

# The President of the Republic of Armenia

## [the official site]

### Constitution of the Republic of Armenia

*Adopted 06.12.2015*

**Article 1.** The Constitution of the Republic of Armenia of 5 July 1995, with the amendments of 2005, shall be amended as follows:

"The Armenian people — taking as a basis the fundamental principles of the Armenian Statehood and the nation-wide objectives 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 of ensuring the freedom of generations, general well-being and civic solidarity, assuring the allegiance to universal values — hereby adopt the Constitution of the Republic of Armenia.

#### CHAPTER 1 FUNDAMENTALS OF THE 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, Basic Rights and Freedoms

1. The human being shall be the highest value in the Republic of Armenia. The inalienable dignity of the human being shall constitute the integral basis of his or her rights and freedoms.
2. The respect for and protection of the basic rights and freedoms of the human being and the citizen shall be the duty of the public power.
3. The public power shall be restricted by the basic rights and freedoms of the human being and the citizen as a directly applicable law.

**Article 4.** The Principle of Separation and Balance of Powers

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.

**Article 5.** The Hierarchy of Legal Norms

1. The Constitution shall have supreme legal force.

2. Laws must comply with constitutional laws, whereas secondary regulatory legal acts must comply with constitutional laws and laws.

3. In case of conflict between the norms of international treaties ratified by the Republic of Armenia and those of laws, the norms of international treaties shall apply.

#### **Article 6.** The Principle of Lawfulness

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

2. Bodies provided for by the Constitution may, based on the Constitution and laws and with the purpose of ensuring the implementation thereof, be authorised by law to adopt secondary regulatory legal acts. Authorising norms must comply with the principle of legal certainty.

3. Laws and secondary regulatory legal acts shall enter into force after being promulgated as prescribed by law.

#### **Article 7.** The Principles of the Right of Suffrage

Elections of the National Assembly and of community councils of elders, as well as referenda shall be held on the basis of universal, equal, free and direct suffrage, by secret ballot.

#### **Article 8.** Ideological Pluralism and Multiparty System

1. Ideological pluralism and a multiparty system shall be guaranteed in the Republic of Armenia.

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

3. Political parties shall promote the formulation and expression of the political will of the people.

4. The structure and activities of political parties may not contradict the democratic principles.

#### **Article 9.** Guaranteeing Local Self-Governance

Local self-governance shall be guaranteed in the Republic of Armenia as one of the essential fundamentals of democracy.

#### **Article 10.** Guaranteeing Ownership

1. All forms of ownership shall be recognised and equally protected in the Republic of Armenia.

2. The subsoil and water resources shall fall under the exclusive ownership of the State.

#### **Article 11.** Economic Order

The basis of economic order in the Republic of Armenia shall be the social market economy, which shall be based on private ownership, freedom of economic activities and free economic competition, and through the state policy be aimed at general economic well-being and social justice.

#### **Article 12.** Preservation of the Environment and Sustainable Development

1. The State shall promote the preservation, improvement and restoration of the environment, the reasonable utilisation of natural resources, guided by the principle of sustainable development and taking into account the responsibility before future generations.

2. Everyone shall be obliged to take care of the preservation of the environment.

#### **Article 13.** Foreign Policy

The foreign policy of the Republic of Armenia shall be implemented on the basis of international law, with the aim of establishing good neighbourly and mutually beneficial relations with all States.

#### **Article 14.** The Armed Forces and Defence

1. The armed forces of the Republic of Armenia shall ensure the defence, security, territorial integrity and inviolability of the borders of the Republic of Armenia.
2. The armed forces of the Republic of Armenia shall maintain neutrality in political matters and shall be under civilian control.
3. Every citizen shall be obliged to take part, as prescribed by law, in the defence of the Republic of Armenia.

#### **Article 15.** Promotion of Culture, Education and Science, Protection of the Armenian Language and Cultural Heritage

1. The State shall promote the development of culture, education and science.
2. The Armenian language and cultural heritage shall be under the care and protection of the State.

#### **Article 16.** Protection of the Family

Family — being the natural and basic unit of the society, the basis for the preservation and reproduction of the population, as well as motherhood and childhood — shall be under special protection and care of the State.

#### **Article 17.** The State and Religious Organisations

1. The freedom of activities of religious organisations shall be guaranteed in the Republic of Armenia.
2. Religious organisations shall be separate from the State.

#### **Article 18.** The Armenian Apostolic Holy Church

1. The Republic of Armenia shall recognise 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.
2. The relations between the Republic of Armenia and the Armenian Apostolic Holy Church may be regulated by law.

#### **Article 19.** Ties with the Armenian Diaspora

1. The Republic of Armenia shall, together with the Armenian Diaspora, implement a policy targeted at the development of comprehensive ties and preservation of the Armenian identity, promote repatriation.
2. The Republic of Armenia shall, based on international law, contribute to the preservation of the Armenian language, Armenian historical and cultural values and to the development of Armenian educational and cultural life in other states.

#### **Article 20.** The State Language of the Republic of Armenia

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

**Article 21.** Symbols of the Republic of Armenia

1. The flag of the Republic of Armenia shall be tricolour, with equal horizontal stripes of red, blue and orange.
2. The Coat of Arms of the Republic of Armenia shall be as follows: 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 an eagle and a lion, whereas a sword, a branch, a corn sheaf, a chain and a ribbon are depicted under the shield.
3. The detailed description of the flag and Coat of Arms shall be prescribed by law.
4. The anthem of the Republic of Armenia shall be prescribed by law.

**Article 22.** The Capital of the Republic of Armenia

The capital of the Republic of Armenia is Yerevan.

## CHAPTER 2 BASIC RIGHTS AND FREEDOMS OF THE HUMAN BEING AND THE CITIZEN

**Article 23.** Human Dignity

Human dignity is inviolable.

**Article 24.** Right to Life

1. Everyone shall have the right to life.
2. No one may be arbitrarily deprived of his or her life.
3. No one may be sentenced or subjected to death penalty.

**Article 25.** Right to Physical and Mental Integrity

1. Everyone shall have the right to physical and mental integrity.
2. The right to physical and mental integrity may be restricted only by law, for the purpose of state security, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others.
3. In the fields of medicine and biology, eugenic practices, making the human organs and tissues a source of financial gain, the reproductive cloning of a human being shall be particularly prohibited.
4. No one may be subjected to scientific, medical or other experiments without his or her freely and clearly expressed consent. The person shall be priorly informed about the potential consequences of such experiments.

**Article 26.** Prohibition of Torture, Inhuman or Degrading Treatment or Punishment

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

**Article 27.** Personal Liberty

1. Everyone shall have the right to personal liberty. No one may be deprived of personal liberty

otherwise than in the following cases and as prescribed by law:

- (1) the person has been sentenced by a competent court for committing a criminal offence;
  - (2) the person has failed to obey a legitimate court order;
  - (3) for the purpose of ensuring the fulfilment of a certain obligation prescribed by law;
  - (4) for the purpose of bringing a person before a competent authority where there exists a reasonable suspicion that the person has committed a criminal offence, or a justified necessity of preventing the committal of a criminal offence by the person or his or her fleeing after having done so;
  - (5) for the purpose of placing a minor under educational supervision or bringing him or her before a competent authority;
  - (6) for the purpose of preventing the spread of contagious diseases dangerous for the public, as well as the danger posed by persons with mental disorder, drug addicts and alcoholics;
  - (7) for the purpose of preventing the unauthorised entry of a person into the Republic of Armenia, or for deporting or extraditing a person to another state.
2. Everyone deprived of personal liberty shall be promptly informed, in a language which he or she understands, about the reasons for deprivation of liberty, whereas in case a criminal charge is brought — also about the charge.
3. Everyone deprived of personal liberty shall be entitled to have the person of his or her choice be immediately informed thereon. The exercise of this right may be delayed only in the cases, under the procedure and within the time limits prescribed by law, for the purpose of preventing or disclosing crimes.
4. If within a reasonable time period upon depriving of liberty but no later than within 72 hours the court fails to render a decision on authorising further confinement of a person deprived of liberty on the ground referred to in point 4 of part 1 of this Article, he or she shall be immediately released.
5. Everyone deprived of personal liberty shall have the right to challenge the legitimacy of depriving him or her of liberty, whereon the court shall render a decision within a short time period and shall order his or her release if the deprivation of liberty is non legitimate.
6. No one may be deprived of personal liberty merely on the ground of inability to fulfil civil-law obligations.

#### **Article 28.** General Equality before the Law

Everyone shall be equal before the law.

#### **Article 29.** Prohibition of Discrimination

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

#### **Article 30.** Legal Equality of Women and Men

Women and men shall enjoy legal equality.

#### **Article 31.** Inviolability of Private and Family Life, Honour and Good Reputation

1. Everyone shall have the right to inviolability of his or her private and family life, honour and good reputation.
2. The right to inviolability of private and family life may be restricted only by law, for the purpose of state security, economic welfare of the country, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others.

**Article 32. Inviolability of the Home**

1. Everyone shall have the right to inviolability of the home.
2. The right to inviolability of the home may be restricted only by law, for the purpose of state security, economic welfare of the country, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others.
3. A home may be searched only upon a court decision, in the cases and under the procedure prescribed by law. Other cases of restricting the right to inviolability of the home upon court decision may be prescribed by law.

**Article 33. Freedom and Secrecy of Communications**

1. Everyone shall have the right to freedom and secrecy of correspondence, telephone conversations and other means of communication.
2. Freedom and secrecy of communication may be restricted only by law, for the purpose of state security, economic welfare of the country, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others.
3. The secrecy of communication may be restricted only upon court decision, except where it is necessary for the protection of state security and is conditioned by the particular status of communicators prescribed by law.

**Article 34. Protection of Personal Data**

1. Everyone shall have the right to protection of data concerning him or her.
2. The processing of personal data shall be carried out in good faith, for the purpose prescribed by law, with the consent of the person concerned or without such consent in case there exists another legitimate ground prescribed by law.
3. Everyone shall have the right to get familiar with the data concerning him or her collected at state and local self-government bodies and the right to request correction of any inaccurate data concerning him or her, as well as elimination of data obtained illegally or no longer having legal grounds.
4. The right to get familiar with personal data may be restricted only by law, for the purpose of state security, economic welfare of the country, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others.
5. Details related to the protection of personal data shall be prescribed by law.

**Article 35. Freedom to Marry**

1. A woman and a man having attained the marriageable age shall have the right to marry and form a family with free expression of their will. The marriageable age and the procedure for marriage and divorce shall be prescribed by law.
2. A woman and a man are entitled to equal rights as to marriage, during marriage and at its dissolution.
3. Freedom to marry may be restricted only by law with the aim of protecting health and morals.

**Article 36. Rights and Obligations of Parents**

1. Parents shall have the right and obligation to take care of the upbringing, education, health, comprehensive and harmonious development of their children.
2. Deprivation or restriction of parental rights may be exercised only by law, upon court decision, for the purpose of protecting the vital interests of the child.
3. Adults capable of working shall be obliged to take care of their parents who are incapable of working and are in need. Details shall be prescribed by law.

**Article 37. Rights of the Child**

1. A child shall have the right to freely express his or her opinion which, in accordance with the age and maturity of the child, shall be taken into consideration in matters concerning him or her.
2. In matters concerning the child, primary attention must be given to the interests of the child.
3. Every child shall have the right to maintain regular personal relations and direct contacts with his or her parents, except for the cases where pursuant to a court decision it is against the interests of the child. Details shall be prescribed by law.
4. Children left without parental care shall be under the care and protection of the State.

**Article 38. Right to Education**

1. Everyone shall have the right to education. The programmes and duration of compulsory education shall be prescribed by law. Secondary education within state educational institutions shall be free of charge.
2. Everyone shall, in the cases and under the procedure prescribed by law, have the right to receive free education on a competitive basis within state higher and other vocational education institutions.
3. Higher education institutions shall, within the scope prescribed by law, have the right to self-governance, including academic and research freedom.

**Article 39. Right of a Human Being to Act Freely**

A human being shall be free to do anything that does not violate the rights of others and does not contradict the Constitution and laws. No one may bear obligations that are not prescribed by law.

**Article 40. Right to Freedom of Movement**

1. Everyone lawfully within the territory of the Republic Armenia shall have the right to freedom of movement and choice of place of residence.
2. Everyone shall have the right to leave the Republic of Armenia.
3. Every citizen and everyone having the right to lawfully reside in the Republic of Armenia shall have the right to enter the Republic of Armenia.
4. The right to freedom of movement may be restricted only by law, for the purpose of state security, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others. The right of a citizen to enter the Republic of Armenia shall not be subject to restriction.

**Article 41. Freedom of Thought, Conscience and Religion**

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to change religion or belief and, either alone or in community with others and in public or in private, the freedom to manifest them in preaching, church ceremonies, other rites of worship or in other forms.
2. The expression of freedom of thought, conscience and religion may be restricted only by law for the purpose of state security, protecting public order, health and morals or the basic rights and freedoms of others.
3. Every citizen shall have the right to replace military service with alternative service, as prescribed by law, if it contradicts the religious faith or belief thereof.
4. Religious organisations shall enjoy legal equality and shall be vested with autonomy. The procedure for the establishment and operation of religious organisations shall be prescribed by

law.

#### **Article 42.** Freedom of Expression of Opinion

1. Everyone shall have the right to freely express his or her opinion. This right shall include freedom to hold own opinion, as well as to seek, receive and disseminate information and ideas through any media, without the interference of state or local self-government bodies and regardless of state frontiers.
2. The freedom of the press, radio, television and other means of information shall be guaranteed. The State shall guarantee the activities of independent public television and radio offering diversity of informational, educational, cultural and entertainment programmes.
3. Freedom of expression of opinion may be restricted only by law, for the purpose of state security, protecting public order, health and morals or the honour and good reputation of others and other basic rights and freedoms thereof.

#### **Article 43.** Freedom of Creation

Everyone shall have the freedom of literary, artistic, scientific and technical creation.

#### **Article 44.** Freedom of Assembly

1. Everyone shall have the right to freely participate and organise peaceful, unarmed assemblies.
2. Outdoor assemblies shall be held in the cases prescribed by law on the basis of notification given within a reasonable time period. Notification shall not be required for holding spontaneous assemblies.
3. The law may prescribe restrictions on the exercise of the right to freedom of assembly for judges, prosecutors, investigators, as well as servicemen of the armed forces, national security, the police and other militarised bodies.
4. The conditions and procedure for the exercise and protection of the freedom of assembly shall be prescribed by law.
5. The right to freedom of assembly may be restricted only by law, for the purpose of state security, preventing crimes, protecting public order, health and morals or protecting the basic rights and freedoms of others.

#### **Article 45.** Freedom of Associations

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of labour interests. No one may be compelled to join any private association.
2. The procedure for the establishment and operation of associations shall be prescribed by law.
3. The freedom of associations may be restricted only by law, for the purpose of state security, protecting public order, health and morals or the basic rights and freedoms of others.
4. The activities of associations may be suspended or prohibited only upon court decision, in the cases and under the procedure prescribed by law.

#### **Article 46.** Right to Establish a Political Party and Join a Political Party

1. Every citizen shall have the right to establish a political party together with other citizens and the right to join any political party. No one may be compelled to join any political party.
2. Judges, prosecutors and investigators may not be members of a political party. The law may prescribe restrictions on the right to establish a political party and the right to join any political party for servicemen of the armed forces, national security, the police and other militarised



bodies.

3. Political parties shall publish annual reports on the sources of their financial means and expenditures, as well as on their property.

4. The activities of a political party may, in the cases prescribed by law, be suspended upon the decision of the Constitutional Court. Political parties advocating violent overthrow of the constitutional order or using violence for the purpose of overthrowing the constitutional order shall be unconstitutional and shall be subject to prohibition upon the decision of the Constitutional Court.

#### **Article 47. Right to Citizenship of the Republic of Armenia**

1. A child born to citizens of the Republic of Armenia shall be a citizen of the Republic of Armenia.

2. Every child with one of the parents holding citizenship of the Republic of Armenia shall have the right to acquire citizenship of the Republic of Armenia.

3. Armenians by national origin shall have the right to acquire citizenship of the Republic of Armenia upon settling in the territory of the Republic Armenia.

4. Armenians by national origin shall acquire citizenship of the Republic of Armenia through a simplified procedure prescribed by law.

5. A citizen of the Republic of Armenia may not be deprived of citizenship. A citizen of the Republic of Armenia may not be deprived of the right to change citizenship.

6. The procedure for exercising the rights prescribed by this Article, the other grounds for acquiring citizenship of the Republic of Armenia, and the grounds for termination thereof shall be prescribed by law.

7. The rights prescribed by parts 2-4, as well as by the second sentence of part 5 of this Article may be restricted only by law, for the purpose of state security, preventing or disclosing crimes, as well as protecting other public interests.

8. Citizens of the Republic of Armenia, while beyond borders of the Republic of Armenia, shall be under the protection of the Republic of Armenia on the basis of international law.

#### **Article 48. Right of Suffrage and Right to Participate in a Referendum**

1. Citizens of the Republic of Armenia having attained the age of eighteen on the day of an election to the National Assembly or on the day of a referendum, shall have the right to elect and the right to participate in the referendum.

2. Everyone who has attained the age of twenty-five, has held citizenship of only the Republic of Armenia for the preceding four years, has been permanently residing in the Republic for the preceding four years, has the right of suffrage and has command of the Armenian language, may be elected as a Deputy of the National Assembly.

3. Citizens of the Republic of Armenia having attained the age of eighteen on the day of election or referendum shall have the right to elect and be elected during the elections of local self-government bodies, and the right to participate in a local referendum. The law may prescribe the right of persons not holding citizenship of the Republic of Armenia to take part in the elections of local self-government bodies and in local referenda.

4. Persons declared, upon civil judgment of the court having entered into legal force, as having no active legal capacity, as well as persons sentenced and those serving the sentence, upon criminal judgment having entered into legal force, for a grave criminal offence committed intentionally shall not be entitled to elect or be elected or participate in a referendum. Persons sentenced and those serving the sentence, upon criminal judgment having entered into legal force, for other criminal offences shall not be entitled to elect as well.

#### **Article 49. Right to Join Public Service**

Every citizen shall have the right to join public service on general grounds. Details shall be prescribed by law.

#### **Article 50. Right to Proper Administrative Action**

1. Everyone shall have the right to impartial and fair examination by administrative bodies of a case concerning him or her, within a reasonable time period.
2. In the course of administrative proceedings everyone shall have the right to get familiar with all documents concerning him or her, except for the secrets guarded by law.
3. State and local self-government bodies and officials shall be obliged to hear the person prior to the adoption of an interfering individual act thereon, except for the cases prescribed by law.

#### **Article 51. Right to Receive Information**

1. Everyone shall have the right to receive information and get familiar with documents relating to the activities of state and local self-government bodies and officials.
2. The right to receive information may be restricted only by law, for the purpose of protecting public interests or the basic rights and freedoms of others.
3. The procedure for receiving information, as well as the grounds for liability of officials for concealing information or for unjustified refusal of providing information thereby shall be prescribed by law.

#### **Article 52. Right to Apply to the Human Rights Defender**

Everyone shall have the right to receive the assistance of the Human Rights Defender in the event of violation of his or her rights and freedoms, enshrined by the Constitution and laws, on the part of state and local self-government bodies and officials, whereas in the cases prescribed by the Law on the Human Rights Defender — also on the part of organisations. Details shall be prescribed by law.

#### **Article 53. Right to Submit Petition**

Everyone shall have the right to submit, either individually or jointly with others, petition to state and local self-government bodies and officials and to receive an appropriate reply within a reasonable time period. Details shall be prescribed by law.

#### **Article 54. Right to Political Asylum**

Everyone subjected to political persecution shall have the right to seek political asylum in the Republic of Armenia. The procedure and conditions for granting political asylum shall be prescribed by law.

#### **Article 55. Prohibition of Expulsion or Extradition**

1. No one may be expelled or extradited to a foreign state, if there is a real danger that the given person may be subjected to death penalty, torture, inhuman or degrading treatment or punishment in that country.
2. A citizen of the Republic of Armenia may not be extradited to a foreign state, except for the cases provided for by the international treaties ratified by the Republic of Armenia.

#### **Article 56. Right to Preserve National and Ethnic Identity**

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

2. Persons belonging to national minorities shall have the right to preserve and develop their traditions, religion, language and culture.
3. Exercise of the rights prescribed in this Article shall be regulated by law.

#### **Article 57.** Freedom to Choose Employment and Labour Rights

1. Everyone shall have the right to free choice of employment.
2. Every worker shall have the right to protection against unjustified dismissal from work. The grounds for dismissal from work shall be prescribed by law.
3. Dismissal from work due to reasons related to maternity shall be prohibited. Every employed woman shall, in case of pregnancy and child delivery, have the right to a paid leave. Every employed parent shall, in case of birth of a child or adoption of a child, have the right to a leave. Details shall be prescribed by law.
4. Admission of children under the age of sixteen to permanent employment shall be prohibited. The procedure and conditions for admission to temporary employment shall be prescribed by law.
5. Compulsory or forced labour shall be prohibited. The following shall not be considered as compulsory or forced labour:
  - (1) work performed, in accordance with law, by a sentenced person;
  - (2) military or alternative service;
  - (3) any work required in emergency situations posing danger to the life or well-being of the population.

#### **Article 58.** Right to Strike

1. Workers shall have the right to strike for the protection of their economic, social and labour interests. The procedure for holding a strike shall be prescribed by law.
2. The right to strike may be restricted only by law, for the purpose of protecting public interests or the basic rights and freedoms of others.

#### **Article 59.** Freedom of Economic Activities and Guaranteeing Economic Competition

1. Everyone shall have the right to engage in economic, including entrepreneurial activities. The conditions and procedure for exercising this right shall be prescribed by law.
2. Restriction of competition, the possible types of monopoly and the permitted extent thereof may be prescribed only by law, for the purpose of protecting public interests.
3. Abuse of monopoly or dominant position in the market, as well as unfair competition and anti-competitive agreements shall be prohibited.

#### **Article 60.** Right of Ownership

1. Everyone shall have the right to possess, use and dispose of legally acquired property at his or her discretion.
2. The right to inherit shall be guaranteed.
3. The right of ownership may be restricted only by law, for the purpose of protecting public interests or the basic rights and freedoms of others.
4. No one may be deprived of ownership except through judicial procedure, in the cases prescribed by law.
5. Alienation of property with a view to ensuring overriding public interests shall be carried out in exceptional cases and under the procedure prescribed by law, only with prior and equivalent compensation.
6. Foreign citizens and stateless persons shall not enjoy the right of ownership over land, except for the cases prescribed by law.

7. Intellectual property shall be protected by law.

8. Everyone shall be obliged to pay taxes and duties prescribed in accordance with law and make other mandatory payments to the state or community budget.

#### **Article 61.** Right to Judicial Protection and the Right to Apply to International Bodies for the Protection of Human Rights

1. Everyone shall have the right to effective judicial protection of his or her rights and freedoms.

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

#### **Article 62.** Right to Compensation for Damage

1. Everyone shall have the right to compensation for damage inflicted through a non legitimate action or inaction of state and local self-government bodies and officials, whereas in the cases prescribed by law — also the right to compensation for damage inflicted through legitimate administration. The conditions and procedure for compensation for damage shall be prescribed by law.

2. Where a person sentenced, upon a criminal judgment entered into legal force, for the committal of a criminal offence has been acquitted on the ground of a new or newly emerged circumstance proving the non legitimate nature of his or her sentence, this person shall have the right to receive compensation in accordance with law where it is not proven that the timely detection of that circumstance fully or partially depended on the given person.

#### **Article 63.** Right to Fair Trial

1. Everyone shall have the right to a fair and public hearing of his or her case, within a reasonable time period, by an independent and impartial court.

2. The judicial proceedings or a part thereof may, in the cases and under the procedure prescribed by law, be held behind closed doors upon a court decision, for the purpose of protecting the private life of the participants of proceedings, the interests of minors or interests of justice, as well as state security, public order or morals.

3. The use of evidence obtained in violation of basic rights or that undermining the right to fair trial shall be prohibited.

#### **Article 64.** Right to Receive Legal Aid

1. Everyone shall have the right to receive legal aid. Legal aid shall be provided at the expense of state funds in the cases prescribed by law.

2. Advocacy based on independence, self-governance and legal equality of advocates shall be guaranteed with a view of ensuring legal aid. The status, rights and responsibilities of advocates shall be prescribed by law.

#### **Article 65.** Right to Be Exempt from the Obligation to Testify

No one shall be obliged to testify about himself or herself, his or her spouse or close relatives if it is reasonably assumed that it may be used against him or her or against them in the future. The law may prescribe other cases of being exempt from the obligation to testify.

#### **Article 66.** Presumption of innocence

Anyone charged with a crime shall be presumed innocent until proven guilty as prescribed by

law, upon criminal judgment of the court entered into legal force.

#### **Article 67.** Right to Be Defended Against a Charge

Everyone accused of a crime shall have:

- (1) the right to be promptly and thoroughly informed, in a language which he or she understands, of the nature of and grounds for the charge brought;
- (2) the right to defend himself or herself personally or be defended through an advocate chosen thereby;
- (3) the right to have adequate time and opportunities to prepare his or her defence and to communicate with the advocate chosen thereby;
- (4) the right to question persons testifying against him or her, or have these persons questioned, as well as have the persons testifying in his or her favour to be summoned and interrogated under the same conditions as those for the persons having testified against him or her;
- (5) the right to avail of the services of a translator, free of charge, in case he or she does not have command of the Armenian language.

#### **Article 68.** Prohibition of Double Jeopardy

1. No one may be tried twice for the same act.
2. The provisions of part 1 of this Article shall not prevent the review of a case in accordance with law in case of availability of new or newly emerged circumstances, or where there have been fundamental shortcomings in the examination of the case which could affect the outcome of the case.

#### **Article 69.** Right of a Sentenced Person to Appeal

Everyone sentenced for committal of a criminal offence shall have the right to have the criminal judgment, rendered against him or her, reviewed by superior judicial instance, on the grounds and under the procedure prescribed by law.

#### **Article 70.** Right to Seek Pardon

Every convict shall have the right to seek pardon, including mitigation of the imposed punishment. Details shall be prescribed by law.

#### **Article 71.** Principle of Guilt and Principle of Proportionality of Punishments

1. Guilt shall be the ground for punishment of a person having committed a criminal offence.
2. The punishment prescribed by law, as well as the type and size of the punishment imposed must be proportionate to the committed act.

#### **Article 72.** Principle of Lawfulness in Defining Crimes and Imposing Punishments

No one shall be sentenced for an action or inaction not deemed to be a crime at the time of committal. A punishment more severe than that applicable at the time of committing the criminal offence may not be imposed. A law decriminalising an act or mitigating the punishment therefor shall have retroactive effect.

#### **Article 73.** Retroactive Effect of Laws and Other Legal Acts

1. Laws and other legal acts deteriorating the legal condition of a person shall not have retroactive effect.

2. Laws and other legal acts improving the legal condition of a person shall have retroactive effect where these acts so provide for.

#### **Article 74.** Applicability of Basic Rights and Freedoms with Respect to Legal Persons

The basic rights and freedoms shall also extend to legal persons to the extent these rights and freedoms, by virtue of their nature, are applicable thereto.

#### **Article 75.** Organisational Mechanisms and Procedures for the Exercise of Basic Rights and Freedoms

When regulating basic rights and freedoms, laws shall define organisational mechanisms and procedures necessary for effective exercise of these rights and freedoms.

#### **Article 76.** Restrictions on Basic Rights and Freedoms During State of Emergency or Martial Law

During state of emergency or martial law, basic rights and freedoms of the human being and the citizen — with the exception of those referred to in Articles 23-26, 28-30, 35-37, part 1 of Article 38, part 1 of Article 41, part 1, first sentence of part 5 and part 8 of Article 47, Article 52, part 2 of Article 55, Article 56, Article 61, Articles 63-72 of the Constitution — may be temporarily suspended or subjected to additional restrictions under the procedure prescribed by law, only to the extent required by the existing situation within the framework of international commitments undertaken with respect to derogations from obligations during state of emergency or martial law.

#### **Article 77.** Prohibition of Abuse of Basic Rights and Freedoms

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

#### **Article 78.** Principle of Proportionality

The means chosen for restricting basic rights and freedoms must be suitable and necessary for achievement of the objective prescribed by the Constitution. The means chosen for restriction must be commensurate to the significance of the basic right or freedom being restricted.

#### **Article 79.** Principle of Certainty

When restricting basic rights and freedoms, laws must define the grounds and extent of restrictions, be sufficiently certain to enable the holders and addressees of these rights and freedoms to display appropriate conduct.

#### **Article 80.** Inviolability of the Essence of the Provisions on Basic Rights and Freedoms

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

#### **Article 81.** Basic Rights and Freedoms and International Legal Practice

1. The practice of bodies operating on the basis of international treaties on human rights, ratified by the Republic of Armenia, shall be taken into account when interpreting the provisions

concerning basic rights and freedoms enshrined in the Constitution.

2. Restrictions on basic rights and freedoms may not exceed the restrictions prescribed by international treaties of the Republic of Armenia.

### **CHAPTER 3**

## **LEGISLATIVE GUARANTEES AND MAIN OBJECTIVES OF STATE POLICY IN SOCIAL, ECONOMIC AND CULTURAL SPHERES**

#### **Article 82. Working Conditions**

Every worker shall, in accordance with law, have the right to healthy, safe and decent working conditions, to limitation of maximum working hours, to daily and weekly rest, as well as to annual paid leave.

#### **Article 83. Social Security**

Everyone shall, in accordance with law, have the right to social security in cases of maternity, having many children, sickness, disability, accidents at work, need of care, loss of bread-winner, old-age, unemployment, loss of employment, and in other cases.

#### **Article 84. Decent Living and Minimum Salary**

1. Every person in need and the elderly shall, in accordance with law, have the right to a decent living.
2. The minimum salary shall be prescribed by law.

#### **Article 85. Health Care**

1. Everyone shall, in accordance with law, have the right to health care.
2. The law shall prescribe the list of free of charge basic medical services and the procedure for the provision thereof.

#### **Article 86. Main Objectives of State Policy**

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

- (1) improving the business environment and promoting entrepreneurship;
- (2) promoting the employment of the population and improving the working conditions;
- (3) fostering housing construction;
- (4) promoting actual equality between women and men;
- (5) promoting birth and having many children;
- (6) creating favourable conditions for the full and comprehensive development of individuality in children;
- (7) implementing programmes for population's health care and improvement, creating conditions for effective and affordable medical services;
- (8) implementing programmes for disability prevention, treatment, rehabilitation of persons with disability, promoting the participation of persons with disability in public life;
- (9) protecting consumer rights and exercising supervision over the quality of goods, services and works;
- (10) ensuring proportional territorial development;

- (11) ensuring development of physical culture and sports;
- (12) promoting the participation of youth in political, economic and cultural life;
- (13) ensuring development of free of charge higher and other vocational education;
- (14) ensuring development of fundamental and applied sciences;
- (15) contributing to free access by everyone to national and universal values;
- (16) promoting charity for the establishment, financing of cultural, educational, scientific, health care, athletic, social and other institutions, as well as for ensuring financial independence thereof.

#### **Article 87.** Fulfilment of Main Objectives of State Policy

1. Within the framework of their competences and possibilities, state and local self-government bodies shall be obliged to fulfil the objectives prescribed by Article 86 of the Constitution.
2. Within the framework of the report provided for by Article 156 of the Constitution, the Government shall submit information regarding fulfilment of the objectives prescribed by Article 86 of the Constitution.

### **CHAPTER 4 NATIONAL ASSEMBLY**

#### **Article 88.** Status and Functions of the National Assembly

1. The National Assembly shall be the representative body of the people.
2. The National Assembly shall implement the legislative power.
3. The National Assembly shall exercise supervision over the executive power, shall adopt the State Budget and perform other functions prescribed by the Constitution.
4. The powers of the National Assembly shall be prescribed by the Constitution.
5. The National Assembly shall operate in accordance with its Rules of Procedure.

#### **Article 89.** Composition of the National Assembly and Procedure for the Election Thereto

1. The National Assembly shall be composed of at least one hundred and one Deputies.
2. Representatives of national minorities shall be allocated with seats in the National Assembly under the procedure prescribed by the Electoral Code.
3. The National Assembly shall be elected through proportional electoral system. The Electoral Code shall guarantee formation of stable parliamentary majority. Where stable parliamentary majority is not formed as a result of elections or through formation of a political coalition, a second round of election may be held. In case of holding a second round of elections, the formation of new alliances shall be permitted. The restrictions on, conditions and procedure for formation of political coalition shall be prescribed by the Electoral Code.

#### **Article 90.** Term of Powers of the National Assembly

1. The National Assembly shall be elected for a term of five years.
2. In case of regular elections, the term of powers of the newly-elected National Assembly shall commence at the time of opening the first session of the newly-elected National Assembly convened on the day of expiry of the term of powers of the National Assembly of previous convocation.
3. In case a newly-elected National Assembly is not formed prior to the expiry of the powers of the existing National Assembly, the term of powers of the existing National Assembly shall



expire and the term of powers of the newly-elected National Assembly shall commence after the formation of newly-elected National Assembly, at the time of opening the first session of the newly-elected National Assembly convened on the second Monday.

4. In case the elections to the National Assembly have been held within the time period prescribed by part 2 of Article 91 of the Constitution due to martial law or state of emergency, the term of powers of the existing National Assembly shall expire and the term of powers of the newly-elected National Assembly shall commence after the formation of the newly-elected National Assembly, at the time of opening the first session of the National Assembly convened on the second Monday.

5. In case of extraordinary elections, the term of powers of the existing National Assembly shall expire and the term of powers of the newly-elected National Assembly shall commence after the formation of the newly-elected National Assembly, at the time of opening the first session of the National Assembly convened on the second Monday.

6. The fact of formation of the National Assembly shall be established in accordance with the Electoral Code.

#### **Article 91.** Regular Elections to the National Assembly

1. Regular elections to the National Assembly shall be held not earlier than sixty and not later than fifty days prior to the expiry of the term of powers of the National Assembly.

2. Elections to the National Assembly shall not be held during martial law or state of emergency. In this case regular elections to the National Assembly shall be held not earlier than fifty and not later than sixty-five days after the end of martial law or state of emergency.

#### **Article 92.** Extraordinary Elections to the National Assembly

1. Extraordinary elections to the National Assembly shall be held after the dissolution of the National Assembly in the cases prescribed by part 3 of Article 149, parts 3 and 4 of Article 151 of the Constitution.

2. Extraordinary elections to the National Assembly shall be held not earlier than thirty and not later than forty-five days after the dissolution of the National Assembly.

#### **Article 93.** Calling Elections to the National Assembly

Regular and extraordinary elections to the National Assembly shall be called by the President of the Republic.

#### **Article 94.** Representation Mandate

Deputies shall represent the whole people, shall not be bound by imperative mandate, shall be guided by their conscience and convictions.

#### **Article 95.** Incompatibility of Parliamentary Mandate

A Deputy may not hold any position, not related to his or her status, within state or local self-government bodies, or any position within commercial organisations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational and creative work.

#### **Article 96.** Immunity of a Deputy

1. A Deputy may not, during his or her term of powers or thereafter, be prosecuted or held liable for an opinion expressed or voting within the framework of parliamentary activities.

2. Criminal prosecution may be initiated against a Deputy only upon the consent of the National

Assembly. A Deputy may not be deprived of liberty without the consent of the National Assembly, except for the case of having been caught at the time of committing a criminal offence or immediately thereafter. In such case, deprivation of liberty may not last more than seventy-two hours. The Chairperson of the National Assembly shall be immediately notified of the deprivation of liberty of the Deputy.

#### **Article 97.** Amount of Remuneration of Deputies and Other Guarantees for the Activities thereof

The amount of remuneration of Deputies and other guarantees for the activities thereof shall be prescribed by law.

#### **Article 98.** Discontinuation and Termination of Powers of a Deputy

1. The powers of a Deputy shall discontinue upon expiry of the term of powers of the National Assembly, in case of loss of citizenship of the Republic of Armenia or acquisition of citizenship of another State, entry into force of a criminal judgment on sentencing him or her to imprisonment, entry into force of a civil judgment on declaring him or her as having no active legal capacity, as missing or dead, in case of his or her death, or resignation.
2. The powers of a Deputy shall be terminated in case of unexcused absence from at least half of the votings held during each half of the calendar year, as well as in case of violating the requirements of Article 95 of the Constitution.

#### **Article 99.** Regular Session of the National Assembly

Regular sessions of the National Assembly shall be convened twice a year, from the third Monday of January to the third Thursday of June, and from the second Monday of September to the third Thursday of December.

#### **Article 100.** Extraordinary Session and Sitting of the National Assembly

1. An extraordinary session or sitting of the National Assembly shall be convened by the Chairperson of the National Assembly upon the initiative of at least one fourth of the total number of Deputies, or of the Government.
2. The extraordinary session or sitting shall be held according to the agenda and time period defined by the initiator.

#### **Article 101.** Publicity of Sittings of the National Assembly

1. Sittings of the National Assembly shall be public.
2. The National Assembly shall, upon recommendation of at least one fifth of the total number of Deputies or of the Government, hold a closed sitting upon the decision rendered by majority of votes of the total number of Deputies. Voting during a closed sitting shall be prohibited.

#### **Article 102.** Quorum of Sittings of the National Assembly

A sitting of the National Assembly shall have quorum if more than half of the total number of Deputies have registered in the beginning of the sitting.

#### **Article 103.** Adoption of Laws, National Assembly Decisions, Statements and Addresses

1. Laws, National Assembly decisions, statements and addresses, except for the cases prescribed by the Constitution, shall be adopted by majority of votes of the Deputies participating in the voting, provided that more than half of the total number of Deputies have

participated in the voting.

2. The Rules of Procedure of the National Assembly, the Electoral Code, the Judicial Codes, the Law on the Constitutional Court, the Law on Referendum, the Law on Political Parties and the Law on the Human Rights Defender shall be constitutional laws and be adopted by at least three fifths of votes of the total number of Deputies. Legal regulation of a constitutional law must not extend beyond the scope of its subject matter.

3. The National Assembly shall adopt decisions in the cases prescribed by the Constitution, as well as on matters related with the organising of its activities.

4. The National Assembly decisions, statements and addresses shall be signed and promulgated by the Chairperson of the National Assembly.

#### **Article 104.** Chairperson and Deputy Chairpersons of the National Assembly, and the Council of the National Assembly

1. The National Assembly shall elect from among its members the Chairperson of the National Assembly and three deputies thereof. One of the deputies shall be elected from among the Deputies included in the opposition factions. The Chairperson of the National Assembly and the deputies thereof shall be elected and recalled by majority of votes of the total number of Deputies.

2. The Chairperson of the National Assembly shall represent the National Assembly and ensure normal operation thereof.

3. Council of the National Assembly shall be formed within the National Assembly and shall be composed of the National Assembly Chairperson, deputies thereof, one representative from each faction and the chairpersons of standing committees. The Council of the National Assembly shall approve the draft agendas for regular sessions and sittings, as well as exercise other powers provided for by the Rules of Procedure of the National Assembly.

#### **Article 105.** Factions of the National Assembly

1. The factions shall contribute to the formation of the political will of the National Assembly.

2. The faction shall include Deputies only of the same political party or alliance of political parties.

#### **Article 106.** Standing Committees of the National Assembly

1. The National Assembly shall establish standing committees for preliminary discussion of draft laws and other issues falling under its competence and for submission of opinions thereon to the National Assembly, as well as for the exercise of parliamentary supervision. Not more than twelve standing committees may be established within the National Assembly.

2. Seats within standing committees shall be allocated in proportion to the number of Deputies included in factions. The positions of chairpersons of standing committees shall be distributed among factions in proportion to the number of Deputies included in the faction.

#### **Article 107.** Ad Hoc Committees of the National Assembly

Ad hoc committees may be established upon the decision of the National Assembly for the discussion of drafts of individual laws, National Assembly decisions, statements and addresses, as well as issues relating to parliamentarian ethics, and for submission of opinions thereon to the National Assembly.

#### **Article 108.** Inquiry Committees of the National Assembly

1. Upon the request of at least one fourth of the total number of Deputies, an inquiry committee

of the National Assembly shall be established by virtue of law for the purpose of clarifying facts about issues falling under the competence of the National Assembly and those of public interest, as well as for submitting them to the National Assembly.

2. Seats within an inquiry committee shall be allocated in proportion to the number of Deputies included in factions. The number of the members of inquiry committee shall be determined by the National Assembly. The inquiry committee shall be chaired by one of the Deputies submitting the request.

3. Upon the request of at least one fourth of the members of inquiry committee, state and local self-government bodies and officials shall be obliged to provide to the committee the necessary information related to the field of competence of the committee, provided that the provision thereof is not prohibited by law.

4. The powers of an inquiry committee in the spheres of defence and security may be exercised only by the competent standing committee of the National Assembly, upon the request of at least one third of the total number of Deputies.

5. Details related to the activities of inquiry committees shall be prescribed by the Rules of Procedure of the National Assembly.

### **Article 109.** Legislative Initiative

1. A Deputy, a faction of the National Assembly and the Government shall have the right to legislative initiative.

2. The author of a legislative initiative may, at any time, recall the draft law submitted thereby.

3. If, according to the opinion of the Government, a draft law significantly reduces the revenues of the State Budget or increases state expenditures, then, upon the request of the Government, this law may be adopted by majority of votes of the total number of Deputies.

4. A draft law deemed to be urgent upon the decision of the Government shall be either adopted or rejected within a period of two months.

5. Draft laws for which the Government has the exclusive right to legislative initiative may be put to vote only with the corrections acceptable for the Government.

6. At least fifty thousand citizens having the right of suffrage shall be entitled to propose, upon popular initiative, a draft law to the National Assembly.

### **Article 110.** Adoption of the State Budget

1. The National Assembly shall adopt the State Budget upon submission of the Government. The State Budget shall include all revenues and expenditures as prescribed by law.

2. The Government shall submit the draft State Budget to the National Assembly at least ninety days prior to the beginning of the fiscal year.

3. The State Budget shall be adopted prior to the beginning of the fiscal year. In case the State Budget is not adopted within this time period, the expenditures shall, until the adoption of the State Budget, be made in accordance with the proportions of the budget for the previous year.

### **Article 111.** Supervision over the State Budget Performance

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

2. The National Assembly shall, upon availability of an opinion of the Audit Chamber, discuss and adopt a decision on the annual report relating to the performance of the State Budget submitted by the Government.

### **Article 112.** Oral and Written Questions of Deputies

1. In one of the sittings convened during the sittings week of the regular session, members of the Government shall answer the oral questions of the Deputies. The National Assembly shall not adopt decisions in respect of the questions of the Deputies.
2. Deputies shall have the right to address written questions to the members of the Government. The answers to written questions shall not be presented at the sitting of the National Assembly.

### **Article 113.** Interpellations

1. Factions of the National Assembly shall have the right to address the members of the Government with written interpellations. The members of the Government shall respond to interpellations not later than within thirty days after the receipt thereof.
2. The responses to interpellations shall be presented at the sitting of the National Assembly. The response to an interpellation shall be discussed upon the recommendation of a faction. Where as a result of discussions a proposal for seeking non-confidence against the Prime Minister is submitted by at least one third of the total number of Deputies, the provisions of Article 115 of the Constitution shall apply. As a result of an interpellation, the National Assembly may recommend the Prime Minister to discuss the issue of an individual member of the Government holding the office in the future.

### **Article 114.** Discussions on Urgent Topics

In one of the sittings convened during the sittings week of the regular session, discussions on urgent topics of public interest may be held upon the request of at least one fourth of the total number of Deputies.

### **Article 115.** Seeking Non-Confidence Against the Prime Minister

1. A draft decision of the National Assembly on seeking non-confidence against the Prime Minister may be submitted by at least one third of the total number of Deputies only in the case when a candidate for a new Prime Minister is simultaneously nominated by the draft decision.
2. The draft decision of the National Assembly on seeking non-confidence against the Prime Minister shall be put to vote not earlier than forty-eight and not later than seventy-two hours upon the submission thereof. The decision shall be adopted by majority of votes of the total number of Deputies, by roll-call voting. In case of adoption of the decision, the Prime Minister is considered to have submitted resignation. The provisions of parts 2-4 of Article 149 of the Constitution shall not be applicable in this case.
3. Non-confidence may be sought against the Prime Minister not earlier than one year after his or her appointment. In case the draft decision of the National Assembly on seeking non-confidence against the Prime Minister is not adopted, such draft may be submitted not earlier than after six months.
4. A draft decision of the National Assembly on seeking non-confidence against the Prime Minister may not be submitted or discussed during state of emergency or martial law.

### **Article 116.** Ratification, Suspension or Revocation of International Treaties

1. The National Assembly shall ratify, suspend and revoke international treaties:
  - (1) which concern the basic rights and freedoms of the human being and the citizen, as well as obligations thereof;
  - (2) which have a political or military nature;
  - (3) which envisage the membership of the Republic of Armenia to an international organisation;
  - (4) which envisage financial or property-related obligations for the Republic of Armenia;
  - (5) the application of which implies amendments to a law or adoption of a new law, or include norms contradicting the law;

(6) which directly envisage ratification;

(7) which contain issues subject to regulation by law.

2. The National Assembly shall, upon recommendation of the Government, ratify, suspend and revoke international treaties through a law, by majority of votes of the total number of Deputies.

3. International treaties contradicting the Constitution may not be ratified.

#### **Article 117. Amnesty**

The National Assembly may, upon recommendation of the Government, adopt a law on amnesty, by majority of votes of the total number of Deputies.

#### **Article 118. Declaring War and Establishing Peace**

1. The National Assembly may, upon recommendation of the Government, adopt a decision on declaring war or establishing peace, by majority of votes of the total number of Deputies.

2. In case of impossibility to convene a sitting of the National Assembly, the Government shall decide on the issue of declaring war.

#### **Article 119. Martial Law**

1. In the event of an armed attack against the Republic of Armenia or imminent danger thereof or declaration of war, the Government shall declare martial law, deliver an address to the people, as well as may call for general or partial mobilisation.

2. In case of declaration of martial law, a special sitting of the National Assembly shall be immediately convened by virtue of law.

3. The National Assembly may lift martial law or cancel the implementation of measures provided for under the legal regime of martial law, by majority of votes of the total number of Deputies.

4. The legal regime of martial law shall be prescribed by a law adopted by majority of votes of the total number of Deputies.

#### **Article 120. State of Emergency**

1. In the event of an imminent danger posed to the constitutional order, the Government shall declare a state of emergency, take measures resulting from the situation and address the people thereon.

2. In case of declaration of a state of emergency, a special sitting of the National Assembly shall be immediately convened by virtue of law.

3. The National Assembly may lift the state of emergency or cancel the implementation of measures provided for under the legal regime of state of emergency, by majority of votes of the total number of Deputies.

4. The legal regime of state of emergency shall be prescribed by a law adopted by majority of votes of the total number of Deputies.

#### **Article 121. Administrative-Territorial Units and Division**

The administrative-territorial units of the Republic of Armenia shall be the marzes [regions] and the communities. Upon submission of the Government, the administrative-territorial division shall be prescribed by law.

#### **Article 122. Autonomous Bodies**

1. In order to ensure exercise of the basic rights and freedoms of the human being and the

citizen, as well as to protect public interests of fundamental significance prescribed by the Constitution, autonomous bodies may be established by a law adopted by majority of votes of the total number of Deputies.

2. The members of autonomous bodies shall be appointed by majority of votes of the total number of Deputies.

3. Autonomous bodies may be vested by law with the competence of adopting secondary regulatory legal acts.

4. The powers of autonomous bodies, guarantees for independence, the requirements set forth for the members and the rules of operation thereof shall be prescribed by law.

## **CHAPTER 5 PRESIDENT OF THE REPUBLIC**

### **Article 123.** Status and Functions of the President of the Republic

1. The President of the Republic shall be the head of the State.

2. The President of the Republic shall observe the compliance with the Constitution.

3. In the course of exercising his or her powers, the President of the Republic shall be impartial and shall be guided exclusively by state-wide and nation-wide interests.

4. The President of the Republic shall perform his or her functions through the powers prescribed by the Constitution.

### **Article 124.** Term of Powers of and Requirements Set Forth for the President of the Republic

1. The President of the Republic shall be elected for a term of seven years.

2. Everyone having attained the age of forty, having held citizenship of only the Republic of Armenia for the preceding six years, having been permanently residing in the Republic of Armenia for the preceding six years, having the right of suffrage and having command of the Armenian language may be elected as President of the Republic.

3. The same person may be elected as President of the Republic only once.

4. The President of the Republic may not hold any other position, engage in entrepreneurial activities or perform other paid work.

5. In the course of exercising his or her powers, the President of the Republic may not hold membership in any political party.

### **Article 125.** Procedure for Electing the President of the Republic

1. The President of the Republic shall be elected by the National Assembly.

2. Regular elections of the President of the Republic shall be held not earlier than forty and not later than thirty days prior to the expiry of the powers of the President of the Republic.

3. At least one fourth of the total number of Deputies shall have the right to nominate a candidate for the President of the Republic.

4. The candidate having received at least three fourths of votes of the total number of Deputies shall be elected as President of the Republic. In case President of the Republic is not elected, a second round of elections shall be held wherein all candidates having taken part in the first round may participate. In the second round, the candidate having received at least three fifths of votes of the total number of Deputies shall be elected as President of the Republic. In case President of the Republic is not elected, a third round of elections shall be held wherein the two candidates having received a greater number of votes in the second round may participate. In the third round, the candidate having received the majority of votes of the total number of

Deputies shall be elected as President of the Republic.

5. In case President of the Republic is not elected, a new election for the President of the Republic shall be held within a period of ten days.

6. The details related to the procedure for electing the President of the Republic shall be prescribed by the Rules of Procedure of the National Assembly.

#### **Article 126.** Extraordinary Election of the President of the Republic

In the event of removal from office of the President of the Republic, impossibility to exercise the powers thereby, resignation or death thereof, an extraordinary election of the President of the Republic shall be held not earlier than twenty-five and not later than thirty-five days after the office of the President of the Republic becomes vacant.

#### **Article 127.** Assuming Office by the President of the Republic

1. The President of the Republic shall assume office on the day of expiry of powers of the previous President of the Republic.

2. The President of the Republic elected through extraordinary elections shall assume office on the tenth day after having been elected.

3. The President of the Republic shall assume office by taking the following oath to the people at a special sitting of the National Assembly: "Assuming the office of the President of the Republic of Armenia, I hereby swear to remain faithful to the Constitution of the Republic of Armenia, to be impartial in the exercise of my powers, to be guided only by state-wide and nation-wide interests, and to invest all of my efforts for strengthening national unity."

#### **Article 128.** Address of the President of the Republic

The President of the Republic may deliver an address to the National Assembly on issues falling under his or her competence.

#### **Article 129.** Signature and Promulgation of Law

1. The President of the Republic shall sign and promulgate a law adopted by the National Assembly within a period of twenty-one days, or shall apply within the same time period to the Constitutional Court for the purpose of determining the compliance of the law with the Constitution.

2. In case the Constitutional Court decides that the law complies with the Constitution, the President of the Republic shall sign and promulgate the law within a period of five days.

3. In case the President of the Republic fails to fulfil the requirements prescribed by this Article, the Chairperson of the National Assembly shall sign and promulgate the law within a period of five days.

#### **Article 130.** Accepting the Resignation of the Government

In the cases prescribed by Article 158 of the Constitution, the President of the Republic shall immediately accept the resignation of the Government.

#### **Article 131.** Changes in the Composition of the Government

The President of the Republic shall, upon recommendation of the Prime Minister, make changes in the composition of the Government.

#### **Article 132.** Powers of the President of the Republic in the Area of Foreign Policy



1. In the cases and under the procedure prescribed by law, the President of the Republic shall:
  - (1) conclude international treaties, upon recommendation of the Government;
  - (2) appoint and recall diplomatic representatives to foreign states and international organisations, upon recommendation of the Prime Minister;
  - (3) receive the letters of credence and letters of recall of diplomatic representatives to foreign states and international organisations.
2. Upon recommendation of the Government, the President of the Republic shall, in the cases and under the procedure prescribed by law, approve, suspend or revoke international treaties not requiring ratification.
3. Upon recommendation of the Prime Minister, the President of the Republic shall, in the cases and under the procedure prescribed by law, confer the highest diplomatic ranks.

#### **Article 133.** Powers of the President of the Republic in the Area of Armed Forces

1. Upon recommendation of the Prime Minister, the President of the Republic shall, in the cases and under the procedure prescribed by law, appoint and dismiss the supreme command of the armed forces and of other troops.
2. Upon recommendation of the Prime Minister, the President of the Republic shall, in the cases and under the procedure prescribed by law, confer the highest military ranks.

#### **Article 134.** Deciding on Issues Related to Citizenship

The President of the Republic shall, in the cases and under the procedure prescribed by law, decide on issues in respect of granting and terminating citizenship of the Republic of Armenia.

#### **Article 135.** Granting Pardon

The President of the Republic shall decide on the issue of granting pardon to convicts in the cases and under the procedure prescribed by law.

#### **Article 136.** Decorating with Awards and Conferring Honorary Titles

The President of the Republic shall, in the cases and under the procedure prescribed by law, decorate with orders and medals of the Republic of Armenia, and confer honorary titles.

#### **Article 137.** Conferring the Highest Class Ranks

The President of the Republic shall, in the cases and under the procedure prescribed by law, confer the highest class ranks.

#### **Article 138.** Temporary Appointment of Officials

In case the National Assembly fails to elect appropriate officials under the procedure prescribed by part 3 of Article 174, part 1 of Article 177, part 1 of Article 192, part 2 of Article 195, part 2 of Article 197, part 2 of Article 199 and part 1 of Article 201 of the Constitution within a period of three months, the President of the Republic shall, prior to the election thereof by the National Assembly, appoint acting officials on the grounds and under the procedure prescribed by law.

#### **Article 139.** Decrees and Executive Orders of the President of the Republic

1. In the course of exercising his or her powers, the President shall adopt decrees and executive orders.

2. The President of the Republic may, within a period of three days, return the relevant act with his or her objections to the authority submitting the proposal or filing a motion, in the cases prescribed by Articles 131-137, part 3 of Article 155, parts 3, 4, 6 and 7 of Article 166 of the Constitution. In case this objection is not accepted by the competent authority, the President of the Republic shall sign the relevant act or apply to the Constitutional Court.
3. In case the President of the Republic fails to fulfil the requirements prescribed by part 2 of this Article, the relevant act shall enter into force by virtue of law.

#### **Article 140.** Immunity of the President of the Republic

1. The President of the Republic shall be immune.
2. 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.
3. The President of the Republic may be subjected to liability for actions not related with his or her status only after the expiry of the powers thereof.

#### **Article 141.** Removal of the President of the Republic from Office

1. The President of the Republic may be removed from office for treason, another grave crime, or gross violation of the Constitution.
2. For the purpose of obtaining an opinion on the existence of grounds for removing the President of the Republic from office, the National Assembly shall apply to the Constitutional Court, upon a decision adopted by majority of votes of the total number of Deputies.
3. The decision to remove the President of the Republic from office shall be adopted 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.

#### **Article 142.** Resignation of the President of the Republic

The President of Republic shall submit his or her resignation to the National Assembly. The resignation shall be considered as accepted upon publication thereof as prescribed by law.

#### **Article 143.** Impossibility of Exercising the Powers of the President of the Republic

In case of serious illness of the President of Republic or other insurmountable obstacles to the exercise of his or her powers, which result in lasting impossibility of exercising his or her powers, the Constitutional Court shall, based on the request of the Government, take a decision on the impossibility of exercise of the powers of the President of the Republic.

#### **Article 144.** Temporary Exercise of the Powers of the President of the Republic

In case of removal from office, impossibility of exercise of the powers, resignation or death of the President of the Republic, before the newly-elected President of the Republic assumes the office the powers of the President of the Republic shall be exercised by the Chairperson of the National Assembly.

#### **Article 145.** Ensuring the Activities of the President of the Republic

1. The procedure for formation of the Staff to the President of the Republic shall be prescribed by law. In the cases and under the procedure prescribed by law, the President of the Republic shall make appointments to the positions of the Staff to the President of the Republic.
2. The amount of remuneration and the procedure for provision of services and ensuring the security of the President of the Republic shall be prescribed by law.

## CHAPTER 6 GOVERNMENT

### **Article 146.** Status and Functions of the Government

1. The Government shall be the supreme body of the executive power.
2. The Government shall, based on its programme, develop and implement the domestic and foreign policies of the State.
3. The Government shall exercise general management of the bodies of the state administration system.
4. The powers of the Government shall be prescribed by the Constitution and laws. The matters pertaining to the executive power and not reserved to state administration bodies or other local self-government bodies shall fall under the competence of the Government.

### **Article 147.** Composition and Structure of the Government

1. The Government shall be composed of the Prime Minister, Deputy Prime Ministers and ministers.
2. The list of ministries and the rules of operation of the Government shall be prescribed by law, upon submission by the Government. The number of Deputy Prime Ministers may not exceed three, whereas that of the ministers may not exceed eighteen.

### **Article 148.** Requirements Set Forth for the Members of the Government

1. A member of the Government must meet the requirements set forth for a Deputy.
2. The incompatibility requirements prescribed for a Deputy shall extend to the member of the Government. The law may prescribe additional incompatibility requirements therefor.

### **Article 149.** Election and Appointment of the Prime Minister

1. Immediately after commencement of the term of powers of the newly-elected National Assembly, the President of the Republic shall appoint as Prime Minister the candidate nominated by the parliamentary majority formed under the procedure prescribed by Article 89 of the Constitution.
2. In case the Prime Minister submits a resignation or in other cases of the office of the Prime Minister becoming vacant, the factions of the National Assembly shall be entitled to nominate candidates for Prime Minister within a period of seven days after accepting the resignation of the Government. The National Assembly shall elect the Prime Minister by majority of votes of the total number of Deputies.
3. In case Prime Minister is not elected, a new election of Prime Minister shall be held seven days after voting, wherein the candidates for Prime Minister nominated by at least one third of the total number of Deputies shall be entitled to participate. In case Prime Minister is not elected by majority of votes of the total number of Deputies, the National Assembly shall be dissolved by virtue of law.
4. The election of the Prime Minister shall be held by roll-call voting.
5. The President of the Republic shall immediately appoint as Prime Minister the candidate elected by the National Assembly.

### **Article 150.** Formation of the Government

The Government shall be formed within a period of fifteen days following appointment of the

Prime Minister. The Prime Minister shall, within a period of five days following his or her appointment, propose to the President of the Republic candidates for Deputy Prime Ministers and ministers. The President of the Republic shall, within a period of three days, either appoint Deputy Prime Ministers and ministers, or apply to the Constitutional Court. The Constitutional Court shall examine the application and take a decision within a period of five days. If the President of the Republic fails to fulfil the requirements prescribed by this Article within a period of three days, the corresponding Deputy Prime Minister or minister shall be deemed to be appointed by virtue of law.

#### **Article 151.** Programme of the Government

1. The Prime Minister shall, within a period of twenty days following formation of the Government, submit to the National Assembly the Programme of the Government.
2. The National Assembly shall approve the Programme of the Government within a period of seven days, by majority of votes of the total number of Deputies.
3. In case the National Assembly does not approve the Programme of the Government and does not elect a new Prime Minister in accordance with parts 2 and 3 of Article 149 of the Constitution, the National Assembly shall be dissolved by virtue of law. If the National Assembly elects the Prime Minister, yet again does not approve the Programme of the Government, the National Assembly shall be dissolved by virtue of law.
4. Part 3 of this Article shall not extend to the Programme of the Government formed in accordance with Article 115 of the Constitution. In case the Programme of this Government is not approved, the National Assembly shall be dissolved by virtue of law.

#### **Article 152.** Competences of the Prime Minister and of Other Members of the Government

1. The Prime Minister shall, within the framework of the Programme of the Government, determine the main directions of policy of the Government, manage the activities of the Government and coordinate the work of the members of the Government. The Prime Minister may give assignments to the members of the Government in respect of specific issues. The Prime Minister shall head the Security Council and the procedure for the formation and rules of operation thereof shall be prescribed by law.
2. Deputy Prime Ministers shall, upon assignment of the Prime Minister, coordinate individual fields of the activities of the Government. One of the Deputy Prime Ministers shall substitute the Prime Minister, under the procedure defined by the Prime Minister, during his or her absence.
3. Each minister shall independently manage the field of activities entrusted to the ministry.
4. The members of the Government shall be entitled to adopt secondary regulatory legal acts.

#### **Article 153.** Sittings and Decisions of the Government

1. Sittings of the Government shall be convened and chaired by the Prime Minister.
2. Decisions of the Government shall be signed by the Prime Minister.
3. The Government shall be entitled to adopt secondary regulatory legal acts.

#### **Article 154.** Economic and Financial Policies

1. The Government shall implement a single state policy on financial and economic, credit and tax matters.
2. The Government shall administer state property.

#### **Article 155.** Armed Forces

1. The armed forces shall fall under the subordination of the Government. The decision on the

- use of armed forces shall be taken by the Government. In case of urgent necessity, the Prime Minister shall, upon recommendation of the Minister of Defence, take a decision on the use of armed forces and shall immediately inform the members of the Government thereon.
2. The main directions of the defence policy shall be prescribed by the Security Council. The Minister of Defence shall manage the armed forces within the framework of these main directions.
  3. The highest military official of the armed forces shall be the Chief of General Staff, which shall be appointed by the President of the Republic, upon recommendation of the Prime Minister, for the term prescribed by law. In a non-war situation, the Chief of General Staff shall be subordinate to the Minister of Defence.
  4. At the time of war, the Prime Minister shall act as the Commander-in-Chief of the armed forces.
  5. The subordination and management of the armed forces, as well as other details shall be prescribed by law.

#### **Article 156.** Annual Report of the Government to the National Assembly

The Government shall submit a report for each year to the National Assembly in respect of the implementation process of its Programme and the results thereof.

#### **Article 157.** Issue of the Confidence in the Government

1. With respect to the adoption of a draft law submitted by the Government, the Government may raise the issue of its confidence. The draft decision on seeking confidence in the Government shall be put to vote not later than within seventy-two hours upon the submission thereof. The decision shall be adopted by majority of votes of the total number of Deputies, by roll-call voting.
2. In case the draft decision on seeking confidence in the Government is adopted, the draft law submitted by the Government shall be deemed adopted.
3. The Government may raise the issue of its confidence with respect to the draft law not more than twice within the same session.
4. The Government may not raise the issue of its confidence with respect to the adoption of a draft constitutional law.
5. The Government may not raise the issue of its confidence during martial law or state of emergency.

#### **Article 158.** Resignation of the Government

The Government shall submit its resignation to the President of the Republic on the day of the first session of newly-elected National Assembly, of not seeking confidence in the Government, not approving the Programme of the Government, the Prime Minister submitting a resignation or the office of the Prime Minister becoming vacant.

The members of the Government shall continue performing their duties until a new Government is formed.

#### **Article 159.** Bodies of State Administration System

The bodies of the state administration system shall be the ministries, as well as other bodies subordinate to the Government, the Prime Minister and ministries, the procedure for the formation and powers whereof shall be prescribed by law.

#### **Article 160.** Implementation of the Territorial Policy of the Government

1. The Government shall implement its territorial policy in marzes through marz governors.
2. Marz governors shall be appointed and dismissed by the Government. Marz governors shall co-ordinate the activities of the territorial subdivisions of state administration bodies, except for the cases prescribed by law.
3. Specifics of territorial administration in Yerevan shall be prescribed by law.

#### **Article 161. Public Council**

The Public Council shall be an advisory body of the Government. The procedure for the formation and rules of operation of the Public Council shall be prescribed by law.

### **CHAPTER 7 COURTS AND THE SUPREME JUDICIAL COUNCIL**

#### **Article 162. Administration of Justice**

1. In the Republic of Armenia, justice shall be administered only by courts in compliance with the Constitution and laws.
2. Any interference with the administration of justice shall be prohibited.

#### **Article 163. Courts**

1. The Constitutional Court, the Court of Cassation, courts of appeal, courts of first instance of general jurisdiction, as well as the Administrative Court shall operate in the Republic of Armenia. Other specialised courts may be established in the cases provided for by law.
2. Establishment of extraordinary courts shall be prohibited.

#### **Article 164. Status of a Judge**

1. When administering justice, a judge shall be independent, impartial and act only in accordance with the Constitution and laws.
2. A judge may not be held liable for the opinion expressed or judicial act rendered during administration of justice, except where there are elements of crime or disciplinary violation.
3. Criminal prosecution of a judge of the Constitutional Court with respect to the exercise of his or her powers may be initiated only upon the consent of the Constitutional Court. A judge of the Constitutional Court may not be deprived of liberty, with respect to the exercise of his or her powers, without the consent of the Constitutional Court, except where he or she has been caught at the time of or immediately after committing a criminal offence. In this case, deprivation of liberty may not last more than seventy-two hours. The Chairperson of the Constitutional Court shall be immediately notified of the deprivation of liberty of a judge of the Constitutional Court.
4. Criminal prosecution of a judge with respect to the exercise of his or her powers may be initiated only upon the consent of the Supreme Judicial Council. A judge may not be deprived of liberty, with respect to the exercise of his or her powers, without the consent of the Supreme Judicial Council except where he or she has been caught at the time of or immediately after committing a criminal offence. In this case, deprivation of liberty may not last more than seventy-two hours. The Chairperson of the Supreme Judicial Council shall be immediately notified of the deprivation of liberty of a judge.
5. The grounds and procedure for subjecting a judge to disciplinary liability shall be prescribed by the Law on the Constitutional Court and the Judicial Code.
6. A judge may not hold any position not related to his or her status in other state or local self-government bodies, any position in commercial organisations, or engage in entrepreneurial

activities or perform other paid work, except for scientific, educational and creative work. The Law on the Constitutional Court and the Judicial Code may prescribe additional incompatibility requirements.

7. A judge may not engage in political activities.

8. The powers of a judge shall discontinue upon expiry of the term of powers thereof, in cases of loss of citizenship of the Republic of Armenia or acquisition of citizenship of another State, entry into force of a criminal judgment of conviction rendered against him or her, termination of criminal prosecution on non-acquitting grounds, entry into force of a civil judgment on declaring him or her as having no active legal capacity, as missing or dead, in case of his or her resignation or death.

9. In cases of violation of incompatibility requirements, engaging in political activities, impossibility of holding office for health reasons, in case of committing essential disciplinary violation the powers of a judge of the Constitutional Court shall be terminated upon the decision of the Constitutional Court, whereas the powers of a judge — upon the decision of the Supreme Judicial Council.

10. The remuneration of a judge shall be determined in compliance with his or her high status and responsibility. The amount of remuneration of a judge shall be prescribed by law.

11. Details related to the status of judges shall be prescribed by the Law on the Constitutional Court and the Judicial Code.

#### **Article 165.** Requirements Set Forth for the Candidates for Judges

1. A lawyer with higher education, having attained the age of forty, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience may be elected as a judge of the Constitutional Court.

2. A lawyer with higher education, having attained the age of forty, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience may be appointed as a judge of the Court of Cassation.

3. A lawyer with higher education, holding citizenship of only the Republic of Armenia, having the right of suffrage may be appointed as a judge of a court of first instance and a court of appeal.

4. The candidates for judges must have command of the Armenian language.

5. The Law on the Constitutional Court and the Judicial Code may prescribe additional requirements to the candidates for judges.

#### **Article 166.** Procedure for Election and Appointment of Judges

1. Judges of the Constitutional Court shall be elected by the National Assembly for a term of twelve years, by at least three fifths of votes of the total number of Deputies. The Constitutional Court shall be composed of nine judges, of which three judges shall be elected upon recommendation of the President of the Republic, three judges upon recommendation of the Government, and three judges upon recommendation of the General Assembly of Judges. The General Assembly of Judges may nominate only judges. The same person may be elected as a judge of the Constitutional Court only once.

2. The Constitutional Court shall elect the Chairperson and Deputy Chairperson of the Constitutional Court from among its members for a term of six years, without the right to be re-elected.

3. Judges of the Court of Cassation shall, upon recommendation of the National Assembly, be appointed by the President of the Republic. The National Assembly shall elect the nominated candidate by at least three fifths of votes of the total number of Deputies, from among the three candidates nominated by the Supreme Judicial Council for each seat of a judge.

4. The chairpersons of the chambers of the Court of Cassation shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of corresponding chamber, for a term of six years. The same person may be elected as chairperson of a chamber of the Court of Cassation only once.
5. The National Assembly shall elect the Chairperson of the Court of Cassation, by majority of votes of the total number of Deputies, upon recommendation of the Supreme Judicial Council, from among the members of the Court of Cassation, for a term of six years. The same person may be elected as Chairperson of the Court of Cassation only once.
6. Judges of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council.
7. The chairpersons of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of the corresponding court, for a term of three years. The chairperson of the court may not be re-appointed to this position within three years following the expiry of his or her term of office.
8. Judges shall hold office until attaining the age of sixty-five, whereas judges of the Constitutional Court — until attaining the age of seventy.
9. Details related to the election and appointment of judges shall be prescribed by the Law on the Constitutional Court and the Judicial Code.

#### **Article 167.** The Constitutional Court

1. Constitutional justice shall be administered by the Constitutional Court, ensuring the supremacy of the Constitution.
2. When administering justice the Constitutional Court shall be independent and shall abide by only the Constitution.
3. The powers of the Constitutional Court shall be prescribed by the Constitution, whereas the procedure for the formation and rules of operation thereof shall be prescribed by the Constitution and the Law on the Constitutional Court.

#### **Article 168.** Powers of the Constitutional Court

The Constitutional Court, as prescribed by the Law on the Constitutional Court, shall:

- (1) determine the compliance of laws, decisions of the National Assembly, decrees and executive orders of the President of the Republic, decisions of the Government and the Prime Minister, and secondary regulatory legal acts with the Constitution;
- (2) prior to the adoption of draft amendments to the Constitution, as well as draft legal acts put to referendum, determine the compliance thereof with the Constitution;
- (3) prior to the ratification of an international treaty, determine the compliance of the commitments enshrined therein with the Constitution;
- (4) settle disputes arising between constitutional bodies with respect to the constitutional powers thereof;
- (5) settle disputes related to decisions adopted upon the results of a referendum, those of the elections of the National Assembly and President of the Republic;
- (6) render a decision on termination of the powers of a Deputy;
- (7) render an opinion on the existence of grounds for removing the President of the Republic from office;
- (8) render a decision on the impossibility of exercising the powers of the President of the Republic;
- (9) decide on the issue of subjecting a judge of the Constitutional Court to disciplinary liability;
- (10) decide on termination of the powers of a judge of the Constitutional Court;
- (11) decide on giving consent for initiating criminal prosecution against a judge of the Constitutional Court or depriving him or her of liberty with respect to the exercise of his or her



powers;

(12) render a decision, in the cases prescribed by law, on suspending or prohibiting the activities of a political party.

### **Article 169.** Applying to the Constitutional Court

1. The following may apply to the Constitutional Court:

- (1) the National Assembly — in the cases prescribed by point 12 of Article 168 of the Constitution, and in the case prescribed by point 7 of Article 168 of the Constitution upon the decision adopted by majority of votes of the total number of Deputies, whereas in the case prescribed by point 10 of Article 168 of the Constitution upon the decision adopted by at least three fifths of votes of the total number of Deputies;
- (2) at least one fifth of the total number of Deputies — in the cases prescribed by points 1, 4 and 6 of Article 168 of the Constitution;
- (3) a faction of the National Assembly — in respect of disputes related to decisions adopted upon the results of a referendum and those of the election of the President of the Republic;
- (4) the President of the Republic — in the cases prescribed by part 1 of Article 129, part 2 of Article 139, Article 150, as well as points 1 and 4 of Article 168 of the Constitution;
- (5) the Government — in the cases prescribed by points 1, 4, 8 and 12 of Article 168 of the Constitution;
- (6) the Supreme Judicial Council — in the cases prescribed by point 4 of Article 168 of the Constitution;
- (7) local self-government bodies — with regard to compliance with the Constitution of regulatory legal acts listed in point 1 of Article 168 of the Constitution, violating their constitutional rights, as well as in the cases prescribed by point 4 of Article 168 of the Constitution;
- (8) everyone — under a specific case where the final act of court is available, all judicial remedies have been exhausted, and he or she challenges the constitutionality of the relevant provision of a regulatory legal act applied against him or her upon this act, which has led to the violation of his or her basic rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the interpretation of the respective provision in law enforcement practice;
- (9) the Prosecutor General — in respect of the constitutionality of provisions of regulatory legal acts related to specific proceedings administered by the prosecutor's office, as well as in the case prescribed by point 11 of Article 168 of the Constitution;
- (10) the Human Rights Defender — in respect of the compliance of the regulatory legal acts listed in point 1 of Article 168 of the Constitution with the provisions of Chapter 2 of the Constitution;
- (11) political parties or alliances of political parties having participated in the elections to the National Assembly — in respect of disputes related to decisions adopted upon the results of elections to the National Assembly;
- (12) candidates for the President of the Republic — in respect of disputes related to decisions adopted upon the results of election of the President of the Republic;
- (13) at least three judges of the Constitutional Court — in the case prescribed by point 9 of Article 168 of the Constitution.

2. The National Assembly shall, in the cases prescribed by point 2 of Article 168 of the Constitution, apply to the Constitutional Court in respect of amendments to the Constitution, membership in supranational international organisations, or territorial changes. The authorised representative of a popular initiative shall apply to the Constitutional Court with regard to the issue of a draft law put to referendum upon popular initiative.

3. In the case prescribed by point 3 of Article 168 of the Constitution, the Government shall apply to the Constitutional Court.

4. Courts shall apply to the Constitutional Court in respect of the constitutionality of the regulatory legal act applicable in a specific case they are seized of, if they have reasonable

doubts on the constitutionality thereof and find that the adjudication of the case is possible only through the application of the regulatory legal act.

5. In the case prescribed by point 6 of Article 168 of the Constitution, the Council of the National Assembly shall apply to the Constitutional Court.

6. The details related to the procedure for applying to the Constitutional Court shall be prescribed by the Law on the Constitutional Court.

7. The Constitutional Court shall examine a case only in case of availability of the relevant application.

#### **Article 170.** Decisions and Opinions of the Constitutional Court

1. The Constitutional Court shall adopt decisions and opinions.

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

3. The Constitutional Court may, upon its decision, prescribe a later time period for repealing a regulatory legal act or a part thereof not complying with the Constitution.

4. The Constitutional Court shall render decisions on the issues provided for by Article 168 of the Constitution, except for the issue provided for by point 7, whereas it shall render opinions on the issue provided for by point 7 of Article 168.

5. Decisions on the issues provided for by points 10 and 12 of Article 168 of the Constitution, as well as opinions shall be adopted by at least two thirds of votes of the total number of judges of the Constitutional Court; the other decisions shall be adopted by majority of votes of the total number thereof.

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

#### **Article 171.** The Court of Cassation

1. In the Republic of Armenia the supreme court instance shall be the Court of Cassation, except for the field of constitutional justice.

2. The Court of Cassation, by way of revision of judicial acts within the scope of powers prescribed by law, shall:

- (1) ensure the uniform application of laws or other regulatory legal acts;
- (2) eliminate the fundamental violations of human rights and freedoms.

#### **Article 172.** The Courts of Appeal

The courts of appeal shall be the court instance reviewing, within the scope of powers prescribed by law, the judicial acts of the courts of first instance.

#### **Article 173.** The Supreme Judicial Council

The Supreme Judicial Council shall be an independent state body that guarantees the independence of courts and judges.

#### **Article 174.** Composition and Procedure for the Formation of the Supreme Judicial Council

1. The Supreme Judicial Council shall be composed of ten members.

2. Five members of the Supreme Judicial Council shall be elected by the General Assembly of Judges, from among judges having at least ten years of experience as a judge. Judges from all court instances must be included in the Supreme Judicial Council. A member elected by the General Assembly of Judges may not act as chairperson of a court or chairperson of a chamber of the Court of Cassation.

3. Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge.
4. Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected.
5. The Judicial Code may prescribe incompatibility requirements for the members of the Supreme Judicial Council elected by the National Assembly.
6. The Judicial Code may prescribe a requirement on the suspension of powers of judge-members while holding office in the Supreme Judicial Council.
7. The Supreme Judicial Council shall, within the time limits and under the procedure prescribed by the Judicial Code, elect a Chairperson of the Council, successively from among the members elected by the General Assembly of Judges and the National Assembly.
8. Details related to the formation of the Supreme Judicial Council shall be prescribed by the Judicial Code.

#### **Article 175. Powers of the Supreme Judicial Council**

1. The Supreme Judicial Council shall:
  - (1) draw up and approve the lists of candidates for judges, including candidates subject to promotion;
  - (2) propose to the President of the Republic the candidates for judges subject to appointment, including those subject to appointment by way of promotion;
  - (3) propose to the President of the Republic the candidates for chairpersons of courts and the candidates for chairpersons of chambers of the Court of Cassation, subject to appointment;
  - (4) propose to the National Assembly the candidates for judges and for Chairperson of the Court of Cassation;
  - (5) decide on the issue of secondment of judges to another court;
  - (6) decide on giving consent for initiating criminal prosecution against a judge or depriving him or her of liberty with respect to the exercise of his or her powers;
  - (7) decide on the issue of subjecting a judge to disciplinary liability;
  - (8) decide on the issue of terminating the powers of judges;
  - (9) approve its estimate of expenditures as well as those of the courts, and submit them to the Government, in order to include them in the Draft State Budget as prescribed by law;
  - (10) form its staff in accordance with law.
2. In case of discussing the issue of subjecting a judge to disciplinary liability, as well as in other cases prescribed by the Judicial Code, the Supreme Judicial Council shall act as a court.
3. The Supreme Judicial Council shall, in the cases and under the procedure prescribed by law, adopt secondary regulatory legal acts.
4. Other powers and rules of operation of the Supreme Judicial Council shall be prescribed by the Judicial Code.

### **CHAPTER 8 PROSECUTOR'S OFFICE AND INVESTIGATION BODIES**

#### **Article 176. Prosecutor's Office**

1. The Prosecutor's Office shall be a unified system, headed by the Prosecutor General.
2. The Prosecutor's Office, in the cases and under the procedure prescribed by law, shall:
  - (1) instigate criminal prosecution;

- (2) exercise oversight over the lawfulness of pre-trial criminal proceedings;
  - (3) pursue a charge at court;
  - (4) appeal against the civil judgments, criminal judgments and decisions of courts;
  - (5) exercise oversight over the lawfulness of applying punishments and other coercive measures.
3. The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.
  4. The Prosecutor's Office shall act within the scope of powers vested therein by the Constitution, on the basis of law.
  5. The procedure for the formation and rules of operation of the Prosecutor's Office shall be prescribed by law.

#### **Article 177. The Prosecutor General**

1. The Prosecutor General shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as Prosecutor General for more than two consecutive terms.
2. A lawyer with higher education, having attained the age of thirty-five, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience may be elected as Prosecutor General. The law may prescribe additional requirements for the Prosecutor General.
3. The National Assembly may, in the cases prescribed by law, remove the Prosecutor General from office by at least three fifths of votes of the total number of Deputies.

#### **Article 178. Investigation Bodies**

1. Investigation bodies shall, in the cases and under the procedure prescribed by law, organise and implement pre-trial criminal proceedings.
2. The status, powers, procedure for the formation and rules of operation of investigation bodies shall be prescribed by law.

### **CHAPTER 9 LOCAL SELF-GOVERNANCE**

#### **Article 179. Right to Local Self-Governance**

1. Local self-governance shall be the right and capacity of local self-government bodies to decide, under their own responsibility, on public issues of community importance — in the interests of residents of the community and in compliance with the Constitution and laws.
2. Local self-governance shall be exercised in communities.

#### **Article 180. Community**

1. Community shall be the entirety of residents within one or several settlements.
2. Community shall be a legal person under public law.

#### **Article 181. Elections of Local Self-Government Bodies**

1. Local self-government bodies shall be the Council of Elders and the head of community, which shall be elected for a term of five years. Direct or indirect election of the head of

community may be prescribed by the Electoral Code. In case of direct election of the head of community, the principles of electoral law prescribed by Article 7 of the Constitution shall apply.

2. The procedure for elections of local self-government bodies shall be prescribed by the Electoral Code.

#### **Article 182.** Community Tasks, and Powers of Local Self-Government Bodies

1. Local self-government bodies shall have own powers, for the purpose of performing the mandatory and voluntary tasks of a community, as well as those delegated by the State. The mandatory tasks of a community shall be prescribed by law, whereas voluntary tasks shall be prescribed upon decisions of the Council of Elders of a community.
2. The powers of state bodies may, for the purpose of more effective implementation thereof, be delegated by law to local self-government bodies.
3. The Council of Elders of a community shall, as prescribed by law, adopt secondary regulatory legal acts subject to enforcement within the territory of the community.
4. The head of community shall execute the decisions of the Council of Elders of the community, shall carry out the general management of the staff of community. The head of community shall be responsible before the Council of Elders of the community.
5. The powers of local self-government bodies shall be prescribed by law.

#### **Article 183.** Direct Participation in the Administration of Community Affairs

1. Residents of a community may directly participate in the administration of community affairs, by resolving public issues of community importance through a local referendum.
2. The procedure for holding a local referendum, as well as other ways of direct participation of residents of a community in the administration of community affairs shall be prescribed by law.

#### **Article 184.** Community Ownership

1. A community shall have the right of ownership over land as well as other property.
2. The land located in the territory of a community shall be under the ownership of the community, except for the land owned by the State as well as by natural and legal persons.
3. The Council of Elders of a community shall dispose of the community property as prescribed by law.

#### **Article 185.** Community Budget, Local Taxes, Duties and Payments

1. A community shall have its own budget which shall be approved by the Council of Elders of the community upon submission of the head of community.
2. The procedure for community budget revenue formation and expenditures shall be prescribed by law.
3. The Council of Elders of a community shall establish local taxes and duties within the scope of the rates prescribed by law.
4. The Council of Elders of a community may establish payments to be made to the community budget for the services rendered by the community.

#### **Article 186.** Financing of Community

1. With a view of performing the mandatory tasks of a community, the law shall prescribe tax and non-tax sources which are necessary for ensuring the implementation of these tasks.
2. The powers delegated to communities by the State shall be subject to mandatory financing from the State Budget.
3. The State shall, to the extent possible, allocate funds aimed at ensuring the proportional

development of communities.

#### **Article 187.** Local Self-Governance in Yerevan

Yerevan is a community. The specifics of local self-governance in Yerevan shall be prescribed by law.

#### **Article 188.** Legal and Professional Oversight

1. The authorised body of the Government shall, in the cases and under the procedure prescribed by law, exercise legal oversight over the implementation of the own tasks of a community.
2. The authorised bodies of the Government shall, in the cases and under the procedure prescribed by law, exercise legal and professional oversight over the implementation of the powers delegated by the State.

#### **Article 189.** Inter-Community Unions

1. With a view of raising the efficiency of local self-governance, the Councils of Elders of communities may establish inter-community unions. In view of public interests, inter-community unions may be established also by law, upon recommendation of the Government.
2. An inter-community union may exercise only the powers reserved thereto by law or by the decisions of the Councils of Elders of communities. An inter-community union shall be a legal person under public law.

#### **Article 190.** Merger and Division of Communities

In view of public interests, communities may be merged or divided by law. When adopting a relevant law, the National Assembly shall be obliged to hear the opinion of these communities.

## **CHAPTER 10 HUMAN RIGHTS DEFENDER**

#### **Article 191.** Functions and Powers of the Human Rights Defender

1. The Human Rights Defender shall be an independent official who observes the maintenance of human rights and freedoms on the part of state and local self-government bodies and officials, whereas in the cases prescribed by the Law on the Human Rights Defender — also on the part of organisations, as well as contributes to the restoration of violated rights and freedoms and improvement of the regulatory legal acts related to human rights and freedoms.
2. The Human Rights Defender shall submit to the National Assembly an annual communication on his or her activities and state of protection of human rights and freedoms. The communication may contain recommendations regarding legislative measures or measures of other nature.
3. State and local self-government bodies and officials shall be obliged to provide the Human Rights Defender, as prescribed by law, the necessary documents, information and clarifications, as well as assist in the activities thereof.
4. Other powers of the Human Rights Defender shall be prescribed by the Law on the Human Rights Defender.

#### **Article 192.** Election of the Human Rights Defender

1. The Human Rights Defender shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years.
2. Everyone with higher education, complying with the requirements set forth for a Deputy and enjoying high reputation among the public may be elected as Human Rights Defender.

**Article 193.** Guarantees for the Activities of the Human Rights Defender

1. The right of immunity prescribed for a Deputy shall extend to the Human Rights Defender. The National Assembly shall decide on giving consent for instigating criminal prosecution against the Human Rights Defender or depriving him or her of liberty by at least three fifths of votes of the total number of Deputies.
2. The incompatibility requirements prescribed for a Deputy shall extend to the Human Rights Defender.
3. The Human Rights Defender may not, during his or her term of powers, hold membership in any political party or otherwise engage in political activities. He or she must show political restraint in public speeches.
4. The State shall ensure due financing of the activities of the Human Rights Defender.
5. The powers of the Human Rights Defender shall discontinue upon expiry of the term of his or her powers, in cases of loss of citizenship of the Republic of Armenia or acquisition of citizenship of another State, entry into force of a criminal judgment of conviction rendered against him or her, entry into force of a civil judgment on declaring him or her as having no active legal capacity, as missing or dead, in case of his or her death or resignation.
6. Other guarantees for the activities of the Human Rights Defender shall be prescribed by the Law on the Human Rights Defender.

## CHAPTER 11 CENTRAL ELECTORAL COMMISSION

**Article 194.** Functions and Powers of the Central Electoral Commission and the System of Electoral Commissions

1. The Central Electoral Commission shall be an independent state body, which organises the elections of the National Assembly and local self-government bodies, referenda, as well as exercises supervision over the lawfulness thereof.
2. The Central Electoral Commission shall, in the cases and under the procedure prescribed by law, adopt secondary regulatory legal acts.
3. The Central Electoral Commission shall submit to the National Assembly a communication on its activities.
4. The system of electoral commissions, the powers, procedure for the formation and rules of operation, guarantees for the activities of electoral commissions shall be prescribed by the Electoral Code.

**Article 195.** Composition and Procedure for the Formation of the Central Electoral Commission

1. The Central Electoral Commission shall be composed of seven members.
2. The Chairperson and other members of the Central Electoral Commission shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as a member, including as Chairperson, of the

Central Electoral Commission for more than two consecutive terms.

3. Everyone with higher education and complying with the requirements set forth for a Deputy may be elected as a member of the Central Electoral Commission.

4. The incompatibility requirements prescribed for a Deputy shall extend to the members of the Central Electoral Commission. The law may prescribe additional incompatibility requirements therefor.

5. The members of the Central Electoral Commission may not, during their terms of powers, hold membership in any political party or otherwise engage in political activities. They must show political restraint in public speeches.

6. In case of violation of any of the conditions referred to in parts 4 and 5 of this Article, the powers of a member of the Central Electoral Commission shall be terminated by the National Assembly, by at least three fifths of votes of the total number of Deputies.

## **CHAPTER 12 TELEVISION AND RADIO COMMISSION**

### **Article 196.** Functions and Powers of the Television and Radio Commission

1. The Television and Radio Commission shall be an independent state body, which ensures the freedom, independence and plurality of broadcasting media, exercises supervision over the activities of television and radio companies.

2. The Television and Radio Commission shall allocate air frequencies on public and competitive basis.

3. The Television and Radio Commission shall exercise supervision over the diversity of informational, educational, cultural and entertainment programmes on public television and radio.

4. The Television and Radio Commission shall submit to the National Assembly an annual communication on its activities and on the state of freedom of information on television and radio.

5. The Television and Radio Commission shall adopt secondary regulatory legal acts in the cases and under the procedure prescribed by law.

6. The powers, rules of operation and guarantees for the activities of the Television and Radio Commission shall be prescribed by law.

### **Article 197.** Composition and Procedure for the Formation of Television and Radio Commission

1. The Television and Radio Commission shall be composed of seven members.

2. Members of the Television and Radio Commission shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The Television and Radio Commission shall elect a Chairperson of the Commission from among its members. The same person may not be elected as a member, including as Chairperson, of the Television and Radio Commission for more than two consecutive terms.

3. Everyone who has higher education, complies with the requirements set forth for a Deputy, who is a prominent specialist in the field of mass media may be elected as a member of the Television and Radio Commission. The law may prescribe additional requirements to the members of the Commission.

4. The incompatibility requirements prescribed for a Deputy shall extend to the members of the Television and Radio Commission. The law may prescribe additional incompatibility requirements therefor.

5. Members of the Television and Radio Commission may not, during their terms of powers,



hold membership in any political party or otherwise engage in political activities. They must show political restraint in public speeches.

6. In case of violation of any of the conditions referred to in parts 4 and 5 of this Article, the powers of a member of the Television and Radio Commission shall be terminated by the National Assembly, by at least three fifths of votes of the total number of Deputies.

## **CHAPTER 13 AUDIT CHAMBER**

### **Article 198.** Functions and Powers of the Audit Chamber

1. The Audit Chamber shall be an independent state body, which conducts audit, in the field of public finance and ownership, over the lawfulness and effectiveness of the use of State Budget and community budgets funds, loans and credits received, as well as state- and community-owned property. The Audit Chamber shall be entitled to conduct inspections of legal persons only in the cases prescribed by law.

2. The Audit Chamber shall act on the basis of the action plan approved thereby.

3. The Audit Chamber shall submit to the National Assembly:

(1) an annual communication on the activities thereof;

(2) the opinion on the State Budget performance;

(3) current opinions in the cases prescribed by law.

4. The powers, rules of operation and guarantees for the activities of the Audit Chamber shall be prescribed by law.

### **Article 199.** Composition and Procedure for the Formation of Audit Chamber

1. The Audit Chamber shall be composed of seven members.

2. The Chairperson and other members of the Audit Chamber shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as a member, including as Chairperson, of the Audit Chamber for more than two consecutive terms.

3. Everyone with higher education and complying with the requirements set forth for a Deputy may be elected as a member of the Audit Chamber. The law may prescribe additional requirements to the members of the Audit Chamber.

4. The incompatibility requirements prescribed for a Deputy shall extend to the members of the Audit Chamber. The law may prescribe additional incompatibility requirements therefor.

5. Members of the Audit Chamber may not, during their terms of powers, hold membership in any political party or otherwise engage in political activities. They must show political restraint in public speeches.

6. In case of violation of any of the conditions referred to in parts 4 and 5 of this Article, the powers of a member of the Audit Chamber shall be terminated by the National Assembly, by at least three fifths of votes of the total number of Deputies.

## **CHAPTER 14 CENTRAL BANK**

### **Article 200.** Main Objectives and Functions of the Central Bank

1. The national bank of the Republic of Armenia shall be the Central Bank. The Central Bank

- shall be independent when performing the functions vested therein by the Constitution and law.
2. The main objective of the Central Bank is to ensure price and financial stability.
  3. The Central Bank shall develop, approve and implement monetary policy programmes.
  4. The Central Bank shall issue the currency of the Republic of Armenia — the Armenian Dram.
  5. The Central Bank shall adopt secondary regulatory legal acts in the cases and under the procedure prescribed by law.
  6. The Central Bank shall submit to the National Assembly an annual communication on its activities.
  7. Other objectives, tasks, rules of operation and guarantees for the activities of the Central Bank shall be prescribed by law.

#### **Article 201.** Chairperson and the Board of the Central Bank

1. The Board of the Central Bank shall be composed of the Chairperson of the Central Bank, two deputies thereof and five members. The Chairperson of the Central Bank shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as Chairperson of the Central Bank for more than two consecutive terms. The other members of the Board of the Central Bank shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by majority of votes of the total number of Deputies, for a term of six years.
2. Everyone with higher education and complying with the requirements set forth for a Deputy may be elected as a member of the Board of the Central Bank. The law may prescribe additional requirements to the members of the Board of the Central Bank.
3. The incompatibility requirements prescribed for a Deputy shall extend to the Chairperson of the Central Bank and other members of the Board. The Chairperson of the Central Bank and other members of the Board shall be entitled to hold positions, by virtue of their status, in commercial organisations and foundations.
4. Members of the Board of the Central Bank may not, during their terms of office, hold membership in any political party or otherwise engage in political activities. They must show political restraint in public speeches.
5. In case of violation of any of the conditions referred to in parts 3 and 4 of this Article, the powers of the Chairperson of the Central Bank shall be terminated by the National Assembly, by at least three fifths of votes of the total number of Deputies, whereas those of the other members — by majority of votes of the total number of Deputies.
6. The powers of the Chairperson of the Central Bank, deputy chairpersons and members of the Board shall be prescribed by law.

### **CHAPTER 15**

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

#### **Article 202.** Adoption of and Amendment to the Constitution

1. The Constitution and amendments to Chapters 1-3, 7, 10 and 15 of the Constitution, as well as to Article 88, to the first sentence of part 3 of Article 89, to part 1 of Article 90, to part 2 of Article 103, to Articles 108, 115, 119-120, 123-125, 146, 149 and 155, and to part 4 of Article 200 of the Constitution shall be adopted only through a referendum. At least one third of the total number of Deputies, the Government or two hundred thousand citizens having the right of

suffrage shall have the right to the initiative of adopting or amending the Constitution. The National Assembly shall adopt the decision on putting the draft to referendum by at least two thirds of votes of the total number of Deputies.

2. Except for the Articles specified in part 1 of this Article, amendments to other Articles of the Constitution shall be adopted by the National Assembly, by at least two thirds of votes of the total number of Deputies. At least one fourth of the total number of Deputies, the Government or one hundred fifty thousand citizens having the right of suffrage shall have the right to corresponding initiative.

3. In case the National Assembly does not adopt the draft of the amendments to the Constitution provided for in part 2 of this Article, it may be put to referendum upon the decision adopted by at least three fifths of votes of the total number of Deputies.

#### **Article 203.** Non-Amendable Articles of the Constitution

Articles 1, 2, 3 and 203 of the Constitution shall not be subject to amendment.

#### **Article 204.** Referendum on the Draft Law Submitted Upon Popular Initiative

1. If the National Assembly rejects the adoption of the draft law submitted under the procedure prescribed by part 6 of Article 109 of the Constitution, then the draft shall be put to referendum where an additional three hundred thousand citizens having the right of suffrage join the initiative of adopting the draft law, within a period of sixty days following the rejection, and where the Constitutional Court recognizes the given draft as complying with the Constitution. The Central Electoral Commission shall approve the validity of the signatures of the participants of the popular initiative.

2. Laws adopted through a referendum may be amended only through a referendum. Such amendments may be made at least one year after the adoption of the respective law.

3. Draft laws concerning the subject matter of legal regulation of constitutional laws, the State Budget, taxes, duties, other compulsory payments, amnesty, State defence and security, international treaties, as well as other issues prescribed by the Law on Referendum may not be put to referendum.

#### **Article 205.** Referenda on Accession by the Republic of Armenia to Supranational International Organisations and on Territorial Changes of the Republic of Armenia

1. The issues related with the accession by the Republic of Armenia to supranational international organisations, as well as those related with territorial changes of the Republic of Armenia shall be resolved through referenda.

2. The decision on holding a referendum in the case prescribed by part 1 of this Article shall, upon recommendation of the Government, be adopted by the National Assembly, by majority of votes of the total number of Deputies.

#### **Article 206.** Calling a Referendum

The President of the Republic shall call a referendum within a period of three days following the adoption by the Constitutional Court of a decision on compliance with the Constitution of a draft law submitted upon popular initiative, as well as the adoption by the National Assembly of a decision on holding a referendum. The referendum shall be held not earlier than fifty and not later than sixty-five days after calling a referendum.

#### **Article 207.** Adoption of an Act Put to Referendum

An act put to referendum shall be adopted in case more than half of the participants of the

referendum, but not less than one fourth of citizens with the right to participate in referenda, have voted in favour.

#### **Article 208.** Prohibition on Holding a Referendum

Referendum shall not be held during martial law or state of emergency.

### **CHAPTER 16 FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 209.** Entry into Force of Individual Provisions of the Constitution

1. Chapters 1-3, part 2 of Article 103, Chapter 9, except for the provision of the last sentence of part 4 of Article 182, as well as Chapter 10 of the Constitution shall enter into force on the day following the promulgation of the amendments to the Constitution in the Official Journal of the Republic of Armenia.
2. The provisions of Chapter 4 of the Constitution with the amendments of 2005, except for Article 83.5, shall have effect until the opening day of the first session of subsequent convocation of the National Assembly.
3. The provisions of Articles 88, 90-102, parts 1, 3 and 4 of Article 103, Articles 104-107, 109-112, part 1 of Article 113, Articles 114, 116 and 121 shall enter into force from the opening day of the first session of subsequent convocation of the National Assembly. Starting from the opening day of the first session of subsequent convocation of the National Assembly until the newly-elected President of the Republic assumes office, the provisions of relevant Articles prescribed by the Constitution with the amendments of 2005 shall continue having effect.
4. Article 89 of the Constitution, as well as Chapter 11 of the Constitution shall enter into force from 1 June 2016.
5. The provision of the last sentence of part 4 of Article 182 of the Constitution shall enter into force from 1 January 2017.
6. The provisions of Article 108, part 2 of Article 113, Articles 115, 117-120 and 122, as well as Chapters 5-8, 12-15 shall enter into force on the day the newly-elected President of the Republic assumes office. Therefore, the relevant provisions of the Constitution with the amendments of 2005 shall continue having effect.

#### **Article 210.** Bringing Laws into Compliance with the Amendments of the Constitution

1. The Electoral Code shall be brought into compliance with the Constitution and shall enter into force from 1 June 2016.
2. The Rules of Procedure of the National Assembly, the Constitutional Law on Political Parties and the Constitutional Law on the Human Rights Defender shall be brought into compliance with the Constitution and shall enter into force prior to the opening day of the first session of subsequent convocation of the National Assembly.
3. Other constitutional laws shall be brought into compliance with the Constitution and shall enter into force on the day the newly-elected President of the Republic assumes office.
4. The Law on Local Self-Governance shall be brought into compliance with the Constitution and shall enter into force from 1 January 2017.
5. The Laws on Prosecutor's Office, on Television and Radio, on Audit Chamber, and on Central Bank shall be brought into compliance with the Constitution and shall enter into force on the day the newly-elected President of the Republic assumes office.

#### **Article 211.** Time Period for the Election of President of the Republic

First elections of the President of the Republic shall, as prescribed by Article 125 of the Constitution, be held not earlier than forty and not later than thirty days prior to the expiry of powers of the President of the Republic. The candidate having received a greater number of votes in the third round of election of the President of the Republic shall be elected as President of the Republic.

#### **Article 212.** Resignation of the Government

The Government shall submit its resignation on the day the newly-elected President of the Republic assumes office. The President of the Republic shall immediately accept the resignation of the Government.

#### **Article 213.** Holding Office on the Part of the Members and Chairperson of the Constitutional Court

The Chairperson and members of the Constitutional Court appointed prior to the entry into force of Chapter 7 of the Constitution shall continue holding office until the expiry of the term of their powers specified in the Constitution with the amendments of 2005. After entry into force of Chapter 7 of the Constitution, the nominations for vacant positions of judges of the Constitutional Court shall be made successively by the President of the Republic, the General Assembly of Judges, and the Government.

#### **Article 214.** Formation of the Supreme Judicial Council

1. The Supreme Judicial Council shall, in conformity with Article 174 of the Constitution, be formed after entry into force of relevant provisions of the Judicial Code, not later than one month prior to the expiry of the powers of the President of the Republic.
2. The powers of the members of the Council of Justice shall discontinue, whereas the Supreme Judicial Council shall assume its powers on the day of expiry of the powers of the President of the Republic.
3. The National Assembly and the General Assembly of Judges shall each elect the corresponding three members of the first composition of the Supreme Judicial Council for a term of five years, whereas the two members for a term of three years.

#### **Article 215.** Holding Office on the Part of Judges, Chairpersons of Courts and Chairpersons of Chambers of the Court of Cassation

1. The judges appointed prior to the entry into force of Chapter 7 of the Constitution shall continue holding office until the expiry of the term of their powers, specified in the Constitution with the amendments of 2005.
2. The chairpersons of courts and the chairpersons of chambers of the Court of Cassation appointed prior to the entry into force of Chapter 7 of the Constitution shall continue holding office until the appointment or election of chairpersons of courts and chairpersons of chambers of the Court of Cassation under the procedure prescribed by Article 166 of the Constitution, which shall be carried out not later than within six months following the formation of the Supreme Judicial Council.
3. Where the chairpersons of courts appointed prior to the entry into force of Chapter 7 of the Constitution, as well as the chairpersons of chambers of the Court of Cassation are not appointed as chairpersons of relevant courts and as chairpersons of chambers of the Court of Cassation under the procedure and within time limits prescribed by Article 166 of the Constitution, they shall continue holding office as judges in relevant courts.

**Article 216.** Holding Office on the Part of the Prosecutor General

The Prosecutor General appointed prior to the entry into force of Chapter 8 of the Constitution shall continue holding office until the expiry of the term of his or her powers, specified in the Constitution with the amendments of 2005.

**Article 217.** Holding Office on the Part of the Members of the Council of Elders of a Community and Head of Community

The members of the Council of Elders of a community and head of community elected prior to the entry into force of Chapter 9 of the Constitution shall continue holding office until the expiry of the term of their powers, specified in the Constitution with the amendments of 2005. The provision prescribed in the last sentence of part 4 of Article 182 of the Constitution shall be applied after the elections of local self-government bodies, held following the entry into force of the Law on Local Self-Governance.

**Article 218.** Holding Office on the Part of the Human Rights Defender

The Human Rights Defender appointed prior to the entry into force of Chapter 10 of the Constitution shall continue holding office until the expiry of the term of his or her powers, specified in the Constitution with the amendments of 2005.

**Article 219.** Formation of the Central Electoral Commission

The Central Electoral Commission shall be formed prior to 1 November 2016, under the procedure prescribed by Chapter 11 of the Constitution. The powers of the members of the Central Electoral Commission appointed prior to the entry into force of Chapter 11 of the Constitution shall discontinue upon formation of the Central Electoral Commission.

**Article 220.** Holding Office on the Part of the Bodies Provided for by Chapters 12-14 of the Constitution

After entry into force of Chapters 12-14 of the Constitution, the members of the bodies provided for by these Chapters shall continue holding office until the expiry of the term of their powers, specified in the Constitution with the amendments of 2005 and laws. The members of the Control Chamber shall continue holding office as members of the Audit Chamber.”.

**Article 2.** The amendments to this Constitution shall enter into force from the day following its official promulgation.