



THE ARMENIAN CENTER FOR NATIONAL AND INTERNATIONAL STUDIES

# CONSTITUTION OF THE REPUBLIC OF ARMENIA

**as approved by the Supreme Soviet of Armenia (May 12, 1995)  
for submission to a referendum on July 5, 1995**

Translation  
May 1995

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*On May 12, 1995, the Supreme Soviet of the Republic of Armenia approved a draft constitution to be submitted to a referendum on July 5, 1995. The following is an English translation of the draft constitution as it appeared on pages 2 and 3 of the May 13, 1995 edition of the official daily **Hayastani Hanrapetutiun**.*

**T**he Armenian people, adopting as a basis the fundamental principles and pan-national goals of Armenian statehood set forth in Armenia's Declaration of Independence, and having realized the holy precept of its freedom-loving ancestors for the reestablishment of a sovereign state, and devoted to the strengthening of the fatherland and its prosperity, adopts, while asserting its faithfulness to the values of all mankind, the Constitution of the Republic of Armenia to secure freedom, overall prosperity, and civil harmony for the generations.

## Chapter 1

### PRINCIPLES OF CONSTITUTIONAL RULE

**Article 1.** The Republic of Armenia is a sovereign, democratic, social, rule-of-law state.

**Article 2.** In the Republic of Armenia authority belongs to the people.

The people exercises its authority through free elections and referenda, as well as through state and local self-governing bodies and official persons as provided in the Constitution.

The seizure of authority by any organization or individual is a crime.

**Article 3.** Elections of the President of the Republic of Armenia, the National Assembly (*Azgayin Zhoghov*), and local self-governing bodies, as well as referenda, occur by secret ballot on the basis of a general, equal and direct right to vote.

**Article 4.** The state provides for the protection of human rights and freedoms based on the Constitution and laws in accordance with the principles and norms of international law.

**Article 5.** State authority is exercised in accordance with the Constitution and laws based on the principle of the separation of the legislative, executive and judicial powers.

State bodies and officials are competent to perform only those activities for which they are authorized by legislation.

**Article 6.** The primacy of the law is guaranteed in the Republic of Armenia.

The Constitution of the Republic has the highest legal force and its norms operate directly.

Laws found to contradict the Constitution as well as other legal acts found to contradict the Constitution and laws have no legal force.

The laws are applied only after official publication. Unpublished legal acts concerning human rights, freedoms and duties have no legal force.

International treaties made in the name of the Republic of Armenia are applied only after ratification. International treaties that have been ratified are a constituent part of the legal system of

the Republic. If norms are provided for in them other than those provided for by laws, then the norms of the agreement are applied.

International agreements that contradict the Constitution can be ratified after making a corresponding amendment to the Constitution.

**Article 7.** A multi-party system is recognized in the Republic of Armenia.

Parties are formed freely and assist in the formation and expression of the people's political will. Their activity cannot contradict the Constitution and the laws, nor can their structure and way of working contradict the principles of democracy.

Parties provide for the openness of their financial activity.

**Article 8.** The right to property is recognized and protected in the Republic of Armenia.

The owner at his discretion possesses, uses and controls the property belonging to him. The exercise of the right to property must not cause damage to the environment or violate the rights and legal interests of other persons, society and the state.

The state guarantees the free development and equal legal protection of all types of property, freedom of economic activity and free economic competition.

**Article 9.** The foreign policy of the Republic of Armenia is exercised in accordance with the norms of international law with the goal of establishing good-neighborly, mutually-beneficial relations with all states.

**Article 10.** The state provides for the preservation and reproduction of the environment and the rational use of natural resources.

**Article 11.** Historical and cultural monuments and other cultural valuables are under the care and protection of the state.

The Republic of Armenia within the framework of the principles and norms of international law assists the preservation of Armenian historical and cultural valuables located in other states and aids the development of Armenian educational and cultural life.

**Article 12.** The state language of the Republic of Armenia is Armenian.

**Article 13.** The flag of the Republic of Armenia is a tricolor with equal red, blue, and orange horizontal strips. The coat of arms of the Republic of Armenia is: in the center on a shield are depicted Mount Ararat with Noah's ark and the coats of arms of four kingdoms of historical Armenia. An eagle and a lion hold up the shield and below the shield are depicted a sword, a sheaf of stalks, a chain and a ribbon.

The anthem of the Republic of Armenia is "Our Fatherland." The capital of the Republic of Armenia is Yerevan.

## Chapter 2

# FUNDAMENTAL HUMAN AND CIVIL RIGHTS AND FREEDOMS

**Article 14.** The procedure for obtaining and terminating Republic of Armenia citizenship is provided for by law. Armenians by nationality obtain Republic of Armenia citizenship by a simplified procedure.

A citizen of the Republic of Armenia cannot be at the same time a citizen of another state.

**Article 15.** Citizens, independent of nationality, race, sex, language, faith, political or other views, social origin, and property or other status, have all rights, freedoms and duties stipulated by the Constitution and by law.

**Article 16.** All are equal before the law and are protected equally without prejudice by the law.

**Article 17.** Everyone has the right to life. The death penalty, as an exceptional punishment, can be stipulated by law solely for serious crimes.

**Article 18.** Everyone has the right to freedom and inviolability. No one may be arrested or searched in any other way than as provided by law. He can be detained only by court decision through a procedure stipulated by law.

**Article 19.** No one may be subjected to torture or cruel treatment and punishment belittling his dignity.

No one may be subjected to medical or scientific experimentation without his agreement.

**Article 20.** Everyone has the right to defend his personal and family life from illegal interference and his honor and good name from encroachment.

It is prohibited to illegally collect, retain, utilize and disseminate information about a person's personal and family life.

Everyone has the right to confidentiality of correspondence, telephone conversations, postal, telegraph and other communications, which right can be limited only by court decision.

**Article 21.** Everyone has the right to inviolability of his residence. It is prohibited to enter a person's residence against his will except in cases stipulated by law.

A residence may be searched only by court decision as stipulated by law.

**Article 22.** Every citizen has the right to move freely and choose a place of residence within the territory of the Republic.

Everyone has the right to leave the Republic. Every citizen has the right to return to the Republic.

**Article 23.** Everyone has the right to freedom of thought, conscience, and faith. Freedom of expression of religion and convictions can be limited only by law on the bases provided in [Article 45](#) of the Constitution.

**Article 24.** Everyone has the right to assert his opinion. It is prohibited to force a person to renounce or change his opinion.

Everyone has the right to freedom of speech, including, independent of state borders, the right to seek, receive and disseminate information and ideas by any means of information communication.

**Article 25.** Everyone has the right to form associations with other persons, including the right to form and join trade unions.

Every citizen has the right to form political parties with other citizens and join them.

These rights may be limited with respect to those serving in the armed forces and in law-enforcement agencies.

It is prohibited to force someone to join any party or association.

**Article 26.** Citizens have the right to hold peacefully without weapons meetings, public gatherings, processions and demonstrations.

**Article 27.** Citizens of the Republic of Armenia who have reached eighteen years of age have the right to participate in the governance of the state directly or through their representatives elected by the free expression of their will.

Citizens found incompetent by court decision as well as those sentenced to incarceration and undergoing punishment by a verdict that has entered into legal force cannot vote or be elected.

**Article 28.** Everyone has a right to property and inheritance. Foreign citizens and stateless persons do not enjoy the right of land ownership except in cases provided by law. Only a court can deprive one of property in cases stipulated by law.

Confiscation of property for the needs of society and the state may occur only in exceptional cases with prior full compensation on the basis of the law.

**Article 29.** Every citizen has the right to free choice of employment.

Everyone has the right to a just wage no lower than the minimum set by the state and to work conditions meeting safety and hygienic requirements.

Citizens have the right to strike to protect their economic, social and labor interests. The procedure for realization of and limitations on this right are stipulated by law.

**Article 30.** Everyone has the right to rest. The maximum work hours, non-work days and the minimal length of annual paid vacations are stipulated by law.

**Article 31.** Every citizen has the right for himself and his family to a satisfactory standard of living, including housing, as well as to the improvement of living conditions. The state undertakes the necessary measures for the realization of this right.

**Article 32.** The family is the natural and fundamental cell of society. The family, motherhood and childhood are under the patronage and protection of society and the state.

When marrying, during marriage and when undergoing divorce, men and women enjoy equal rights.

**Article 33.** Every citizen has the right to social security in the event of old age, disability, sickness, loss of a breadwinner, unemployment and in other cases provided by law.

**Article 34.** Everyone has the right to maintain his health. Regulation of medical assistance and services is stipulated by law.

The state executes programs for the preservation of the health of the population and assists in the development of physical education and sports.

**Article 35.** Every citizen has the right to education. Secondary education is free of charge in state academic institutions. Every citizen has the right on a competitive basis to receive higher and other specialized education in state academic institutions free of charge.

Regulation of the establishment and operation of non-state academic institutions is provided by law.

**Article 36.** Everyone has the right to freedom of literary, artistic, scientific and technical creativity, to benefit from scientific achievements and to participate in the cultural life of society.

Intellectual property is protected by law.

**Article 37.** Citizens belonging to national minorities have the right to preserve their traditions and to develop their language and culture.

**Article 38.** Everyone has the right to defend his rights and freedoms in all ways not prohibited by law.

Everyone has the right to judicial protection of his rights and freedoms established by the Constitution and laws.

**Article 39.** Everyone has the right to the public hearing of his case by an independent and impartial court maintaining all requirements of justice under conditions of equality in order to regain his rights that have been violated as well as to ascertain the justification of a charge made against him. The participation of news media and representatives of society during all or part of a judicial hearing may be prohibited by law in consideration of the protection of the interests of the mores of society, social order, state security, the parties' personal lives and justice.

**Article 40.** Everyone has the right to receive legal assistance. Legal assistance is given free of charge in cases provided for by law.

Everyone has the right to defense counsel from the moment of arrest, detention, or the presentation of charges.

Everyone who has been convicted has a right of review of the verdict by a higher court as provided by law. Everyone who has been convicted has a right to request a pardon or mitigation of the designated punishment.

Compensation for the harm caused the wronged party is provided for as stipulated by law.

**Article 41.** A person accused of a crime is considered innocent as long as his guilt has not been proved as provided by law by a court's decision entered into legal force.

The accused is not obligated to prove his innocence. Suspicions which have not been disproved are interpreted to the benefit of the accused.

**Article 42.** A person is not obligated to testify against his spouse or close relative. The law may stipulate other cases of freedom from the obligation to testify.

It is prohibited to utilize evidence obtained through a violation of the law. It is prohibited to designate a sentence more severe than could have been applied under the law in effect at the time of the crime. A person cannot be found guilty of a crime if at the time of the act it was not considered a crime by the law then in effect. A law stipulating liability or increasing liability does not have retroactive effect.

**Article 43.** The rights and freedoms established by the Constitution are not exhaustive and cannot be interpreted to except other well-known human and civil rights and freedoms.

**Article 44.** The fundamental human and civil rights and freedoms established in [Articles 23 - 27](#) of the Constitution can be limited only by law if that is necessary for the protection of state and societal security, social order, the health and mores of society, and the rights and freedoms and honor and good reputation of others.

**Article 45.** Separate human and civil rights and freedoms, with the exception of those noted in Articles [17](#), [19](#), [20](#), [39](#), and [41 - 43](#) of the Constitution, may be limited temporarily as provided by law during a military situation or in cases provided for in [point 14 of Article 55](#) of the Constitution.

**Article 46.** Everyone is obligated in the manner and amount provided by law to pay taxes and duties and perform other obligatory payments.

**Article 47.** Every citizen is obligated as provided by law to participate in the defense of the Republic of Armenia.

**Article 48.** Everyone is obligated to uphold the Constitution and the laws, and respect the rights, freedoms and dignity of others.

It is prohibited to use rights and freedoms with the purpose of forcefully overthrowing constitutional rule, inciting national, racial or religious hatred, or advocating violence and war.

## Chapter 3

# THE PRESIDENT OF THE REPUBLIC

**Article 49.** The President of the Republic of Armenia pursues the upholding of the Constitution and provides for the normal activity of the legislative, executive and judicial authorities.

The President of the Republic is the guarantor of the independence, territorial integrity and security of the Republic.

**Article 50.** The President of the Republic is elected by the citizens of the Republic of Armenia for a term of five years.

Every person who has reached 35 years of age, has been a citizen of the Republic of Armenia for the preceding ten years, has permanently resided in the Republic for the preceding ten years and has the right to vote can be elected President of the Republic.

The same person cannot be elected continuously more than two times to the office of President of the Republic.

**Article 51.** The election of the President of the Republic occurs fifty days prior to the expiration of the powers of the President of the Republic as provided by the Constitution and by law.

The candidate who received more than half of the votes cast for candidates is considered elected President of the Republic. If more than two candidates were voted for and none of them received the required votes, then on the fourteenth day following the voting there is a second stage of voting in which the two candidates who received the most votes can participate. The candidate who receives the most votes in the second stage is considered elected.

In the case where one candidate is voted on, he is considered elected if he received over half of the votes of the participants in the voting.

In the event the President of the Republic is not elected, on the fortieth day after the voting new elections take place.

The President of the Republic undertakes his position on the day of expiration of the powers of the previous President.

A President of the Republic elected in a new or special election undertakes his position within a ten-day period after the election.

**Article 52.** Should insuperable obstacles arise for one of the candidates for the President of the Republic, the election for the President of the Republic is postponed for a period of two weeks. Should during that period the obstacles found insuperable not be eliminated or should one of the candidates die before the day of the vote, then a new election is held.

The new election is held on the fortieth day after the obstacles are found insuperable.

**Article 53.** In cases of the resignation, death, or incapacity to perform powers of the President of the Republic or his removal from office as provided in [Article 57](#) of the Constitution, a special election for the President of the Republic takes place on the fortieth day after the President's office becomes vacant.

**Article 54.** The President of the Republic assumes office by an oath given the people in a special session of the National Assembly.

**Article 55.** The President of the Republic:

- 1) Addresses the people and the National Assembly.
- 2) Within a twenty-one-day period after receipt of a law passed by the National Assembly signs and publishes it. During that period, demanding a new discussion of the law, he can return it to the National Assembly with objections or suggestions. Within a five-day period he signs and publishes a law repassed by the National Assembly.
- 3) Can disperse, after consulting with the president of the National Assembly and the Prime Minister, the National Assembly and designate special elections. Special elections take place no earlier than thirty and no later than forty days after dispersal of the National Assembly.

He cannot disperse the National Assembly during the last six months of his term.

4) Appoints and dismisses the Prime Minister. He appoints and dismisses members of the Government at the proposal of the Prime Minister.

In the event the National Assembly expresses no confidence in the Government, within a twenty-day period he accepts the resignation of the Government, appoints a Prime Minister and forms a Government.

5) Makes appointments to civilian positions in cases provided for by law.

6) Can form consultative bodies.

7) Represents the Republic of Armenia in international relations, exercises general management of foreign policy, concludes international agreements, signs international agreements ratified by the National Assembly and ratifies intergovernmental agreements.

8) Appoints and recalls diplomatic representatives of the Republic of Armenia to foreign countries and international organizations, accepts the credentials and recall notices of diplomatic representatives of foreign states.

9) Appoints and dismisses the Chief Prosecutor at the proposal of the Prime Minister.

10) Appoints members and the president of the Constitutional Court. [But see [Article 83](#) - editor.] On the basis of the finding of the Constitutional Court, he can terminate the powers of a member of the Constitutional Court appointed by him or approve his arrest and his being subject to administrative or criminal liability by judicial procedure.

11) Appoints, as provided for in [Article 95](#) of the Constitution, the presidents and judges of the Court of Appeals (*Vchrabek dataran*) and its chambers, and of the review, first-instance tribunal and other courts, the Deputy Chief Prosecutors and prosecutors heading structural subdivisions of the prosecutor's office; can terminate the powers of a judge, approve the arrest and subjecting of a judge to administrative or criminal liability by judicial procedure; and dismisses prosecutors appointed by him.

12) Is the commander in chief of the armed forces and appoints the high command of the armed forces.

13) Adopts decisions on the use of the armed forces; in cases of an armed attack on the Republic or the existence of an immediate danger of such an attack or a declaration of war by the National Assembly, declares a military situation and can proclaim a general or partial draft.

Should a military situation be declared, the National Assembly holds a special session.

14) Undertakes, in the event of an immediate danger threatening constitutional order and in consultation with the president of the National Assembly and the Prime Minister, measures warranted by the situation and makes an address to the people about them.

15) Bestows citizenship of the Republic of Armenia and resolves the question of giving political asylum.

16) Awards decorations and medals of the Republic of Armenia, bestows high military and honorific titles and high diplomatic and other class ranks.

17) Bestows pardons on convicts.

**Article 56.** The President of the Republic publishes decrees and orders which are subject to implementation throughout the Republic.

Decrees and orders of the President cannot contradict the Constitution and the laws.

**Article 57.** The President of the Republic can be removed from office for state treason or other serious crimes.

In order to obtain a finding on the question of removing the President of the Republic from office, the National Assembly by a resolution adopted by the majority of votes of the overall number of delegates applies to the Constitutional Court.

Based on the finding of the Constitutional Court, the National Assembly makes the decision to remove the President of the Republic from office by at least two-thirds of the votes of the overall number of delegates.

**Article 58.** The resignation of the President of the Republic is accepted by the National Assembly by a majority of the votes of the overall number of delegates.

**Article 59.** In cases of a serious illness of the President of the Republic or the presence of insuperable obstacles to the performance of his powers, the National Assembly at the proposal of the Government and based on the finding of the Constitutional Court adopts by at least two-thirds of the votes of the overall number of delegates a decision on the impossibility of performance of his powers by the President of the Republic.

**Article 60.** In the event that the position of President of the Republic remains vacant, until the newly-elected President assumes office, the president of the National Assembly, and if that is not possible, the Prime Minister, performs the duties of the President of the Republic. During that period it is prohibited to disperse the National Assembly, designate a referendum, or appoint or dismiss the Prime Minister or the Chief Prosecutor.

**Article 61.** Provision for the compensation of, services to and security of the President of the Republic is stipulated by law.

## Chapter 4

### THE NATIONAL ASSEMBLY

**Article 62.** The National Assembly exercises the legislative authority in the Republic of Armenia. In cases provided for in Articles [59](#), [66](#), [73](#), [74](#), [78](#), [81](#), [83](#), [84](#), [111](#) and [112](#) of the Constitution, as well as with respect to questions of the organization of its activity, the National Assembly adopts resolutions which the president of the National Assembly signs and publishes.

The powers of the National Assembly are fixed by the Constitution. The National Assembly operates in accordance with its Rules of Procedure.

**Article 63.** The National Assembly is composed of one hundred and thirty-one delegates. The powers of the National Assembly expire in June of the fourth year following its election on the opening day of the first session of the newly-elected National Assembly, when the powers of the newly-elected National Assembly commence.

The National Assembly can be dispersed as provided in the Constitution. A newly-elected National Assembly cannot be dispersed for one year following its election. The National Assembly cannot be dispersed during a military situation or in cases provided for in [point 14 of Article 55](#), as well as when the issue of the removal of the President of the Republic from office has been raised.

**Article 64.** Every person who has reached twenty-five years of age, has been a citizen of the Republic of Armenia for the preceding five years, has permanently resided in the Republic for the previous five years and has the right to vote can be elected a delegate.

**Article 65.** A delegate cannot occupy any other state post or perform any other paid employment, other than scientific, pedagogical and artistic work.

The compensation and guarantees for the activity of delegates are provided for by law.

**Article 66.** A delegate is not bound by any imperative mandate and is guided by his conscience and convictions.

A delegate cannot be prosecuted and subject to liability for activities flowing from his status, including for an opinion expressed in the National Assembly, if it does not contain slander or insult.

A delegate cannot be arrested and be subject to administrative or criminal liability through judicial procedure without the agreement of the National Assembly.

**Article 67.** The powers of a delegate expire on expiration of the term of the powers of the National Assembly, the dispersal of the National Assembly, a violation of the conditions of the first part of [Article 65](#) of the Constitution, loss of Republic of Armenia citizenship, the dishonorable absence from more than half of the votes during one session, a conviction for a crime, a finding of incompetence, or resignation.

The procedure for terminating the powers of a delegate is provided for in the Rules of Procedure of the National Assembly.

**Article 68.** The regular elections of the National Assembly take place during the sixty days preceding the expiration of its powers.

The procedure for election to the National Assembly is provided for by law. The election is designated by decree of the President of the Republic. The first session of the newly-elected National Assembly gathers on the second Thursday following the election of at least two-thirds of the overall number of delegates.

Prior to the election of the president of the National Assembly, its meetings are run by the delegate most senior in age.

**Article 69.** The regular sessions of the National Assembly are held twice a year: from the second Monday in September to the second Wednesday in December and from the first Monday in February to the second Wednesday in June.

Meetings of the National Assembly are open. A closed meeting can be held by decision of the National Assembly.

**Article 70.** The President of the Republic calls a special session of the National Assembly at the initiative of at least one third of the overall number of delegates or of the Government.

At the request of the majority of the overall number of delegates of the National Assembly a special session is held with the agenda and within the time period stipulated by the initiator.

A special session may not last more than six days. The president of the National Assembly calls a special meeting of the National Assembly at the initiative of the Government or at least one third of the overall number of delegates.

A special meeting is held with the agenda and within the time period stipulated by the initiator.

**Article 71.** With the exception of the cases provided for in Articles [57](#), [58](#), [59](#), [72](#), [74](#), [84](#) and [111](#), in the fourth part of [Article 75](#) and the first part of [Article 79](#), and in the [third point of Article 83](#) of the Constitution, laws and National Assembly resolutions are adopted by majority votes of delegates present at the meeting if more than half of the overall number of delegates participated in the voting.

**Article 72.** The National Assembly discusses on a special basis a law returned by the President of the Republic.

In the event the National Assembly should not accept the objections and suggestions of the President of the Republic, it once again adopts the returned law by a majority of the votes of the overall number of delegates.

**Article 73.** Six permanent commissions, and when necessary, temporary commissions, are created in the National Assembly.

Permanent commissions are created for preliminary discussion of draft laws and other proposals and for the presentation of findings about them to the National Assembly.

Temporary commissions are created for the preliminary discussion of separate draft laws or to present findings and reports to the National Assembly about certain events and facts.

**Article 74.** The Government within a twenty-day period following its formation or that of a newly-elected National Assembly presents its work plan for approval by the National Assembly and places before the meeting of the National Assembly the issue of [the National Assembly's] confidence [in the Government].

A draft resolution on expressing no confidence in the Government can be presented by at least one-third of the overall number of delegates within twenty-four hours of the placing of the confidence issue.

The draft resolution on expressing no confidence in the Government is put to a vote no sooner than forty-eight hours and no later than seventy-two hours after it has been presented. The resolution is accepted by a majority of the votes of the overall number of delegates.

In the event a draft resolution on expressing no confidence in the Government is not presented or such a resolution is not adopted, the work plan is considered to have won approval.

In the event a resolution on expressing no confidence is accepted, the Prime Minister tenders the resignation of the Government to the President.

**Article 75.** The right to legislative initiative in the National Assembly belongs to the delegates and to the Government.

The Government stipulates the sequence for discussion of the draft laws it presents and it can demand that they be put to a vote only with changes acceptable to it.

The National Assembly discusses and votes on within a one-month period a draft law considered urgent by Government decision.

The National Assembly discusses only upon a finding of the Government draft laws which reduce state income or increase expenses and adopts them by a majority of the votes of the overall number of delegates.

In connection with the adoption of a draft law presented by it, the Government may present the issue of [the National Assembly's] confidence in it. If the National Assembly does not adopt as provided in [Article 74](#) of the Constitution a resolution expressing no confidence in the Government, the draft law presented by the latter is deemed adopted.

In connection with a draft law presented by it, the Government may present the issue of confidence in it no more than two times during the same session.

**Article 76.** The National Assembly on the presentation of the Government certifies the state budget. If the state budget is not certified by the beginning of the fiscal year, expenditures are made in the proportions of the previous year's budget.

The procedure for the discussion and certification of the state budget is provided for by law.

**Article 77.** The National Assembly oversees the implementation of the state budget as well as the utilization of loans and credits received from foreign states and international organizations.

The National Assembly discusses and certifies the annual report on the implementation of the state budget in the presence of the finding of the Oversight Chamber (*Verahskich palat*) of the National Assembly.

**Article 78.** To legislatively secure the Government's work plan, the National Assembly may empower the Government to adopt resolutions that have the force of law and that operate during the period stipulated by the National Assembly and that cannot contradict existing laws. The President of the Republic signs those resolutions.

**Article 79.** The National Assembly by the majority of votes of the overall number of delegates elects for the full term of its powers the president of the National Assembly.

The president of the National Assembly conducts the meetings, administers the material and financial resources of the National Assembly and provides for its normal activity.

The National Assembly elects two vice presidents of the National Assembly.

**Article 80.** The deputies have the right to pose inquiries to the Government. During one meeting each week of the regular session, the Prime Minister and members of the Government respond to the inquiries of the deputies.

The National Assembly does not adopt resolutions in connection with the inquiries of deputies.

**Article 81.** The National Assembly at the proposal of the President of the Republic:

- 1) Declares an amnesty.
- 2) Ratifies or annuls international agreements of the Republic of Armenia. The realm of international agreements subject to ratification of the National Assembly is fixed by law.
- 3) Declares war. The National Assembly based on the finding of the Constitutional Court can terminate the exercise of measures provided for in points [13](#) and [14](#) of Article 55 of the Constitution.

**Article 82.** The National Assembly at the proposal of the Government certifies the administrative territorial division of the Republic.

**Article 83.** The National Assembly:

- 1) Appoints, at the proposal of the President of the Republic, the president of the Central Bank and his deputy.
- 2) Appoints, at the proposal of the president of the National Assembly, the president of the National Assembly's Oversight Chamber, members of the Constitutional Court and, from among the members of the Constitutional Court, the president of the Constitutional Court.

If the president of the Constitutional Court is not appointed by the National Assembly within thirty days following the formation of the Constitutional Court, the President of the Republic appoints the president of the Constitutional Court.

3) Can terminate, based upon the finding of the Constitutional Court, the powers of a member of the Constitutional Court appointed by [the National Assembly] and agree to his arrest and being subject to administrative or criminal liability by judicial procedure.

**Article 84.** The National Assembly by a majority of the votes of the overall number of deputies expresses its no confidence in the Government. It cannot enjoy this right during a military situation or in cases provided for in [point 14 of Article 55](#) of the Constitution.

## **Chapter 5**

# **THE GOVERNMENT**

**Article 85.** The Government of the Republic of Armenia exercises the executive authority of the Republic of Armenia.

The Government is composed of the Prime Minister and ministers. The powers of the Government are fixed by the Constitution and by the laws.

The Government's structure and work procedure, upon presentation of the Prime Minister, are fixed by decree of the President of the Republic.

**Article 86.** The President, or on his instruction the Prime Minister, calls and conducts meetings of the Government.

The Prime Minister signs, and the President certifies, resolutions of the Government.

In cases provided for in [Article 59](#) of the Constitution, at the request of a majority of the members of the Government, the Prime Minister calls and chairs a meeting of the Government.

**Article 87.** The Prime Minister manages the ongoing activity of the Government and coordinates the work of the ministers.

The Prime Minister adopts resolutions. In cases determined by Government procedure, resolutions of the Prime Minister are also signed by the ministers carrying them out.

**Article 88.** A member of the Government cannot be a member of any representative body, occupy any other state post or perform any other paid employment.

**Article 89.** The Government:

1) Presents its work plan to the National Assembly for approval as provided in [Article 74](#) of the Constitution.

2) Presents for the National Assembly's certification the draft state budget and provides for the implementation of the budget, concerning which it presents a report to the National Assembly.

3) Manages state property.

4) Provides for the implementation of a united state financial, economic, credit and tax policy.

5) Provides for the implementation of state policy in the areas of science, education, culture, health, social security and environmental protection.

6) Provides for the implementation of the defense, national security and foreign policy of the Republic.

7) Undertakes measures aimed at strengthening lawfulness, securing the rights and freedoms of citizens, and protecting property and the social order.

**Article 90.** The Government presents the draft state budget to the National Assembly for discussion at least sixty days prior to the beginning of the fiscal year and it can request that [the draft budget], with any changes accepted by it, be put to a vote before the end of that period. In connection with the certification of the budget, the Government can raise the issue of [the National Assembly's] confidence in it. If the National Assembly, by the procedure provided for in [Article 74](#) of the Constitution, does not express its no confidence in the Government, the state budget with the changes accepted by the Government is deemed certified.

If the National Assembly expresses no confidence in the Government in connection with the certification of the state budget, the new Government within twenty days presents to the National Assembly a draft budget which is discussed and certified within thirty days by the procedure provided for in this Article.

## Chapter 6

### JUDICIAL AUTHORITY

**Article 91.** Only the courts execute justice in the Republic of Armenia according to the Constitution and the laws.

In cases stipulated by law a trial takes place with the participation of jurors.

**Article 92.** Courts of general competence in the Republic of Armenia are: tribunal courts of first instance (*arajin atyani dataranner*), review courts (*veraknnich dataranner*) and the Court of Appeals (*Vchrabek dataran*).

Economic and military as well as other courts provided for by law also operate in the Republic of Armenia.

The creation of extraordinary courts is prohibited.

**Article 93.** Decisions, verdicts and rulings that have entered into legal force are reexamined in the Court of Appeals on the basis of complaints by the Chief Prosecutor, his deputies or specially-licensed lawyers registered in the Court of Appeals.

**Article 94.** The guarantor of the independence of judicial bodies is the President of the Republic. He heads the Justice Council (*Ardaradatutian khorhurd*).

The Justice Minister and the Chief Prosecutor are the vice presidents of the Council.

Also included in the Council are fourteen members appointed for five-year terms by the President of the Republic and of whom two are legal scholars, nine are judges, and three are prosecutors.

Three Council members each are appointed from judges of the tribunal courts of first instance, the review courts and the Court of Appeals.

General assemblies of the judges each put forward three candidates by secret ballot for each spot. The Chief Prosecutor puts forward the candidacies of the prosecutor members of the Council.

**Article 95.** The Justice Council:

1) Formulates at the proposal of the Justice Minister and presents for certification to the President of the Republic annual lists of the fitness for office and employment advancement of judges, on the basis of which lists appointments are made.

2) Formulates at the proposal of the Chief Prosecutor and presents for certification to the President of the Republic annual lists of the fitness for office and employment advancement of prosecutors, on the basis of which lists appointments are made.

3) Proposes the candidacies for the presidents and judges of the Court of Appeals and its chambers and the presidents of the review, first instance tribunal and other courts and presents its finding concerning the candidacies for other judges presented by the Justice Minister.

4) Presents its finding concerning the candidacies presented by the Chief Prosecutor for the Deputy Chief Prosecutors and prosecutors heading structural subdivisions of the prosecutor's office.

5) Presents proposals to bestow qualification rankings on judges and prosecutors.

6) Presents proposals on giving agreement to the termination of the powers of a judge, the arrest of a judge and his subjection to administrative or criminal liability by judicial procedure.

7) Subjects a judge to disciplinary liability. The president of the Court of Appeals conducts meetings of the Justice Council when they examine issues of subjecting a judge to liability. The President of the Republic, the Justice Minister and the Chief Prosecutor do not participate in those meetings.

8) Expresses its opinion about issues of pardon upon inquiry of the President of the Republic.

Procedures of the Justice Council are provided for by law.

**Article 96.** Judges and members of the Constitutional Court are permanent. A judge holds office until he reaches age 65 and a member of the Constitutional Court until he reaches age 70. Their powers are terminated only in cases and in a manner provided for by the Constitution and by law.

**Article 97.** In executing justice, judges and members of the Constitutional Court are independent and are subservient only to the law.

Guarantees for the activity of, and the bases and procedure for the liability of, judges and members of the Constitutional Court are provided for by law.

**Article 98.** Judges and members of the Constitutional Court cannot occupy other state posts or perform other paid employment, other than scientific, pedagogical and artistic activity.

Judges and members of the Constitutional Court cannot be members of any political party or engage in political activity.

**Article 99.** The Constitutional Court is composed of nine members, of whom the National Assembly appoints five and the President of the Republic appoints four.

The President of the Republic appoints the president of the Constitutional Court from among the members of the Constitutional Court. [But see [Article 83](#) - editor.]

**Article 100.** The Constitutional Court as stipulated by law:

- 1) Decides on the correspondence with the Constitution of laws, resolutions of the National Assembly, decrees and edicts of the President of the Republic, and resolutions of the Government.
- 2) Decides, prior to the ratification of an international treaty, on the issue of the correspondence of obligations created in it with the Constitution.
- 3) Resolves disputes relating to referenda and results of elections for the President of the Republic and delegates.
- 4) Makes a finding that an obstacle facing a candidate for President of the Republic is insuperable or has been eliminated.
- 5) Provides its finding on the existence of bases to remove the President of the Republic from his office.
- 6) Provides its finding on measures provided for by points [13](#) and [14](#) of Article 55 of the Constitution.
- 7) Provides its finding on the impossibility of the President's performance of his powers.
- 8) Provides its finding on terminating the powers of a member of the Constitutional Court, on arresting him, and on subjecting him to administrative or criminal liability by judicial procedure.
- 9) Decides on the suspension or prohibition of the activity of a political party in cases provided for by law.

**Article 101.** The Constitutional Court can be appealed to by:

- 1) the President of the Republic;
- 2) at least one-third of the delegates;
- 3) candidates for the President of the Republic and for delegates in disputes related to the results of elections; and
- 4) the Government in a case provided for by [Article 59](#) of the Constitution. The Constitutional Court examines cases only in the case of a corresponding application.

**Article 102.** The Constitutional Court makes its rulings and findings no later than thirty days following receipt of an application. Decisions of the Constitutional Court are final, are not subject to review and enter into force from the moment of publication. The Constitutional Court resolves the issues provided for in [points 1 - 4 of Article 100](#) of the Constitution by a majority of the votes of the overall number of its members and issues provided for in [points 5 - 9](#) by at least two-thirds.

**Article 103.** The prosecutor's office of the Republic of Armenia is a single centralized system headed by the Chief Prosecutor. The prosecutor's office:

- 1) Brings criminal prosecution in cases and through procedure stipulated by law.
- 2) Oversees the legality of the preliminary examination and the investigation.
- 3) Defends its charge in court.
- 4) Brings actions in court to defend state interests.
- 5) Appeals the judgments, verdicts and rulings of the courts.
- 6) Oversees the application of punishments and other means of constraint. The prosecutor's office operates within the realm of powers reserved to it by the Constitution on the basis of a law on the prosecutor's office.

## Chapter 7

# REGIONAL GOVERNMENT AND LOCAL SELF-GOVERNMENT

**Article 104.** Administrative territorial units of the Republic of Armenia are: regions (*marzer*) and communities (*hamainkner*).

Regions are composed of rural and urban communities.

**Article 105.** Local self-government is exercised in the communities. Bodies for local self-government, community elders with five to fifteen members and the head of the community (the city mayor or village head), are elected for a three-year period to administer community property and solve issues of community significance.

The community leader forms his own staff.

**Article 106.** The community elders on the presentation of the community leader ratify the community budget, oversee the implementation of the budget, and as provided by law fix local taxes and payments.

**Article 107.** State government is exercised in the regions. In the regions, the Government appoints and dismisses regional governors (*marzpetner*) who implement the Government's regional policy and coordinate the activity of regional services of the republic executive bodies.

**Article 108.** The city of Yerevan has the status of a region. The President of the Republic upon presentation by the Prime Minister appoints and dismisses the mayor of Yerevan. Local self-government is exercised in Yerevan in district communities.

**Article 109.** Upon the presentation of the regional governor, the Government in cases provided for by law can remove the community leader from office. In the case of the removal of a community leader by decision of the Government, a special election is held within thirty days. Until the newly-elected community leader assumes his duties, the Prime Minister appoints an acting urban community leader and the regional governor appoints an acting village community leader.

**Article 110.** The election procedure and powers of bodies of local self-government are fixed by the Constitution and by laws.

## Chapter 8

# THE CONSTITUTION'S ADOPTION, AMENDMENT AND REFERENDUM

**Article 111.** The Constitution is adopted or amended through a referendum at the initiative of the President of the Republic or the National Assembly.

The President of the Republic designates a referendum at the proposal or upon agreement of the majority of the overall number of National Assembly delegates.

The President of the Republic, within twenty-one days after receiving the draft of the Constitution or amendments to it, can return it to the National Assembly with his objections and suggestions and request a new discussion [of it].

The President of the Republic puts up for a referendum within the period stipulated by the National Assembly a draft of the Constitution or amendments to it that are again proposed by the National Assembly by at least a two-thirds vote of the overall number of delegates.

**Article 112.** Laws are put up for a referendum at the proposal of the National Assembly or the Government through the procedure set forth in [Article 111](#) of the Constitution.

**Article 113.** The draft put up for a referendum is considered accepted if more than half of the participants in the voting, but no less than one-third of the citizens included in the voting lists, vote for it.

**Article 114.** Articles [1](#), [2](#) and 114 of the Constitution are not subject to amendment.

## Chapter 9

# TRANSITIONAL PROVISIONS

**Article 115.** This Constitution enters into force based on the results of a referendum from the moment of official publication.

**Article 116.** From the moment the Constitution enters into force:

1) The operation of the 1978 Constitution, along with the subsequent amendments and additions to it, as well as of the existing constitutional laws, terminates.

2) Laws and other legal acts of the Republic of Armenia operate to the extent they do not contradict the Constitution.

3) The President of the Republic exercises the powers reserved to him by the Constitution. The Vice President of the Republic, until the expiration of his powers, performs the instructions of the President of the Republic.

4) The National Assembly exercises the powers reserved to it by the Constitution. The provisions of the first part of [Article 63](#), [Article 64](#) and the first part of [Article 65](#) of the Constitution apply to the subsequent convocations of the National Assembly. Until then Articles [4](#) and [5](#) of the March 27, 1995 Constitutional Law are in operation.

5) Until the formation of the Constitutional Court international agreements are ratified without its finding.

6) Village, city and regional soviets of deputies and their executive bodies continue to exercise their powers as fixed by law until the adoption of legislation on regional government and bodies of self-government in accordance with the Constitution.

Until the adoption of legislation on regional government and bodies of self-government in accordance with the Constitution, the right to express no confidence in the presidents of city and regional soviets of deputies is reserved to the National Assembly.

7) Regional (city) people's courts and the Supreme Court continue to operate within the realm of their former powers until the adoption of legislation on court structure and procedure and the formation of a new judicial system in accordance with the Constitution.

8) The state arbitration courts continue to operate within the realm of their former powers until the formation of an economic court.

9) The powers of judges of regional (city) people's courts are extended for a period up to six months, during which the President of the Republic at the proposal of the Justice Council appoints for a period of three years the judges of regional (city) people's courts.

10) The powers of members of the Supreme Court are extended until the formation of the Court of Appeals, but for no longer than three years.

11) Until the formation of a new judicial system, included in the Justice Council are 11 members appointed by the President of the Republic, of whom two are legal scholars, six are judges and three are prosecutors. Three members each of the Council are appointed from judges of the regional (city) people's courts and the Supreme Court through the procedure stipulated by [Article 94](#) of the Constitution.

The President of the Republic heads the Council. The Minister of Justice and the Chief Prosecutor are vice presidents of the Council.

The Justice Council exercises the powers reserved to it by the Constitution.

12) The prosecutor's office exercises the powers reserved to it by the Constitution in accordance with legislation currently in effect until the adoption of a law on the prosecutor's office.

13) The Supreme Court reviews court judgments, verdicts and rulings that have entered into legal force on the basis of appeals of the Chief Prosecutor and his deputies and lawyers with special licenses who are registered with the Supreme Court.

14) The previous procedure for searches and arrests is maintained until criminal procedure legislation is made to correspond with the Constitution.

**Article 117.** The day the Constitution is adopted is declared a holiday, "Constitution Day."

