the publication and entry into force thereof shall be defined by law.

Powers of the head of community and the procedure for the exercise thereof shall be defined by law. Members of the community may directly participate in the administration of the community through settling the issues of community concern by means of local referendum. Procedure for holding a local referendum shall be defined by law.

#### **Article 108.**

Yerevan is a community. In the city of Yerevan, the specifics of local self-governance and of formation of local self-government bodies shall be defined by law. Direct or indirect election of the Mayor of Yerevan may be prescribed by law.

#### **Article 108.1.**

Legal review shall be exercised as prescribed by law with a view to ensure the lawfulness of activities of local self-government bodies. Procedure for state surveillance over the exercise of powers delegated to communities shall be defined by law.

#### **Article 109.**

The Government may remove from office the head of community, based on the opinion of the Constitutional Court, in cases provided for by law.

#### **Article 110.**

Based on public interest, communities may be merged or separated by law. The National Assembly shall adopt the relevant law upon the proposal of the Government. The Government shall call local referenda in relevant communities before the submission of a legislative initiative. Results of local referenda shall be attached to the legislative initiative. Communities may merge or separate irrespective of the results of local referenda.

Principles of, and procedure for merging or separating the communities, as well as terms of elections of local self-government bodies in the newly formed communities shall be defined by law. Inter-community unions may be formed as prescribed by law.

## **CHAPTER 8.**

### **ADOPTION OF AND AMENDMENT TO THE CONSTITUTION, AND REFERENDUM**

#### **Article 111.**

The Constitution shall be adopted and amendments thereto shall be made through referendum, at the initiative of the President of the Republic or the National Assembly.

The referendum shall be called by the President of the Republic upon the proposal or consent of the National Assembly. The National Assembly shall adopt the relevant decision by a majority of votes of the total number of deputies.

The President of the Republic may — within a period of twenty-one days upon receiving the draft Constitution or the draft amendments thereto — remand it, with objections, recommendations, to the National Assembly demanding a new discussion.

The President of the Republic shall put to referendum the draft Constitution or the draft

amendments thereto — re-proposed by the National Assembly by at least two thirds of votes of the total number of deputies — within the period defined by the National Assembly.

In case the President of the Republic brings up the initiative, the National Assembly — within a three-month period after receiving the draft Constitution or the draft amendments thereto — shall put to vote the question on putting the draft to referendum. Where the majority of the total number of deputies of the National Assembly vote in favour of the draft, the latter shall be deemed adopted, and the President of the Republic shall put it to referendum within a period defined by him or her.

#### **Article 112.**

Laws shall be put to referendum, upon the proposal of the National Assembly or the Government, as prescribed by Article 111 of the Constitution.

Laws adopted through referendum may be amended only through referendum.

#### **Article 113.**

The draft put to referendum shall be deemed adopted in case more than half of the participants of the voting, but not less than one fourth of citizens enrolled in electoral lists, have voted in favour.

#### **Article 114.**

Articles 1, 2, and 114 of the Constitution are not subject to amendment.

## **CHAPTER 9.**

### **FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 115.**

Amendments to the Constitution of the Republic of Armenia — except for the provisions concerning the Chairperson of the Control Chamber and the Prosecutor General in the first sentence of Article 55(9), the provision prescribed in the first sentence of the second part of Article 63, the first part of Article 74.1, Article 83.4, the provision prescribed in the first sentence of the sixth part of Article 85, Article 86, the first part of Article 88.1, Article 101(6), and the term referred to in the first part of Article 107 — shall enter into force on the day following the publication thereof in the Official Journal of the Republic of Armenia.

#### **Article 116.**

The provisions concerning the Chairperson of the Control Chamber and the Prosecutor General in the first sentence of Article 55(9), the first part of Article 74.1, the provision prescribed in Article 83.4, Article 86, the first part of Article 88.1 of the amendments to the Constitution shall enter into force on the opening day of the first session of the National Assembly of subsequent convocation. The provision prescribed in the first sentence of the second part of Article 63 shall apply for the subsequent convocations of the National Assembly.

The provision prescribed in the first sentence of the sixth part of Article 85 shall enter into force on 1 July 2008.

Article 101(6) shall enter into force on 1 July 2006.

The term referred to in the first part of Article 107 shall enter into force for the local self-government bodies elected after the adoption of the amendments to the Constitution.

#### **Article 117.**

Following the entry into force of the amendments to the Constitution:

(1) the National Assembly shall — within a period of two years — bring into compliance the laws

in force with the amendments to the Constitution;

(2) the National Assembly shall — within a period of one year — define the anthem of the Republic of Armenia by a law. Heretofore, the anthem which was used prior to the entry into force of the amendments to the Constitution, shall be used;

(3) social rights enshrined in the Constitution shall apply to the extent defined by relevant laws;

(4) before the opening day of the first session of the subsequent convocation of the National

Assembly, the President of the Republic may:

(a) after consulting with the Chairperson of the National Assembly and the Prime Minister, dissolve the National Assembly and call extraordinary elections;

(b) remove the Prime Minister from office;

(5) before the opening day of the first session of the subsequent convocation of the National Assembly, sittings of the Government shall be convened and chaired by the President of the Republic or, upon his or her assignment, by the Prime Minister. Decisions of the Government shall be signed by the Prime Minister and ratified by the President of the Republic;

(6) in case of direct threat to the constitutional order, before the legal regime of state of emergency is defined by law, the President of the Republic, consulting with the Chairperson of the National Assembly and the Prime Minister, shall take measures required by the situation and shall address the people with a message thereon;

(7) the Chairperson of the Central Bank shall hold the office until the expiry of the term defined by the law in force;

(8) the Chairperson of the Control Chamber shall be appointed within five months following the opening day of the first session of the subsequent convocation of the National Assembly.

Heretofore, the Control Chamber shall continue to exercise the powers established before the entry into force of the amendments to the Constitution;

(9) the Prosecutor General shall continue to hold the office for not more than five months following the opening day of the first session of the subsequent convocation of the National Assembly, until appointment of Prosecutor General as prescribed by Article 55(9) of the Constitution;

(10) the incumbent judges and academic lawyer-members of the Council of Justice shall continue to hold the office until the expiry of their term of powers. The National Assembly shall — within three month — select two academic lawyer-members of the Council of Justice;

(11) incumbent members of the independent body envisaged by Article 83.2 shall continue to hold the office until the expiry of their term of powers defined by the Law of the Republic of Armenia “On television and radio”. In case of expiry of their term of office or early termination of powers, the vacant positions shall be filled successively by the National Assembly and the President of the Republic;

(12) local self-government bodies in the city of Yerevan shall be formed not later than within two years upon adoption of a relevant law. Heretofore, in the city of Yerevan, local self-governance and territorial administration shall be exercised as prescribed by the legislation in force;

(13) incumbent members of the Constitutional Court shall continue to hold the office until attaining the age of seventy.