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

**DRAFT AMENDMENTS  
TO CHAPTERS 1 TO 7  
AND CHAPTER 10**

**OF THE CONSTITUTION  
OF ARMENIA<sup>1</sup>**

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<sup>1</sup> This CDL-REF cancels and replaces the CDL-REF(2015)014 of 29 April 2015.

Draft  
As at 15 July 2015

Chapter 1. The Foundations of Constitutional Order  
Chapter 2. Fundamental Rights and Freedoms of the Human Being and the Citizen  
Chapter 3. Legislative Guarantees and Main Objectives of State Policy in the Social, Economic and Cultural Spheres  
Chapter 4. The National Assembly  
Chapter 5. The President of the Republic  
Chapter 6. The Government  
Chapter 7. Courts and the Supreme Judicial Council

Draft  
As at 16 June 2015

Chapter 10. The Human Rights Defender

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

## **Chapter 1. THE FOUNDATIONS OF CONSTITUTIONAL ORDER**

### **Article 1**

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

### **Article 2**

In the Republic of Armenia, the power belongs to the people.  
The people shall exercise its power through free elections, referenda, as well as through state and local self-government bodies and officials defined by the Constitution.  
Usurpation of the power by any organization or individual shall be a crime.

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

1. The human being shall be the supreme value in the Republic of Armenia. The inalienable dignity of the human being shall be the integral basis of his rights and freedoms.
2. The protection and the respect for the fundamental rights and freedoms of the human being and the citizen shall be the duty of the public power.
3. The public power shall be bound by fundamental rights and freedoms of the human being and the citizen as the directly applicable law.

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

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

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

1. The Constitution shall have supreme legal force. Laws shall conform to the Constitution and sub-legislative legal acts shall conform to the Constitution and laws.
2. The peremptory norms of general international law shall have priority over the laws. If a ratified international treaty provides norms that differ from those provided by laws, then the treaty norms shall be applied.

**Article 6. The Principle of Legality**

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

**Article 7. Suffrage Principles**

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

**Article 8. Ideological pluralism and multipartisanism**

1. Ideological pluralism and multipartisanism shall be recognized in the Republic of Armenia.
2. Parties shall be formed and operate freely. Equal legal opportunities for activities of the parties shall be guaranteed by law.
3. Parties shall promote the formulation and expression of the people's political will.
4. The structure, objectives and activities of parties may not contravene the fundamental principles enshrined in Article 1 of the Constitution.

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

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

**Article 10. Economic Order**

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

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

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

**Article 12. Foreign Policy**

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

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

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

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

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

**Article 15. Protection of the Family**

Family, being the natural and fundamental cell of society and the basis for the preservation and growth of population, is under special protection and care of the state.

**Article 16. The State and Religious Organizations**

1. The freedom of activity shall be guaranteed in the Republic of Armenia for the religious organizations.

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

**Article 17. The Armenian Apostolic Holy Church**

1. The Republic of Armenia shall recognize the exclusive mission of the Armenian Apostolic Holy Church as the national church in the spiritual life of the Armenian people, in the development of its national culture, and in the preservation of its national identity.

2. The relationship between the Republic of Armenia and the Armenian Apostolic Holy Church may be regulated by a special agreement.

**Article 18. Ties with the Armenian Diaspora**

1. The Republic of Armenia shall carry out an Armenianness-preserving policy of developing and strengthening comprehensive ties with the Diaspora.

2. Based on international law as well as on international treaties with the corresponding state, the Republic of Armenia shall contribute to protecting the Armenian historical and cultural values located in other countries, and advancing Armenian educational and cultural life in such countries.

**Article 19. The State Language of the Republic of Armenia**

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

**Article 20. Symbols of the Republic of Armenia**

1. The flag of the Republic of Armenia shall be tricolor - with equal horizontal stripes of red, blue, and orange.

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

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

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

**Article 21. The Capital of the Republic of Armenia**

The capital of the Republic of Armenia is Yerevan.

**Chapter 2.****FUNDAMENTAL RIGHTS AND FREEDOMS OF THE HUMAN BEING AND THE CITIZEN****Article 22. Human Dignity**

Human dignity is inviolable.

**Article 23. Right to Life; the Prohibition of the Death Penalty**

1. Everyone shall have the right to life.

2. Deprivation of life shall not be regarded as violation of this Article when it results from the use of such force that is absolutely necessary.

3. No one shall be condemned to the death penalty, or executed.

**Article 24. Right to Physical and Mental Integrity**

1. Everyone shall have the right to physical and mental integrity. This right may be restricted only by law, with the aim of protecting state security, the public order, health and morals, and the fundamental rights and freedoms of others.
2. In the fields of medicine and biology, the following must be prohibited in particular:
  - 1) eugenic practices;
  - 2) making the human body and its parts as such a source of financial gain;
  - 3) the reproductive cloning of human beings.
3. No one shall be subjected to scientific, medical and other experiments without his freely and unambiguously expressed consent. A person shall be in prior informed about potential consequences of such experiments.

**Article 25. Prohibition of Torture and Inhuman or Degrading Treatment or Punishment**

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

**Article 26. Personal Liberty**

1. Everyone shall have the right to personal liberty. No one may be deprived of personal liberty except in the following cases and in the procedure defined by law:
  - 1) a person has been convicted by a competent court for committing a crime;
  - 2) a person has failed to carry out a lawful court order;
  - 3) for the purpose of securing the fulfillment of certain obligations prescribed by law;
  - 4) for presenting the person before a competent authority when there exists a reasonable suspicion that the person has committed an offence, or when it is reasonably necessary with the aim of preventing the commission of an offence by such person or preventing his fleeing after having done so;
  - 5) for the purpose of placing a minor under educational oversight or bringing him before a competent body;
  - 6) for the purpose of preventing the spreading of infectious diseases dangerous for the public, or when the person has a mental disorder or is a drug addict or alcoholic;
  - 7) for the purpose of preventing unauthorized entry of a person into the Republic of Armenia, or for deporting a person or extraditing a person to another state.
2. Everyone deprived of liberty shall be informed promptly, in a language which he understands, of the reasons for deprivation of liberty, and in case of filing criminal charges, also of the charges. Everyone deprived of liberty shall have the right to immediately notify a person of his choosing about it.
3. If an arrested person is not detained by court decision within 72 hours of the moment of arrest, then he shall be released immediately.
4. Everyone who is deprived of liberty because of arrest or detention shall have the right to challenge the lawfulness of depriving him of liberty, about which the court shall render a decision in a short time and shall order his release if the deprivation of liberty is unlawful.
5. A person may not be deprived of liberty only for the reason of being unable to fulfill his contractual obligations.
6. A person deprived of liberty in breach of this Article shall have the right, on the grounds and in the procedure provided by law, to compensation for inflicted damage.

**Article 27. General Equality before the Law**

Everyone shall be equal before the law.

**Article 28. Equality of Rights between Women and Men**

1. Women and men shall have equal rights.
2. In marrying, during marriage, and in divorce, they shall enjoy equal rights.

**Article 29. Prohibition of Discrimination**

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

**Article 30. Inviolability of Private and Family Life and of Honor and Reputation**

1. Everyone shall have the right to inviolability of his private and family life and of honor and reputation.
2. The right to inviolability of private and family life may be restricted only by law with the aim of preventing or solving crimes, or protecting the economic wellbeing of the country, state security, the public order, health and morals, and the fundamental rights and freedoms of others.

**Article 31. Inviolability of the Home**

1. Everyone shall have the right to inviolability of the home.
2. The inviolability of the home may be restricted only by law with the aim of preventing or solving crimes or preventing danger to human life, health, and property.
3. A home may be searched only by court decision in the cases and the procedure prescribed by law.

**Article 32. Freedom and Confidentiality of Communications**

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

**Article 33. Protection of Personal Data**

1. Everyone shall have the right to protection of data concerning him.
2. Such data shall be processed fairly for purposes clearly defined by law, with consent of the person concerned or without such consent if another legitimate basis prescribed by law is present.
3. Everyone shall have the right to become acquainted with the data about him collected in state and local self-government bodies and the right to demand to correct any untruthful data about him, as well as to eliminate data about him that was unlawfully obtained or no longer has a legal foundation.

**Article 34. Freedom of Marriage**

1. Men and women of marriageable age shall have the right to marry and found a family by free expression of their will.
2. This right may be restricted only by law with the aim of protecting the public interests. The marriageable age, and the procedure of marriage and divorce shall be defined by law.

**Article 35. Rights and Obligations of Parents**

1. Parents shall have the right and obligation to take care of the rearing, health, comprehensive and harmonious development and education of their children.
2. Deprivation or limitation of parental rights may be performed by court decision in the cases prescribed by law with the aim of protecting a child from danger to care and health.
3. Adult capable persons are obliged to take care of their parents who are incapacitated and in need of. Details shall be prescribed by law.

**Article 36. Rights of a Child**

1. A child shall have the right to express his views freely, which shall be taken into consideration in matters concerning the child in accordance with his age and maturity.
2. In matters concerning the child, the interests of the child shall get primary attention.

3. Every child shall have the right to a personal relationship and direct contact with his parents on a regular basis, unless a competent authority decides, in accordance with the procedure defined by law, that it is contrary to the child's interests. Details shall be prescribed by law.

4. Children left without parental care shall be under the protection and care of the state.

**Article 37. Right to Education**

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

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

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

**Article 38. Right of a Human Being to Act Freely**

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

**Article 39. Right to Freedom of Movement; Right to Leave the Country or Return to the Country**

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

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

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

4. The right to freedom of movement and to leave the country may be restricted only by law with the aim of protecting state security, the public order, health and morals, or the fundamental rights and freedoms of others.

**Article 40. Freedom of Thought, Conscience, and Religion**

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

2. The exercise of this right may be restricted only by law with the aim of protecting public security, the public order, health and morals, or the fundamental rights and freedoms of others.

3. Every citizen for whom military service contradicts his religion or beliefs shall have the right to replace it with alternative service.

4. Religious organizations shall have equal rights and shall enjoy autonomy. The procedure of creation and operation of religious organizations shall be prescribed by law.

**Article 41. Freedom of Opinion and Freedom of Information**

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

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

3. The rights defined in this Article may be restricted only by law with the aim of protecting state security, the public order, health and morals, honor and reputation of others, as well as other fundamental rights and freedoms.

**Article 42. Freedom of Creation and Teaching**

Everyone shall have the freedom of literary, fine arts, scientific, and technical creation and teaching

**Article 43. Freedom of Assembly**

1. Everyone shall have the right to organize and participate in peaceful assemblies. In cases defined by law, outdoor assemblies shall be conducted on the basis of prior notification made within a reasonable period.

2. Restrictions on the exercise of these rights by servicemen of the armed forces, the police, national security agencies, the prosecution office and the investigation bodies, as well as for judges may be prescribed only by law.

3. This right may be restricted only by law with the aim of protecting state security and the public order, preventing crime, protecting health and morals, and protecting the fundamental rights and freedoms of others.

**Article 44. Freedom of Association**

1. Everyone shall have the right to freedom of association with others, including the right to form and to join trade unions for the protection of labor interests.

2. No one shall be compelled to join any private association.

3. The procedure of establishment and activities of associations shall be prescribed by law.

4. The freedom of associations may be restricted only by law with the aim of protecting state security, the public order, health and morals, the fundamental rights and freedoms of others.

5. The activities of associations may be suspended or prohibited only by a court decision in cases and in the procedure prescribed by law.

**Article 45. Right to Create a Party and Join a Party**

1. Every citizen shall have the right to create a party with other citizens and the right to join a party. No one shall be compelled to join any party.

2. Judges, prosecutors and investigators may not be members of a party. The right to create or join a party may be restricted by law for persons serving in the armed forces, the police, the prosecution office and investigation bodies.

3. Parties shall publish annual reports on the sources of their means and expenditures, as well as on their property, the control over which shall be performed by a competent state authority in the procedure prescribed by law.

4. Parties that advocate the violent overthrow of the constitutional order or use violence for overthrowing the constitutional order shall be unconstitutional and are subject to prohibition. In cases prescribed by law, the activities of a party may be suspended by a decision of the Constitutional Court.

**Article 46. Right of Citizenship of the Republic of Armenia**

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

2. Every child whose one parent is a citizen of the Republic of Armenia shall have the right to citizenship of the Republic of Armenia. Every ethnic Armenian shall have the right to citizenship of the Republic of Armenia from the moment of establishing residence in the territory of the Republic of Armenia. The procedure of exercising the rights defined in this paragraph and the other grounds of acquiring citizenship of the Republic of Armenia shall be defined by law.

3. A citizen of the Republic of Armenia may not be deprived of citizenship.

4. The grounds of restoring and terminating citizenship of the Republic of Armenia shall be defined by law.



5. Citizens of the Republic of Armenia, while outside of the Republic of Armenia, shall be under the protection of the Republic of Armenia on the basis of international law.

**Article 47. Right to Vote and Right to Participate in Referenda**

1. Citizens of the Republic of Armenia, which have reached the age of 18 on the day of an election to the National Assembly or on the day of a referendum, shall have the right to vote in such election or to take part in such referendum.

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

3. Citizens of the Republic of Armenia and foreign citizens and stateless persons, who have attained the age of eighteen by the day of the election or local referendum and permanently reside in the respective community, shall have the right to vote and to be elected in elections of local self-government bodies or the right to take part in a local referendum.

4. Persons declared by court as legally incapable, as well as persons convicted for the commission of a grave crime by a court judgment that has entered into legal force may not vote or be elected or take part in referenda.

**Article 48. Right to Join the Public Service**

1. Every citizen shall have the right to assume an office in public service defined by law in accordance with his skills and professional preparedness on the basis of competition.

2. Public servants shall serve the whole people. They shall carry out their obligations impartially and in a politically-neutral manner, acting solely on the basis of professional considerations.

3. The procedure and conditions for exercising this right shall be defined by law.

**Article 49. Right to Proper Administration**

1. Everyone shall have the right to the impartial and fair examination, within a reasonable period, of cases concerning him by administrative authorities.

2. This right shall, in particular, include the right of a person to become acquainted with the documents about him, whilst preserving the lawful interests of secrecy and the secrets protected by law. This right obligates state and local self-government bodies and officials to hear the person before adopting an individual interfering act concerning such person and to substantiate the adopted act.

**Article 50. Right of Access to Information**

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

**Article 51. Right to Apply to the Human Rights Defender**

Everyone shall have the right to receive the support of the Human Rights Defender, in case of violation of his rights and freedoms enshrined in the Constitution and laws by state and local self-government bodies and officials or, in cases provided by law, by other organizations. Details shall be defined by law.

**Article 52. Right to Petition**

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

**Article 53. Right to Political Asylum; Prohibition of Deportation or Extradition**

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

**Article 54. Protection of the Right to a National and Ethnic Identity**

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

**Article 55. Freedom to Choose Employment; Other Labor Rights; the Prohibition of Forced Labor; Alternative Service**

1. Everyone shall have the right to free choice of employment.
2. Every worker shall have the right of protection against arbitrary dismissal from employment. The grounds of dismissal from employment shall be defined by law.
3. It shall be prohibited to dismiss from employment due to reasons related to maternity. In case of pregnancy and child delivery, every employed woman shall have the right to paid leave. Every employed parent shall have the right to leave in cases of a newborn child or child adoption.
4. It shall be prohibited to hire children under the age of 16 for full-time employment. The procedure and conditions of their hiring for part-time employment shall be defined by law.
5. Forced or compulsory labor shall be prohibited. The following shall not be considered forced or compulsory labor:
  - 1) work imposed by law on a person convicted for a crime;
  - 2) military service or alternative service; and
  - 3) any work that is mandatory in case of an emergency threatening the life or wellbeing of the population.

**Article 56. Right to a Strike**

1. For the protection of their economic, social, and labor interests, workers shall have the right to a strike. The procedure of exercising a strike shall be prescribed by law.
2. This right may be restricted only by law with the aim of protecting of public interests or fundamental rights and freedoms of others.

**Article 57. Freedom of Entrepreneurial Activities and the Guaranteeing of Economic Competition**

1. Everyone shall have the right to engage in economic, including entrepreneurial activities. The law shall define the conditions and procedure of exercising this right.
2. Abuse of monopolistic or dominant position in the market and bad-faith competition shall be prohibited.
3. Restriction of competition, possible types of monopoly, and their permitted sizes may be prescribed only by law with the aim of protecting public interests.

**Article 58. Right to Property and Right to Bequeath Property; Tax Obligations**

1. Everyone shall have the right to own, use, and dispose at his discretion the legally-acquired property.
2. The right of inheritance shall be guaranteed.
3. In cases provided by law, the property of a person shall serve also the interests of the public. Details shall be defined by law.
4. The law shall define the cases of prior judicial control of deprivation of ownership.

5. Expropriation of property for prevailing public interests shall be performed only in exceptional cases and in the procedure prescribed by law, and only with prior adequate compensation.
6. The right of foreign citizens and stateless persons to acquire ownership of land may be restricted by law.
7. Intellectual property shall be protected by law.
8. Everyone shall be obliged to pay taxes and duties and make other compulsory payments to the state or community budget in the procedure and the amount prescribed by law.

***Article 59. Right to Judicial Protection; Right to Apply to International Bodies of Human Rights Protection***

1. Everyone shall have the right to effective judicial protection of his rights and freedoms enshrined in the Constitution and the laws.
2. Everyone shall, in conformity with the international treaties of the Republic of Armenia, have the right to apply to international bodies of protection of human rights and freedoms in order to protect his rights and freedoms.

***Article 60. Right to Compensation for Damage***

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

***Article 61. Right to Fair Trial***

1. Everyone shall have the right to a fair and public hearing of his case within a reasonable period by an independent and impartial court created on the basis of law.
2. In the cases and procedure provided by law, the trial or a part thereof may be held in camera by a court decision, if it is necessary for protecting the private life of the procedure participants, the interests of minors or the interests of justice, or morals, the public order, or state security.

***Article 62. Right to Receive Legal Aid***

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

***Article 63. Right to Be Exempted from the Duty to Testify***

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

***Article 64. The Presumption of Innocence***

1. A person accused of a crime shall be presumed innocent until his guilt is proven in accordance with law.

***Article 65. Inadmissibility of Evidence***

The use of evidence that is obtained in violation of fundamental rights or undermines the right to a fair trial shall be prohibited.

***Article 66. Right of an Accused to Defense***

Everyone accused of a crime shall have the following rights:

- 1) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation.
- 2) to defend himself or to be defended through a lawyer of his choosing;
- 3) to have adequate time and facilities to prepare his defense and to communicate with the defender of his choosing.

- 4) to examine or to have examined the witnesses who have testified against him, to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- 5) to be provided with a translator free of charge in case he does not master Armenian.

**Article 67. Right Not to Be Convicted or Sentenced Twice for the Same Act**

1. No one may be tried twice for the same act.
2. The provisions of Paragraph 1 of this Article shall not prevent the review of a case in accordance with law when new or newly-emerged circumstances have arisen, or when there had been significant shortcomings in the previous proceedings, which could affect its outcome.

**Article 68. Right to Appeal in Criminal Cases**

Everyone convicted by court for having committed a criminal offence shall have the right to have his conviction or verdict reviewed by a higher judicial instance. The exercise of this right, including the grounds of such exercise, shall be regulated by law.

**Article 69. Compensation for Wrongful Conviction**

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

**Article 70. Right to Request Pardon**

Every convict shall have the right to request pardon, including mitigation of the imposed sentence. Details shall be defined by law.

**Article 71. Principle of Guilt; Principle of Proportionality in Sentencing**

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

**Article 72. Principle of Legality in Defining Crimes**

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

**Article 73. Retrospective Effect of Laws**

1. Laws and other legal acts that aggravate a person's legal situation may exceptionally have retrospective effect when it is not hindered by the person's right to confidence.
2. Legal acts improving a person's legal situation shall have retrospective effect if such acts so provide.

**Article 74. Application of Fundamental Rights and Freedoms in Respect of Legal Persons**

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

**Article 75. Organizational Structures and Procedures for the Exercise of Fundamental Rights and Freedoms**

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

**Article 76. Restrictions of Fundamental Rights and Freedoms in Emergency Situations or during Martial Law**

In a state of emergency or during martial law, fundamental rights and freedoms of the human being and the citizen, with the exception of those stipulated by Articles 22–25, 27–29, 34–36, Paragraph 1 of Article 37, Paragraph 1 of Article 40, Articles 46, 54, 59, 61, 63, 65-68, and 70–72 of the Constitution, may be temporarily suspended or subjected to additional restrictions in the procedure defined by law to the extent required by the situation, subject to the international commitments undertaken with respect to derogations from commitments in emergency situations.

**Article 77. Prohibition of Abuse of Fundamental Rights and Freedoms**

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

**Article 78. Principle of Proportionality**

The means chosen for restricting fundamental rights and freedoms have to be suitable and necessary for the achievement of the aim prescribed by the Constitution. The aim of the restriction and the means chosen for restriction have to be proportionate to the significance of the fundamental right that is restricted.

**Article 79. Principle of Certainty**

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

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

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

**Article 81. Fundamental Rights and Freedoms and the International Legal Practice**

1. The practice of bodies operating on the basis of international human rights treaties, to which the Republic of Armenia is a party, shall be taken into account when interpreting the provisions of the Constitution on fundamental rights and freedoms.
2. Restrictions of fundamental rights and freedoms may not exceed the restrictions defined by the international treaties of the Republic of Armenia.

**Chapter 3.**

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

**Article 82. Working Conditions**

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

**Article 83. Social Security**

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

**Article 84. Decent Existence; Minimum Salary**

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

**Article 85. Health care**

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

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

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

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

**Article 87. Fulfillment of the Main Objectives of State Policy**

1. Within the scope of its powers and possibilities, the public power shall be obliged to fulfill the objectives enshrined in Article 86 of the Constitution.
2. The Government shall present to the National Assembly an annual report on the implemented measures.

#### **Chapter 4. THE NATIONAL ASSEMBLY**

**Article 88. Status, Functions, and Powers of the National Assembly**

1. The National Assembly is the people's representative body.
2. The National Assembly shall exercise the legislative power.
3. The National Assembly shall exercise oversight of the executive power, shall adopt the state budget, and shall perform other functions stipulated by the Constitution.
4. The powers of the National Assembly shall be defined by the Constitution.
5. The National Assembly shall operate in accordance with its Rules of Procedure. The Rules of Procedure of the National Assembly shall be a law.

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

1. The National Assembly shall consist of at least 101 parliamentarians.
2. In accordance with the procedure defined by the Electoral Code, places shall be assigned in the National Assembly for national minorities.
3. The National Assembly shall be elected by a proportional electoral contest. The electoral contest of the National Assembly shall secure the formation of a stable parliamentary majority in the National Assembly.
4. If a stable parliamentary majority is not formed as a result of the first round of the National Assembly Election, a second round of the vote shall be conducted with the participation of the two parties or party alliances that received the largest number of votes.

5. The parties and party alliances taking part in the National Assembly elections shall present a candidate for the position of the Prime Minister and the essential provisions of the Government's program.
6. Details shall be stipulated by the Electoral Code.

**Article 90. Term of Office of the National Assembly**

1. The National Assembly shall be elected for a five-year term.
2. The term of office of the newly-elected National Assembly shall start at the moment when the first sitting is opened. The term of office of the previous convocation of the National Assembly shall end at the moment when the first sitting of the newly-elected National Assembly is opened.
3. The first sitting of the newly-elected National Assembly shall be convened on the third Thursday after the official publication of the election results.

**Article 91. Regular Election of the National Assembly**

1. A regular election of the National Assembly shall be held no earlier than 40 and no later than 30 days before the end of the term of office of the National Assembly.
2. During martial law or a state of emergency, election of the National Assembly shall not be held, and the term of office of the National Assembly shall be extended until the date of opening the first sitting of the newly-elected National Assembly following the end of the martial law or state of emergency. In this case, the election to the National Assembly shall be held no sooner than fifty and no later than sixty days after the end of the state of emergency or martial law.

**Article 92. Dissolution and Extraordinary Election of the National Assembly**

1. After dissolution of the National Assembly in the cases stipulated by Paragraph 3 of Article 148, or Paragraphs 3 and 4 of Article 151 of the Constitution, the National Assembly shall continue exercising its powers up to the first sitting of the newly-elected National Assembly.
2. An extraordinary election of the National Assembly shall be held no earlier than 30 and no later than 45 days after dissolution of the National Assembly.

**Article 93. Setting Elections of the National Assembly**

Regular and extraordinary elections of the National Assembly shall be set by decree of the President of the Republic.

**Article 94. Representation Mandate**

Parliamentarians shall represent the whole people and shall not be bound by any instruction.

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

1. A parliamentarian may not hold office in state or local self-government bodies or commercial organizations, or perform any other paid work, except for scientific, educational, and creative work.
2. A parliamentarian may not engage in entrepreneurial activities.

**Article 96. Immunity of a Parliamentarian**

1. During and after the term of his parliamentary powers, a parliamentarian may not be prosecuted or held liable for actions arising from his status of a parliamentarian, including opinions expressed in the National Assembly, unless they contain defamation or insults.
2. Criminal prosecution of a parliamentarian may be initiated only with the consent of the National Assembly. Without the consent of the National Assembly, a parliamentarian may not be deprived of liberty, unless caught at the time of or immediately after committing a crime. The Chairman of the National Assembly shall be notified of such case immediately.

**Article 97. Remuneration Amount and Other Safeguards of Activities of Parliamentarians**

The remuneration amount and other safeguards of activities of parliamentarians shall be defined by law.

**Article 98. Termination of Powers of a Parliamentarian**

1. The powers of a parliamentarian shall terminate upon the expiration of the term of office of the National Assembly; loss of citizenship of the Republic of Armenia or acquisition of the citizenship of a different state; conviction to imprisonment by a judgment that has entered into legal force; being declared, by a court judgment that has entered into legal force, as legally incapable or as having limited legal capability or as missing or as having deceased; his resignation; or absence, without a valid excuse, from at least half of the votes during the term of a single regular session; or in cases of violating the terms of Article 95 of the Constitution.

2. The inexcusable absence from at least half of the votes during the term of a single regular session or a violation of any term of Article 95 of the Constitution shall be found by the Council of the National Assembly.

**Article 99. Regular Sessions 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 Sessions and Sittings of the National Assembly**

1. An extraordinary session or sitting of the National Assembly shall be convened by the National Assembly Chairman by demand of at least one quarter of the total number of parliamentarians or by demand of the Government.

2. The extraordinary session or sitting shall be conducted with the agenda and in the time period set by the initiator.

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

1. Sittings of the National Assembly shall be public.

2. By proposal of at least one fifth of the total number of parliamentarians or of the government, the National Assembly may take a decision, by majority vote of the total number of parliamentarians, to conduct a closed-door sitting.

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

A sitting of the National Assembly shall have quorum if the sitting is attended by more than half of the total number of parliamentarians, except for such cases defined by the Constitution, for which qualified majority is required for adopting a decision. In those cases, the sitting shall have quorum if it is attended by the number of parliamentarians necessary for adopting a decision.

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

1. Laws and National Assembly decisions, statements, and addresses shall be adopted by majority vote of the parliamentarians present at the sitting, except for cases stipulated by the Constitution.

2. The National Assembly shall adopt the Rules of Procedure of the National Assembly, as well as the Electoral and Judicial Codes, and the laws on the Constitutional Court, Referenda, Parties, and the Human Rights Defender by at least three fifths of the total number of parliamentarians.

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



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

**Article 104. The National Assembly Chairman, Deputy Chairmen, and the National Assembly Council**

1. The National Assembly shall elect from among its members, for the whole term of its office, the Chairman and Deputy Chairmen of the National Assembly. The Chairman and Deputy Chairmen of the National Assembly shall be elected by majority vote of the total number of parliamentarians. A parliamentarian nominated by the opposition factions shall be elected as one of the deputies.

2. The Chairman of the National Assembly shall represent the National Assembly and ensure its normal functioning.

3. In the National Assembly, the Council of the National Assembly shall be formed, which shall consist of the National Assembly Chairman and Deputy Chairmen, one representative of each faction, and the chairmen of the standing committees.

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

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

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

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

1. For the purposes of preliminary discussion of draft laws and other issues pertaining to the authority of the National Assembly and of presenting opinions thereon to the National Assembly, and of conducting parliamentary oversight, the National Assembly shall form standing committees. No more than 12 standing committees may be formed in the National Assembly.

2. Places in standing committees shall be allocated in proportion with the number of parliamentarians included in the faction. The positions of chairmen of standing committees shall be distributed among factions in proportion with the number of parliamentarians included in the faction.

**Article 107. Temporary Committees of the National Assembly**

For the purposes of preliminary discussion of certain draft laws and other draft acts of the National Assembly and of presenting opinions or reports thereon to the National Assembly, temporary committees may be formed by the decision of the National Assembly.

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

1. Upon the demand of at least one quarter of the total number of parliamentarians, an inquiry committee of the National Assembly shall be formed by virtue of law for the purpose of establishing facts of public interest and presenting them to the National Assembly.

2. In the inquiry committees, places shall be allocated to factions in proportion with the number of their members. The National Assembly shall determine the number of members of an inquiry committee. An inquiry committee shall be chaired by one of the parliamentarians presenting the demand.

3. Upon demand by at least one quarter of an inquiry committee, state bodies and local self-government bodies and officials shall be obliged to provide to the committee the necessary information concerning its remit, unless they are secrets protected by law.

**Article 109. Legislative Initiative**

1. A parliamentarian, a faction of the National Assembly, and the government shall have the right of legislative initiative.

2. If, according to the conclusion of the government, a draft law significantly reduces state revenues or increases state expenditures, then the Government may demand that the

National Assembly adopt such draft law only by majority vote of the total number of parliamentarians.

3. The National Assembly shall adopt or reject a draft law deemed as urgent by decision of the Government within a two-month period.

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

1. The National Assembly shall adopt the state budget upon submission by the Government.

2. The Government shall submit the draft state budget to the National Assembly at least 120 days prior to the start of the new fiscal year.

3. The state budget shall be adopted at least 30 days prior to the start of the new fiscal year. If the state budget is not adopted by such time, the expenditures of the next fiscal year shall be made in accordance with the proportions of the previous year's budget.

**Article 111. Oversight of the Execution of the State Budget**

1. The National Assembly shall exercise oversight of the execution of the state budget, including the use of loans and debt received from foreign states and international organizations.

2. The National Assembly shall, subject to the presence of an opinion by the Control Chamber, deliberate and adopt a decision on the annual report on the execution of the state budget.

**Article 112. Oral and Written Questions of Parliamentarians**

1. In one sitting of the sittings week of the regular session, Government members shall answer oral questions of parliamentarians. The National Assembly shall not adopt decisions on the questions of parliamentarians.

2. Parliamentarians shall have the right to pose written questions to the Government members. Government members shall answer such questions within 21 days. The answers to written questions shall not be presented at a sitting of the National Assembly.

**Article 113. Interpellations**

1. The factions of the National Assembly shall have the right to address the Government members with written interpellations. The Government members shall respond to the interpellation during the regular session, within no later than 30 days of receiving the interpellation, or, if the regular session has ended, then at the beginning of the next session.

2. A response to an interpellation shall be presented at a sitting of the National Assembly. By proposal of at least one fifth of the parliamentarians, the interpellation shall be deliberated. If the deliberation results in making a proposal to express non-confidence in the Prime Minister, then the rules of Article 115 shall apply. Based on the results of an interpellation, the National Assembly may evaluate the performance of an individual member of the Government and express non-confidence in him, which shall result in his resignation.

**Article 114. Deliberations on Urgent Topics**

In one sitting of the sittings week of the regular session, if so demanded by one quarter of the total number of parliamentarians, deliberations on urgent topics of public interest may be conducted.

**Article 115. Expressing Non-Confidence in the Prime Minister**

1. A draft decision on expressing non-confidence in the Prime Minister may be presented by at least one third of the total number of parliamentarians only when the candidacy of a new Prime Minister is simultaneously proposed in the draft.

2. A draft decision on expressing non-confidence in the Prime Minister shall be put to the vote no earlier than 48 and no later than 72 hours after it is presented. The decision shall be adopted by majority vote of the total number of parliamentarians, by open vote. If the decision is adopted the Prime Minister shall submit his resignation. In this case the provisions of Paragraph 2-4 of Article 148 shall not be applicable.

3. If the draft decision on expressing non-confidence in the Prime Minister is not adopted, such draft may be submitted only after at least six months.
4. During martial law or a state of emergency, a draft decision on expressing non-confidence in the Prime Minister may not be presented or deliberated.

**Article 116. Ratification, Suspension, or Renunciation of International Treaties**

1. The National Assembly shall ratify, suspend, and renounce international treaties that:
  - 1) Concern the fundamental rights, freedoms, and obligations of the human being and citizen;
  - 2) Concern the territorial integrity or security of the Republic of Armenia;
  - 3) Have a political or military nature;
  - 4) Contemplate the membership of the Republic of Armenia in an international organization;
  - 5) Contemplate significant financial obligations;
  - 6) Imply a change of law or the adoption of a new law in order to be applied, or stipulate norms that contradict a law;
  - 7) Directly contemplate ratification; or
  - 8) Contain matters that are subject to regulation by law.
2. The National Assembly shall, by proposal of the Government, ratify, suspend, and renounce international treaties by means of adopting a law by majority vote of the total number of parliamentarians.

**Article 117. Amnesty**

By proposal of the Government, the National Assembly may adopt a law on amnesty by majority vote of the total number of parliamentarians.

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

1. By proposal of the Government, the National Assembly may adopt a decision on declaring war or establishing peace by majority vote of the total number of parliamentarians.
2. If it is impossible to convene a sitting of the National Assembly, the Government shall determine the matter of declaring war.

**Article 119. Martial Law and Use of the Armed Forces**

1. In the event of an armed attack against the Republic of Armenia or imminent threat thereof or declaration of war, the Government shall declare a martial law, and may call for a general or partial mobilization.
2. The Government shall adopt a decision on the use of the armed forces. In case of urgent necessity, the Prime Minister shall take the decision on the use of the armed forces by proposal of the Defense Minister, about which the Prime Minister shall give immediate notice to the Government.
3. In case of use of the armed forces or declaration of martial law, a special sitting of the National Assembly shall be immediately convened by virtue of law. The National Assembly may terminate the martial law by majority vote of the total number of parliamentarians.
4. During war, the Government may appoint and dismiss the chief commander of the armed forces.
4. The legal regime of martial law shall be defined by a law adopted by majority vote of the total number of parliamentarians.

**Article 120. State of Emergency**

1. In the event of an imminent threat to the constitutional order, the Government shall declare a state of emergency and take measures appropriate in 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. The National Assembly may terminate the state of emergency or cancel the implementation of measures by majority vote of the total number of parliamentarians.

3. The legal regime of a state of emergency shall be defined by a law adopted by majority vote of the total number of parliamentarians.

**Article 121. Administrative-Territorial Division**

The National Assembly shall, by proposal of the Government, define the administrative-territorial division by law.

**Article 122. Regulatory Commissions**

1. To safeguard the exercise of fundamental rights and freedoms of the human being and citizen, as well as to protect fundamental public interests enshrined in the Constitution, regulatory commissions may be created by a law adopted by majority vote of the total number of parliamentarians.

2. The members of regulatory commissions shall be appointed by majority vote of the total number of parliamentarians.

3. Regulatory commissions may by law be authorized to issue sub-legislative legal acts.

4. The powers and independence safeguards of regulatory commissions, the requirements on their members, and the procedure of their activities shall be defined by law.

**Chapter 5.**

**THE PRESIDENT OF THE REPUBLIC**

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

1. The President of the Republic is the head of state and shall embody national unity.

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

3. In exercising his powers, the President of the Republic shall be impartial and shall be guided exclusively by state and national interests.

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

**Article 124. Term of Office of and Requirements on the President of the Republic**

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

2. Everyone who has attained the age of 40, has been a citizen of only the Republic of Armenia and has permanently resided in the Republic of Armenia at least for the preceding seven years, and has voting right 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 office in state or local self-government bodies or commercial organizations, or perform any other paid work, except for scientific and creative work.

5. The President of the Republic may not engage in entrepreneurial activities.

6. During the term of exercising his powers, the President of the Republic may not be a member of any party.

**Article 125. Election Procedure of the President of the Republic**

1. The President of the Republic shall be elected by a College of Electors.

2. The College of Electors shall consist of parliamentarians of the National Assembly and representatives elected by local self-government bodies from among them, in a number equal to that of the parliamentarians of the National Assembly.

3. The College of Electors shall be convened no earlier than 30 days and no later than 40 days before the end of the term of office of the President of the Republic.

4. At least one fifth of the members of the Electoral College shall have the right to nominate candidates of the President of the Republic.

5. The candidate who receives at least three fifths of the votes of the Electoral College members shall be elected as President of the Republic. If no candidate receives such majority, a second round of the vote shall be conducted, in which all candidates that participated in the first round may participate. The candidate that receives more than half of

the votes of the Electoral College members shall be elected as President of the Republic. If no candidate receives more than half of the votes of the Electoral College members in the second round, a third round of the vote shall be conducted, in which the two candidates that received the largest number of votes shall participate. In the third round, the candidate that receives more votes shall be elected as President of the Republic.

6. The Electoral Code shall prescribe the details of the procedure of electing the President of the Republic of Armenia.

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

In the event of the removal from office of the President of the Republic, impossibility to discharge powers, resignation, or death, an extraordinary election of the President of the Republic shall be held within no less than 25 and no more than 35 days following the office of the President of the Republic becoming vacant.

**Article 127. The President of the Republic Assuming Office**

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

2. A President of the Republic elected through an extraordinary election shall assume office on the 10<sup>th</sup> day after the official publication of the election results.

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 swear to remain faithful to the Constitution of the Republic of Armenia, to be impartial in the exercise of my powers, to follow only state and national interests, and to invest all of my strength for the fortification of 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 matters pertaining to his authority.

**Article 129. Signature and Publication of Laws**

1. The President of the Republic of Armenia shall sign and publish a law adopted by the National Assembly within a 21-day period or, within the same period, he shall apply to the Constitutional Court with the aim of determining the conformity of the law with the Constitution.

2. If the Constitutional Court decides that the law is in conformity with the Constitution, then the President of the Republic shall sign and publish the law within a five-day period.

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

In the cases stipulated by Article 157 of the Constitution, the President of the Republic shall accept the resignation of the Government.

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

The President of the Republic of Armenia shall make changes in the composition of the Government by proposal of the Prime Minister.

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

1. The President of the Republic shall:

a) In the cases and procedure defined by law, conclude international treaties of the Republic of Armenia by proposal of the Government;

b) By proposal of the Prime Minister, appoint and recall diplomatic representatives of the Republic of Armenia in foreign states and at international organizations; and

c) Accept the letters of credence or letters of recall of diplomatic representatives of foreign states and international organizations.

2. In the cases and procedure defined by law, the President of the Republic shall, by proposal of the Prime Minister, approve, suspend, or renounce international treaties not requiring ratification.

3. The President of the Republic shall, by proposal of the Prime Minister, award the highest diplomatic ranks in the cases and procedure defined by law.

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

1. By proposal of the Prime Minister, the President of the Republic shall appoint and dismiss the supreme command of the armed forces and other troops.

2. By proposal of the Prime Minister, the President of the Republic shall award the highest military ranks.

**Article 134. Resolution of Issues Related to Citizenship**

In the cases and procedure defined by law, the President of the Republic shall resolve issues related to the granting and termination of citizenship of the Republic of Armenia.

**Article 135. Granting Pardon**

In the cases and procedure defined by law, the President of the Republic shall resolve the issue of granting pardon to convicted persons.

**Article 136. Decoration with Awards and Granting of Honorary Titles**

In the cases and procedure defined by law, the President of the Republic shall decorate with orders and medals of the Republic of Armenia, and grant honorary titles.

**Article 137. Awarding the Highest Ranks**

In the cases and procedure defined by law, the President of the Republic shall award the highest ranks.

**Article 138. Orders and Decrees of the President of the Republic**

1. In exercising his powers, the President shall issue orders and decrees.

2. The orders and decrees of the President of the Republic, with the exception of the cases stipulated by Articles 128-130, 141, the second sentence of Paragraph 1 of Article 144, and Paragraph 5 of Article 148 of the Constitution, shall enter into force only when co-signed by the Prime Minister or the minister that made the proposal. The respective members of the Government shall bear political responsibility for such acts towards the National Assembly.

**Article 139. Immunity of the President of the Republic**

1. The President of the Republic may not ever be subjected to criminal prosecution or administrative liability for actions stemming from his status.

2. The President of the Republic may be held liable for actions not connected with his status only after the end of the term of his office.

**Article 140. Impeachment of the President of the Republic**

1. The President of the Republic may be impeached for state treason, another grave crime, or gravely breaching the Constitution.

2. To obtain a conclusion on the existence of grounds for the impeachment of the President of the Republic, the National Assembly shall apply to the Constitutional Court by a decision adopted by majority vote of the total number of parliamentarians.

3. The decision to impeach the President of the Republic shall be adopted by the National Assembly, on the basis of a conclusion of the Constitutional Court, by at least a two-thirds majority vote of the total number of parliamentarians.

4. If the Constitutional Court concludes that the grounds for impeaching the President of the Republic are missing, the issue shall be removed from the discussions of the National Assembly.

**Article 141. Resignation of the President of the Republic**

The President of Republic shall present his resignation to the National Assembly. The resignation shall be deemed accepted from the moment of promulgating the resignation at the extraordinary sitting of the National Assembly convened immediately by virtue of law.

**Article 142. Impossibility of the President of the Republic Discharging His Powers**

In case of grave illness of the President of Republic or the existence of other insurmountable obstacles to the discharge of his powers, which enduringly render the discharge of such powers impossible, the Constitutional Court shall, based on an application of the Government, take a decision on the impossibility for the President of the Republic to discharge his powers.

**Article 143. Temporary Discharge of Powers of the President of the Republic**

1. In case of impeachment of the President of the Republic, the impossibility of the President discharging his powers, or the resignation or death of the President, and before the newly-elected President of the Republic assumes the office, the powers of the President of the Republic shall be discharged by the Chairman of the National Assembly.

**Article 144. Staff, Amount of Remuneration, and Procedure of the Provision of Services and Security to the President of the Republic**

1. The procedure of formation of the staff of the President of the Republic shall be defined by law. In the cases and procedure defined by law, the President of the Republic shall make appointments to offices in the staff of the President of the Republic.
2. The amount of remuneration and the procedure of the provision of services and security to the President of the Republic shall be prescribed by law.

**Chapter 6.  
THE GOVERNMENT**

**Article 145. Status and Functions of the Government**

1. The Government shall be the highest body of the executive power.
2. Based on its program, the Government shall develop and implement the domestic and foreign policy of the state.
3. The Government shall conduct the general direction of the state administration system.
4. The powers of the Government shall be defined by the Constitution and the laws. The Government shall have power over those matters pertaining to executive power, which are not reserved for other state administration bodies or local self-government bodies.

**Article 146. Composition and Structure of the Government**

1. The Government shall consist of the Prime Minister, deputy prime ministers, and ministers.
2. The list of ministries and the procedure of activities of the Government shall be defined by law. The number of ministries may not exceed 18.

**Article 147. Requirements on Government Members**

1. Everyone who has attained the age of 25, is a citizen of only the Republic of Armenia, and has voting right may be appointed as a member of the Government.
2. Government members shall be subject to the limitations prescribed by Article 95 of the Constitution.

**Article 148. Election and Appointment of the Prime Minister**

1. Within a three-day period of the commencement of the term of office of the newly-elected National Assembly, the President of the Republic shall appoint as Prime Minister the prime-minister candidate nominated by the party or party alliance that won the election of the National Assembly.

2. Within a seven-day period of accepting the Government's resignation in case of the Prime Minister submitting a resignation or the office of the Prime Minister becoming vacant, the Chairman of the National Assembly shall, based on the distribution of parliamentary seats and based on consultations with the parliamentary factions, nominate the prime-minister candidate that enjoys the confidence of the majority of parliamentarians. The National Assembly shall elect the Prime Minister by majority vote of the total number of parliamentarians.

3. If a Prime Minister is not elected, a second round of the vote shall be held seven days after the vote, in which the prime-minister candidates nominated by the factions may take part. If a Prime Minister is not elected by majority vote of the total number of parliamentarians, the National Assembly shall be dissolved by virtue of law.

4. The election of the Prime Minister shall be conducted by open vote.

5. The President of the Republic shall appoint as Prime Minister the candidate elected by the National Assembly.

#### ***Article 149. Formation of the Government***

Within a 10-day period of the appointment of the Prime Minister, the President of the Republic shall, by proposal of the Prime Minister, appoint the deputy prime ministers and the ministers.

#### ***Article 150. Oath of Government Members***

The Prime Minister and other members of the Government shall take the following oath in front of the people at a sitting of the National Assembly: "I swear to be faithful to the Constitution and laws of the Republic of Armenia, and to invest all of my strength for the development and well-being of the Republic of Armenia."

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

1. Within a 20-day period of the formation of the Government, the Prime Minister shall present to the National Assembly the program of the Government.

2. The National Assembly shall approve the Program of the Government within a seven-day period.

3. If the National Assembly does not approve the Program of the Government and does not elect a new Prime Minister in accordance with Paragraphs 2 and 3 of Article 148 of the Constitution, then the National Assembly shall be dissolved by virtue of law. If the National Assembly elects the Prime Minister, but once again does not approve the Program of the Government, the National Assembly shall be dissolved by virtue of law.

4. Paragraph 3 of this Article shall not apply to the Program of the Government formed by the Prime Minister elected in accordance with Article 115 of the Constitution. If the Program of such Government is not approved, the National Assembly shall be dissolved by virtue of law.

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

1. The Prime Minister shall, within the framework of the Program of the Government, determine the general guidelines of the Government's policy, direct the activities of the Government, and coordinate the work of the Government members. On specific issues, the Prime Minister may give instructions to the Government members.

2. Each minister shall independently direct the portfolio entrusted in his ministry.

3. Members of the Government shall have the power to adopt sub-legislative normative acts.

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

1. The Prime Minister shall invite and chair the sittings of the Government.

2. Decisions of the Government shall be adopted by majority vote of the members.

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

4. The Government shall have the power to adopt sub-legislative normative acts.



**Article 154. Command and Administration of the Armed Forces**

1. The armed forces shall be subordinate to the Government, which shall conduct the general command of the armed forces. Within the general guidelines of the defence policy defined by the Security Council led by the Prime Minister, the Minister of Defense shall conduct the direct command of the armed forces.
2. During war, the Prime Minister shall be the Supreme General Commander of the armed forces.
3. The procedure of formation and operation of the Security Council shall be defined by law.
4. The highest military official of the armed forces shall be the Chief of the General Staff, who shall be appointed by the President of the Republic by proposal of the Prime Minister.
4. Relationships concerning the command and management of the armed forces shall be regulated by law.

**Article 155. Annual Report of the Government to the National Assembly**

For each year, the Government shall present a report to the National Assembly on the implementation progress and results of its Program.

**Article 156. Question of Confidence in the Government**

1. The Government may put forward the question on confidence in the Government with respect to the adoption of a draft law submitted by the Government. The draft decision on expressing confidence in the Government shall be put to the vote no later than within 72 hours of its submission. The decision shall be adopted by majority vote of the total number of parliamentarians, by open vote.
2. If the draft decision on expressing confidence in the Government is accepted, the draft law submitted by the Government shall be deemed adopted.
3. The Government may put forward the question of its confidence with respect to a draft law not more than twice during any given session.
4. During martial law or a state of emergency, the Government may not put forward the question of its confidence.

**Article 157. Resignation of the Government**

The Government shall present its resignation to the President of the Republic on the day of the first sitting of the newly-elected National Assembly, of the expression of non-confidence in the Government, of not approving the program of the Government, of the Prime Minister submitting his resignation, or of the day on which the office of the Prime Minister becomes vacant. The members of the Government shall continue discharging their duties until a new Government is formed.

**Article 158. State Administration System**

1. The state administration system shall consist of the ministries, and other bodies subordinate to the Government, the Prime Minister, and the ministries.
2. The composition, structure, and powers of state administration bodies subordinate to the Government, the Prime Minister, and the ministries shall be defined by law.

**Article 159. Implementation of the Regional Policy of the Government**

The Government shall implement its regional policy in the *marzes* through the *marz* governors. The *marz* governors shall be appointed and dismissed by the Government. The *marz* governors shall coordinate the activities of the regional subdivisions of the state administration bodies subordinate to the Government and the ministries.

**Article 160. The Public Council**

The Public Council shall be a body consultative to the Government. The procedure of the formation and operation of the Public Council shall be defined by law.

## **Chapter 7. COURTS AND THE SUPREME JUDICIAL COUNCIL**

### ***Article 161. The Administration of Justice***

1. In the Republic of Armenia, justice shall be administered solely by courts in accordance with the Constitution and laws.
2. Any interference with the administration of justice shall be prohibited.
3. Final acts of court shall be adopted in the name of the Republic of Armenia.

### ***Article 162. The Courts***

1. The Constitutional Court, the Cassation Court, appellate courts, general jurisdiction first instance courts, and the administrative court shall operate in the Republic of Armenia. In cases provided by law, other specialized courts may operate, too.
2. The creation of extraordinary courts shall be prohibited.

### ***Article 163. The Status of a Judge***

1. When administering justice and performing other activities prescribed by law, a judge shall be independent, impartial and act only in accordance with the Constitution and the laws.
2. With respect to performance of his duties a judge may be criminally prosecuted only with the consent of the Supreme judicial council. With respect to performance of his duties a judge may not be deprived of liberty without the consent of the Supreme judicial Council, except if he is apprehended during or immediately after the commission of a crime. In that case, the Supreme judicial council is immediately informed.
3. With respect to performance of his duties a judge of the Constitutional court may be criminally prosecuted only with the consent of the Constitutional Court. With respect to performance of his duties a judge of the Constitutional court may not be deprived of liberty without the consent of the Constitutional court, except if he is apprehended during or immediately after the commission of a crime. In that case, the President of the Constitutional court is immediately informed.
4. A judge may not hold another office not related with the performance of his duties in state or local self-government bodies or in commercial organizations, or engage in entrepreneurial activities or perform any other paid work, except for scientific, educational, and creative activities. The law may provide for other limitations of compatibility.
5. A judge may not engage in political activities.
6. The grounds for disciplining a judge, the grounds for the powers of a judge ceasing, and the grounds for terminating the powers of a judge shall be prescribed by law, and the procedure—by the Constitution and law.
7. The powers of a Constitutional Court judge shall be terminated by a decision taken by three-fifths majority vote of the total number of the National Assembly parliamentarians based upon an opinion of the Constitutional Court.
8. The powers of a Cassation Court judge shall be terminated by a decision taken by three-fifths majority vote of the total number of the National Assembly parliamentarians based upon an opinion of the Supreme Judicial Council.
9. The remuneration of judges shall correspond to remuneration amount of persons holding other commensurate public offices.
11. Details related to the status of judges shall be prescribed by law.

### ***Article 164. Appointment (or Election) Procedure and Term in Office of Judges and Chairmen of Courts (Cassation Court Chambers)***

1. Judges of general jurisdiction first instance courts and specialized courts, as well as judges of appellate courts shall be appointed by the President of the Republic upon presentation by the Supreme Judicial Council.
2. Chairmen of general jurisdiction first instance courts and specialized courts, as well as chairmen of appellate courts shall be appointed in the procedure stipulated by Paragraph 1

of this Article for a three-year term and may not be reappointed to such position immediately after the end of their term in office.

3. Judges and Chamber Chairmen of the Cassation Court shall be elected by competitive procedure. Based on the competition results, the Supreme Judicial Council shall present to the National Assembly three candidates for each place of a judge or chamber chairman of the Cassation Court. The candidate elected by majority vote of the total number of parliamentarians of the National Assembly shall be appointed by the President of the Republic.

4. The Cassation Court Chairman shall be appointed by the National Assembly upon nomination by the Supreme Judicial Council, by majority vote of the total number of parliamentarians of the National Assembly, from among the composition of the Cassation Court for a six-year term without the right of being reappointed.

5. Judges of the Cassation Court shall be elected from among lawyers that are citizens of only the Republic of Armenia and have voting rights of the Republic of Armenia, have reached the age of 40, and have strong professional qualities.

6. Judges of general jurisdiction first instance courts and specialized courts, as well as judges of appellate courts shall be appointed from among lawyers that are citizens of only the Republic of Armenia and have voting rights of the Republic of Armenia.

7. The law may prescribe additional requirements on judge candidates.

8. Judges are irremovable and shall serve in office until reaching the age of 65.

9. Details related to the appointment and election of judges shall be prescribed by law.

#### ***Article 165. The Constitutional Court***

1. In the Republic of Armenia, constitutional justice shall be administered by the Constitutional Court, ensuring the primacy of the Constitution.

2. When administering justice, the Constitutional Court shall be independent and shall abide only by the Constitution.

3. The powers of the Constitutional Court shall be defined by the Constitution. The formation procedure and the procedure of activities of the Constitutional Court shall be defined by the Constitution and the Law on the Constitutional Court.

#### ***Article 166. Composition and Formation Procedure of the Constitutional Court***

1. The Constitutional Court shall consist of nine members.

2. Judges of the Constitutional Court shall be elected by the National Assembly, by a decision taken by majority of the total number of votes of the parliamentarians: three of the judges shall be elected upon nomination by the President of the Republic, three upon nomination by the Government of the Republic of Armenia, and three upon nomination by the General Assembly of Judges.

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

4. The Law on the Constitutional Court may prescribe additional requirements on the Constitutional Court judge candidates.

5. Judges of the Constitutional Court shall serve in office for 12 years until reaching the age of 70 and may not be reelected to the office of a Constitutional Court judge.

6. The Constitutional Court shall elect the Constitutional Court chairman and deputy chairman from among its composition for a six-year term, without the right of being reelected.

#### ***Article 167. Powers of the Constitutional Court***

1. The Constitutional Court shall, in accordance with the procedure defined by the Constitution and the Law on the Constitutional Court:

1) Determine the conformity with the Constitution of laws, draft legal acts put to referendum, decisions of the National Assembly, decrees of the President of the Republic, decisions of

- the Republic of Armenia Government, Prime Minister, sub-legislative normative legal acts adopted by the members of Government and decisions local self-government bodies;
- 2) Prior to the ratification of an international treaty, determine the conformity with the Constitution of obligations enshrined therein;
  - 3) Resolve disputes arising between constitutional bodies with respect to their constitutional powers;
  - 4) Resolve disputes related to decisions adopted with respect to the results of a referendum or the results of elections of the National Assembly and the President of the Republic;
  - 5) Issue an opinion on the existence of a ground for impeaching the President of the Republic;
  - 6) Render a decision on the impossibility for the President of the Republic to discharge his powers;
  - 7) Issue an opinion on terminating the powers of a judge of the Constitutional Court, initiating criminal prosecution against him or depriving him of liberty with respect to performance of his duties;
  - 8) Issue an opinion on the grounds for dismissing a community mayor; and
  - 9) In the cases prescribed by law, render a decision on suspending or prohibiting the activities of a party.

***Article 168. Right to Apply to the Constitutional Court***

1. In accordance with the procedure enshrined in the Constitution and the Law on the Constitutional Court, the following may apply to the Constitutional Court:

- 1) The National Assembly – in the cases stipulated by Paragraphs 2, 5, 7, and 9 of Article 167 of the Constitution;
- 2) At least one fifth of the parliamentarians – in the cases stipulated by Paragraph 1 of Article 167 of the Constitution;
- 3) A faction of the National Assembly – for disputes related to decisions adopted with respect to the results of a referendum or the results of election of the President of the Republic;
- 4) The President of the Republic – in the cases stipulated by Paragraph 1 of Article 129 or Paragraphs 1 and 2 of Article 167 of the Constitution;
- 5) The Government of the Republic of Armenia – in the cases stipulated by Paragraphs 1,2, 6, 8, and 9 of Article 167 of the Constitution;
- 6) Local self-government bodies – with the question of conformity with the Constitution of normative acts of state bodies that violate their constitutional rights stipulated by Paragraph 1 of Article 167 of the Constitution;
- 7) The National Assembly, at least one fifth of the parliamentarians of the National Assembly, the President of the Republic, the Government of the Republic of Armenia, the Supreme Judicial Council, the Prosecutor General, and local self-government bodies – in disputes arising in connection with their constitutional powers;
- 8) Everyone – in a concrete case when there is a final act of court, all judicial remedies have been exhausted, and the person challenges the constitutionality of a provision of a normative act applied by such act of court in relation to him, which has led to a violation of his fundamental rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the construal of such provision in its practical legal application;
- 9) Courts – concerning the constitutionality of provisions of normative acts related to a specific case pending in their jurisdiction;
- 10) The Prosecutor General – concerning the constitutionality of provisions of normative acts related to proceedings conducted by the prosecution office;
- 11) The Human Rights Defender – concerning the conformity of the normative acts listed in Paragraph 1 of Article 167 of the Constitution with the provisions of Chapter 2 of the Constitution;
- 12) Parties or party alliances that participated in the National Assembly elections – on matters related to them in connection with decisions taken on the results of the National Assembly elections.

2. The Constitutional Court shall examine a case only when a respective application is present.

**Article 169. Acts of the Constitutional Court**

1. The Constitutional Court shall adopt decisions and opinions.
2. Decisions and opinions of the Constitutional Court shall be final and shall enter into force at the moment of being published.
3. The Constitutional Court may set out, in its decision, a later date of invalidating a normative act contravening the Constitution or a part of such normative act.
4. Concerning the matters stipulated by Paragraphs 1-4, 6, and 9 of Article 167 of the Constitution, the Constitutional Court shall render decisions. Concerning matters stipulated by Paragraphs 5, 7, and 8 of Article 164, it shall issue opinions.
5. Opinions, as well as decisions on the matters stipulated by Paragraph 9 of Article 167 of the Constitution, shall be adopted by at least a two-thirds majority vote of the total number of judges of the Constitutional Court, while other decisions shall be adopted by majority vote of the total number of the judges.
6. If the opinion of the Constitutional Court is negative, the matter shall fall outside the examination of the competent body.

**Article 170. The Cassation Court**

1. With the exception of the domain of constitutional justice, the Cassation Court shall be the highest judicial instance in the Republic of Armenia.
2. By reviewing judicial acts of first instance and appellate courts within the scope of its powers defined by law, the Cassation Court ensures the consistent application of a law or another normative act in legal practice and eliminates fundamental violations present in judicial acts.

**Article 171. The Supreme Judicial Council**

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

**Article 172. Composition and Formation Procedure of the Supreme Judicial Council**

1. The Supreme Judicial Council shall consist of ten members, five of which shall be elected by the National Assembly from among legal scholars and other reputed lawyers, by majority vote of the total number of National Assembly parliamentarians, and the other five shall be elected by the General Assembly of Judges from among the judges.
2. The Supreme Judicial Council members elected by the National Assembly shall be citizens of only the Republic of Armenia, have strong professional qualities and professional work experience of at least 10 years.
3. The Supreme Judicial Council members elected by the General Assembly of Judges shall proportionately represent the judges of all instances and have experience of serving in the office of a judge for at least seven years.
4. The Supreme Judicial Council members shall serve in office for five years and may not be reelected to the same position.
5. Court chairmen may not become members of the Supreme Judicial Council.
6. The Supreme Judicial Council members shall be subject to the incompatibility rules stipulated by the Constitution for judges.
7. The Supreme Judicial Council shall be chaired by the Council Chairman, who shall be elected from among the judge and lawyer members of the Council in accordance with the procedure defined by law.

**Article 173. Powers of the Supreme Judicial Council**

1. The Supreme Judicial Council shall:
  - 1) Approve the list of judge candidates and the career advancement list of judges;
  - 2) Present to the President of the Republic the candidacies of judges subject to appointment;

- 3) From among the judges of the respective courts, select and present to the President of the Republic the candidacies of court chairmen subject to appointment;
  - 4) Present to the President of the Republic the candidacies of judges subject to appointment through career advancement;
  - 5) Propose to the National Assembly the candidacies of Cassation Court chairman, chamber chairmen, and judges;
  - 6) In the cases stipulated by law, solve the question of transfer or assignment of judges to another court;
  - 7) Give consent to initiating criminal prosecution against judge or depriving him of liberty with respect to performance of his duties;
  - 8) Impose disciplinary liability upon judges;
  - 9) Terminate the powers of a judge of a general jurisdiction first instance court or specialized court or an appellate court, and issue an opinion on the termination of powers of judges of the Cassation Court; and
  - 10) Prepare the estimate of its costs and the cost estimates of courts, and present them to the Government of the Republic of Armenia for incorporation in the draft State Budget, and oversee the use of budgetary resources.
2. Other powers conditioned by its constitutional status may also be reserved for the Supreme Judicial Council by law.
  3. The Supreme Judicial Council shall adopt decisions by majority vote of the total number of the Council members, unless the law provides otherwise. In case of a tie of votes, the vote of the Council Chairman shall be decisive, except for the case stipulated by Paragraph 4 of this Article.
  4. When imposing disciplinary liability upon judges, the Supreme Judicial Council shall act as a court.
  5. The Supreme Judicial Council shall form its staff in accordance with the procedure defined by law.
  6. The rules of formation and rules of procedure of the Supreme Judicial Council shall be defined by law.

## **Chapter 10. THE HUMAN RIGHTS DEFENDER**

### ***Article 1. Functions and Powers of the Human Rights Defender***

1. The Human Rights Defender shall follow the respect for human rights and freedoms by state and local self-government bodies and officials, and shall facilitate the restoration of violated rights and the improvement of the legislation related to human rights and freedoms.
2. Powers related to respect for human rights and freedoms by other bodies may by law be reserved for the Human Rights Defender.
3. State and local self-government bodies and officials shall be obliged to provide the necessary documents, information, and clarifications to and support the work of the Human Rights Defender.
4. The Human Rights Defender shall present to the National Assembly an annual report on his activities and on the situation of protection of human rights and freedoms. The report may contain recommendations on legislative changes or other measures.
5. The powers, procedure of activities, and other safeguards of the activities of the Human Rights Defender shall be defined by the Law on the Human Rights Defender.

### ***Article 2. Independence of the Human Rights Defender***

1. In exercising his powers, the Human Rights Defender shall be independent.
2. The state shall secure proper financing for the activities of the Human Rights Defender.
3. The Human Rights Defender shall enjoy the immunity prescribed for a parliamentarian.

***Article 3. Election of and Requirements on the Human Rights Defender***

1. The National Assembly shall elect the Human Rights Defender for a six-year term by at least three fifths of the total number of votes of the parliamentarians. The Human Rights Defender shall be irremovable.
2. Any citizen of the Republic of Armenia, who is held in high esteem among the public, has higher education, and meets the requirements stipulated for a parliamentarian, may be elected as the Human Rights Defender.
3. The Human Rights Defender may not be a member of any party or engage in political activities, or engage in entrepreneurial activities, or hold an office in state or local self-government bodies or in commercial organizations, or perform any other paid work, except for scientific, pedagogical, and creative work.

**APPENDIX****Comparison of the Draft and the Constitution in force**

<b>Draft Constitution</b>	<b>Current Constitution</b>
Article 1	Article 1
Article 2	Article 2
Article 3, part 1	Article 3, part 1
Article 3, part 2	Not prescribed
Article 3, part 3	Article 3, part 3
Article 4	Article 5, part 1
Article 5	Article 6, parts 1, 2 and 4
Article 6, part 1	Article 5, part 2
Article 6, parts 2 and 3	Article 6, parts 3 and 5
Article 7	Article 4
Article 8	Article 7
Article 9	Article 11.2
Article 10	Article 8, part 2
Article 11	Article 10
Article 12	Article 9
Article 13	Article 8.2 and 46
Article 14	Article 11, part 1
Article 15	Article 35, part 1, Article 48, point 1
Article 16	Article 8.1, parts 1 and 3
Article 17	Article 8.1, parts 2 and 4
Article 18	Article 11, part 2



Article 19	Article 12
Article 20	Article 13, parts 1-4
Article 21	Article 13, part 5
Article 22	Article 14
Article 23	Article 15
Article 24	Article 16 partly, Article 17, part 2
Article 25	Article 17, part 1
Article 26	Article 16
Article 27	Article 14.1, part 1
Article 28, part 1	Not prescribed
Article 28, part 2	Article 35, part 2, sentence 2
Article 29	Article 14.1, part 2
Article 30	Article 23, part 1
Article 31	Article 24
Article 32	Article 23, part 5
Article 33	Article 23, parts 2-4
Article 34	Article 35, part 2
Article 35	Article 36
Article 36	Not prescribed
Article 37	Article 39
Article 38	Article 42, part 2
Article 39	Article 25
Article 40	Article 26

Article 41	Article 27
Article 42	Article 40
Article 43	Article 29
Article 44	Article 28
Article 45	Article 28
Article 46	Article 11.3 and 30.1
Article 47	Article 30 and 64
Article 48	Article 30.2
Article 49, part 1	Article 18, part 1
Article 49, part 2	Not prescribed
Article 50	Not prescribed
Article 51	Article 18, part 3
Article 52	Article 27.1
Article 53, part 1 and 2	Not prescribed
Article 53, part 3	Article 30.1, part 3
Article 54	Article 41
Article 55	Article 32, Article 35, part 3
Article 56	Article 32, part 3
Article 57	Article 33.1
Article 58	Article 31 and 45
Article 59, part 1	Article 18, part 1
Article 59, part 2	Article 18, part 4
Article 60	Not prescribed
Article 61	Article 19
Article 62	Article 20, part 1
Article 63	Article 22, part 1

Article 64	Article 21
Article 65	Article 22, part 2
Article 66	Article 20, part 2, Article 16, part 2 partly
Article 67	Article 22, part 7
Article 68	Article 20, part 3
Article 69	Not prescribed
Article 70	Article 20, part 4
Article 71	Not prescribed
Article 72	Article 22, parts 3-5
Article 73	Article 42, parts 3-4
Article 74	Article 42.1
Article 75	Not prescribed
Article 76	Article 44
Article 77	Article 42, part 2
Article 78	Not prescribed
Article 79	Not prescribed
Article 80	Not prescribed
Article 81, part 1	Not prescribed
Article 81, part 2	Article 43, part 2
Article 82, part 1	Article 32, part 2
Article 82, part 2	Article 33
Article 83	Article 37
Article 84, part 1	Not prescribed
Article 84, part 2	Article 32, part 2
Article 85	Article 38
Article 86	Article 48

Article 87, part 1	Article 48, part 2
Article 87, part 2	Not prescribed
Article 88	Article 62
Article 89	Article 63
Article 90	Article 63, part 2
Article 91, part 1	Article 68, part 1
Article 91, part 2	Article 63, part 4
Article 92	Article 68, part 2
Article 93	Article 68, part 3
Article 94	Article 66, part 1
Article 95	Article 65, part 1
Article 96	Article 66, parts 2-4
Article 97	Article 65, part 3
Article 98	Article 67
Article 99	Article 69, part 1
Article 100	Article 70
Article 101	Article 69, part 2
Article 102	Article 71
Article 103, part 1	Article 71
Article 103, part 2-4	Not prescribed
Article 104, parts 1 and 2	Article 79
Article 104, part 3	Not prescribed
Article 105	Not prescribed
Article 106	Article 73, parts 1 and 2
Article 107	Article 73, part 3
Article 108	Not prescribed
Article 109	Article 75

Article 110	Article 76
Article 111	Article 77
Article 112	Article 80
Article 113	Article 80
Article 114	Not prescribed
Article 115	Not prescribed
Article 116	Article 81, point 2
Article 117	Article 81, point 1
Article 118	Article 81, point 3
Article 119	Article 55, point 13, partly, changed
Article 120	Article 55, point 14, partly, changed
Article 121	Article 82
Article 122	Not prescribed
Article 123	Article 49
Article 124	Article 50
Article 125	Article 51
Article 126	Article 53
Article 127	Article 54
Article 128	Article 55, point 1
Article 129	Article 55, point 2
Article 130	Article 55, point 4
Article 131	Article 55, point 4
Article 132	Article 55, points 7 and 8
Article 133	Article 55, points 12 and 13
Article 134	Article 55, point 15
Article 135	Article 55, point 17

Article 136	Article 55, point 16
Article 137	Article 55, point 16
Article 138	Article 56
Article 139	Article 56.1
Article 140	Article 57
Article 141	Article 58
Article 142	Article 59
Article 143	Article 60
Article 144	Article 61
Article 145	Article 81
Article 146	Article 85
Article 147	Article 88
Article 148	Article 55, point 4
Article 149	Article 55, point 4
Article 150	Not prescribed
Article 151	Article 74
Article 152	Article 87
Article 153	Article 86
Article 154	Not prescribed
Article 155	Not prescribed
Article 156	Article 75
Article 157	Article 55, point 4
Article 158	Not prescribed
Article 159	Article 88.1
Article 160	Not prescribed