

LAW OF THE REPUBLIC OF ARMENIA ON PARTIES

Adopted on July 3, 2002 As amended by the Laws of the RA 475-N, of 04.12.2002, 30-N, of 25.12.2003
CHAPTER 1. GENERAL PROVISIONS

Article 1. The Subject of Regulation of This Law

This Law regulates relations connected with exercising of the right to join into parties, to establish parties, their legal status, activity, reorganization, and liquidation.

Article 2. The Right to Join into Parties

The right to join into parties is exercised freely, in accordance with their persuasions, through establishing parties on voluntary basis, on condition of adopting and recognizing their programs and charters, joining their membership, participating in their activity in conformity with program goals of parties and pursuant to the procedure defined by the charter, as well as freely leaving the party.

Article 3: The Concept of a Party

1. The party is a public union formed on the basis of individual membership of, the aim of the activity of which is to participate in the political life of the society and the State. 2. The goals and objectives of the party are reflected in its Charter and program, which are published through mass media. 3. A union may not also be recognized as a party, if its Charter: 1) allows membership of foreign citizens, citizens lacking citizenship, with the exception of cases envisaged by this Law, as well as foreign and international organizations; 2) envisages membership solely by professional, national, racial, religious characteristics; 3) envisages membership of such persons, who can not be a member of a party in conformity of this Law.

Article 4. The Legislation on Parties

The procedure for formation of parties, their activity, reorganization, liquidation, prohibition of activity, as well as their legal status is established by the Constitution of the Republic of Armenia, this Law and other laws.

Article 5. The Number of Party Members, Territorial and Structural Subdivisions, and the Territory of Activity

1. The party shall have not less than 200 members. The party shall have regional divisions in at least one- third of the regions of the Republic of Armenia, including Yerevan. The party has the right to form, in conformity with the procedure established by this Law and its Charter, other structural subdivisions. 2. Territorial and structural subdivisions of a party are formed and operated solely by territorial characteristic. The formation and the activity of territorial and structural subdivisions of parties in state and local self-governing bodies, armed forces of the Republic of Armenia, law enforcement bodies, pre-school, school and other educational institutions and organizations is prohibited. 3. The management bodies of the party and its territorial and structural subdivisions may be located solely in the territory of the Republic of Armenia. In other states the party may have representation only.

Article 6. The Name of the Party

1. The name of the party shall include the word "party". 2. The name of the party and its abbreviation shall differ from names of already functioning parties and other public unions, as well as names of parties prohibited in conformity with the procedure established by Article 30 of this Law during the five years preceding the registration of the given party. 3. The full name or abbreviation of a well-known person may be used in a party name only upon the written consent of the given person or his/her successors, in case the well-known natural person is dead. In case the well-known person or if the later is dead his/her successor consider that the activities of the party through a shadow on the reputation of the given person, he/she may apply to the court with the claim of depriving the party from the right of using the name of the person in the name of the party. 4. It is not allowed to use the names of state and local-self-governing bodies in the name of the party.

Article 7. The Emblem of the Party and Other Symbols

1. Parties may have an emblem and other symbols, the accurate description of which shall be provided in the Charter of the Party. The emblem and other symbols of the party may not coincide with flags and coat of arms of the Republic of Armenia. It is not allowed to use the emblem of the party and other emblems by persons and organizations. 2. Emblems and other symbols of functioning parties and other public unions, as well as organizations or parties prohibited in the territory of the Republic of Armenia

may not be used as the emblem and other symbols of the party. 3. The emblem and other symbols of the party shall not violate intellectual property right of citizens and legal persons, including their right to names of goods and places of their origin. It is prohibited to use such emblem and/or symbols, which distort coat of arms of the Republic of Armenia and other states, offend spiritual, racial, national feelings of people, violate generally known norms of moral.

Article 8. Principles of Organizing and Activity of Parties

1. 6-Parties are equal before the law regardless of the ideology, objectives, and goals reflected in their program documents. 2. The activity of parties is based on voluntary, self-governing, legal equality of the members, legality, and publicity principles. Parties are free to decide on their internal structure, aims, ways, methods, and forms of their activity, with the exception of cases envisaged by this Law. 3. Parties are subject to state registration in conformity with the procedure set forth by this Law. Territorial and structural subdivisions of parties are not subject of state registration. 4. Parties function publicly, their founding and program documents are published for general awareness. 5. The highest body of the party is its meeting (meeting, conference, congress, gathering, and etc.), which is entitled to adopt a final decision on an issue relating to the activity of the organization.

Article 9. Restrictions for Formation and Activity of Parties

Formation and activity of such parties, whose aims or activity are directed at violent overthrow of Constitutional order of the Republic of Armenia and territorial integrity of the Republic of Armenia, impairment of grounds of independence, formation of armed units, instigation of national, racial and religious hatred, incitement to violence and war, is prohibited.

Article 10. The State and Parties

1. Party members holding positions in the state and local self-governing bodies of the Republic of Armenia do not have right to use their official position in favor of party interests. When performing their official duties the mentioned persons are not constrained by party decisions. 2. The following persons cannot be party members: 1) judges; 2) prosecutors 3) employees of the National Security, Police of the Republic of Armenia and other law enforcement bodies; 4) servicemen of armed forces of the Republic of Armenia and other military units.

CHAPTER 2. ESTABLISHMENT OF PARTIES

Article 11. Forms of Establishing Parties

1. The party is established freely, by the decision of the Founding Conference of its members. 2. The party is established at the Founding Conference, during which, decisions on the establishment of the party, adoption of its program, approval of the Charter, formation of management and oversight bodies are adopted. 3. The legal capacity of the party as a legal person arises on the date of its state registration. 4. (Article 11, Point 4 has been abolished 04.12.02) Article 12. Holding of the Founding Conference of the Party 1. Within at least one month prior to the Founding Conference the founders shall publish through the mass media the venue and the hour of holding the Founding Conference of the party, as well as the main provisions of the party Charter and the drafts of the program. 2. The Founding Conference is competent if delegates from at least one-third of the Regions of the Republic of Armenia are present at the conference. 3. Decisions on establishing the party, approval of Charter, adoption of program, formation of management and oversight bodies are adopted by the majority of votes of the total number of delegates of the Conference. Article 13. The Procedure of State Registration of Parties 1. The state registration of the party is performed by the state authorized body. 2. The document evidencing the fact of the state registration is the relevant record made in the state register of legal entities and the certificate of state registration attesting the record. 3. For the state registration of the party the following are submitted to the authorized body: 1) excerpt from the minutes of the founding conference, which shall include data on the establishment of the party, territorial coverage, approval of its Charter and program documents, authorized body (bodies) for state registration, formation of management and oversight bodies; 2) (Article 13, point 3, sub-point 2 has been abolished 04.12.04) 3) the bound and paginated Charter and Program of the party, signed by the authorized persons as established by the Charter; 4) the application to the registering body signed by members of permanently functioning management body of the party, which shall include passport data and notice on residence place of each of the signatory; 5) the legal address of the permanently functioning management body of the party; 6) the copy of the periodical printed media, where the venue and the hour of holding of the Founding Conference has been published; 7) the document attesting the payment of the registration fee.

4. Documents envisaged by Clause 3 of this Article shall be submitted for state registration not later than within three months after the date of holding of the Founding Conference. 5. In case of submitting the documents envisaged by Clause 3 of this Article, within one-month period the state authorized body issues to the party the state registration certificate, in which the date of issuance of the certificate is specified as the date of the state registration of the party or rejects the state registration of the party. 6. Registration of amendments to and restatements in the Charter and/or the Program of the party is not deemed re-registration of the party and shall not serve basis for recognizing the registration certificate invalid. Article 14. Basis for Rejection of State Registration of Party 1. The state registration of the party may be rejected, if provisions of the Charter or Program of the party contradict to the Constitution and laws of the Republic of Armenia or requirements envisaged by this law for state registration have not been met. 2. The decision of the registering body on rejection of the state registration of the party shall be in writing and substantiated. The decision shall contain the statement of such provisions of the Constitution of the Republic of Armenia and/or statutes, which have been violated in the submitted documents. 3. Rejection of state registration of the party may be appealed by court order. Rejection of state registration is not an obstacle for repeated submission of documents, if basis for rejection have been eliminated. The registering body discusses the repeated application and makes a decision in regard to it in the procedure and within time period envisages for registration of parties by this Law. 4. In case within the defined time period the registering body fails to register or reject registration of the party, the party is deemed registered. CHAPTER 3. THE STRUCTURE OF THE PARTY

Article 15. The Charter of the Party

1. The party, its territorial and other structural subdivisions operate on the basis of and in conformity with the Charter of the Party. 2. The following shall be defined in the Charter: 1) the name, including also the abbreviated name, as well as the description of the emblem (if available); 2) goals and objectives; 3) rights and responsibilities of the members, conditions and the procedure of joining and losing the membership; 4) the structure of and the procedures for creation and liquidation of territorial and structural subdivisions; 5) procedures for formation of management and oversight bodies of territorial and structural subdivisions, powers and the terms thereof; 6) the procedure and powers of permanently functioning body subordinate and accountable exclusively to the highest body of the party; 7) the procedure on making amendments to and restatements in the Charter; 8) sources of acquisition of cash means and property, and property management rights of territorial and structural subdivisions of the party; 9) the liquidation procedure. The Charter of the party may also contain other provisions concerning its activity. 3. The state registration of amendments to and supplements to the Charter of the party is implemented according to the procedure of state registration of parties defined by this law.

Article 16. The Program of the Party 1. The party shall have a program, which specifies the basic principles, objectives, goals, as well as ways of achieving such objectives and methods and means of fulfilling the goals. 2. The state registration of amendments and supplements to the Program of the party is implemented according to the procedure of state registration of parties defined by this law.

Article 17. Members of the Party 1. Membership to the party is voluntary and individual. 2. Citizens of the Republic of Armenia Members having attained the age of eighteen may become party members. Other persons vested with the voting right in the Republic of Armenia may join the membership of the party without the right of being elected in the management and supervision performing bodies. 3. Every person may simultaneously become the member of one party only. Each member of the party may be registered only in one subdivision of the party. 4. Membership to the party is performed in the procedure established by this Law and the Charter of the party. 5. Members of the party participate in its activity in the procedure prescribed by this Law and the Charter of the Party. 6. Members of the party have the right to elect and be elected in permanently functioning management and supervision performing bodies of the party and its territorial and organizational subdivisions, to receive information about the activity of the party and its management bodies, to exercise the control over their activity, as well as to appeal, in the procedure defined by the Charter, decisions of the mentioned bodies, with the exception of cases envisaged by this Law. 7. Members of the party, in conformity with the requirements of the Charter, have rights and responsibilities. In case of failure to perform their statutory responsibilities members may be

subjected to disciplinary liability in the procedure envisaged by the Charter, right up to the dismissal from the party. 8. In the official documents the note on information about party can be specified only in cases provided by the law. 9. Joining or not joining the membership of the party by citizens is not a basis for limitation of their rights and freedoms and/or granting to them of any privilege or advantage by the state.

Article 18. Management Bodies of the Party 1. The supreme management body of the party is the Conference of the party, which is called at least once in two years by permanently functioning management body of the party. Permanently functioning management and supervision performing bodies of the party are elected by secret ballot at the Conference of the party, and are accountable to the Conference. 2. In accordance with the Charter of the party, the permanently functioning management body of the party exercises in the name of the party powers reserved to it as a legal entity.

Article 19. Procedure on Adoption of Decisions at the Conference of the Party 1. The Conference of the party is competent, if at least the two-third of the total number of delegates to the Conference is present (registered) at the Conference. 2. Decisions on adoption of the Charter and the Program of the party, making amendments and restatements thereto, reorganization, self-liquidation, as well as nomination of a candidate to the President of the Republic are adopted by the majority of votes of the total number of delegates of the Conference. 3. Decisions of the Conference of the Party, other than cases envisaged by this Law, are adopted by majority votes of delegates present (registered) at the Conference. **CHAPTER 4. RIGHTS AND OBLIGATIONS OF PARTIES**

Article 20. The Rights of the Party 1. In conformity with the procedure established by the legislation, the party has the right: 1. to create, as well as to liquidate, regional and structural subdivisions, in accordance with its statutory objectives and tasks; 2. to organize and hold meetings, demonstrations, rallies, processions and other public political actions; 3. to freely disseminate information about its activity, to propagate its objectives and tasks; 4. to participate in the elections of state and local self-governing bodies, as well as in preparation and conduct of referendums; 5. to perform initiatives on various issues of public life, to submit recommendations to state and local self-governing bodies on any matter related to political, economic, social and cultural life of the public, to participate in the decision making process; 6. to establish mass media means and publishing houses; 7. to form alliances (unions, amalgamations) without establishing a legal entity with other parties; 8. to establish and maintain international connections and contacts with foreign parties and unions, to join international unions and associations; 9. to carry out other activity corresponding to its Charter.

Article 21. Exclusive Rights of Parties The party is the sole public union, which is entitled to nominate candidates in the elections of the deputies to the National Assembly, elections of the President of the Republic and heads and council members of local self-governing bodies. The nomination in the elections of the National Assembly is conducted on the basis of the decision adopted during the session of the permanently acting and governing body of the party. Heads of regional and structural subdivisions of the party must participate on that session according to the order provided by the charter of the party.

Article 22. Obligations of the Party The party is obliged: a) to meet the Constitution and the statutes of the Republic of Armenia, as well as its Charter, Program and decisions; b) to publish, in printed media, a report on the use of property by specifying the sources of formation of such property.

Article 23. The Property of the Party 1. The party may have property in the form of land plots, buildings, premises, constructions, housing resources, mass media means, cash means, as well as other property necessary for the activity of the party and envisaged by the Charter. 2. The owner of the property received by the Party, as well as the property created and/or acquired at the account of its own means, is the Party. The member of the party does not have a proprietary right to the party property or its part, and does not bear responsibility for the liabilities of the party. The party does not bear

responsible for liabilities of its members. 3. Regional and structural subdivisions of the party possess and use the property allocated to them by the owner within the limits and in accordance with the procedure envisaged by the Charter of the Party.

Article 24. Cash Means of the Party Cash means of the party are formed from: a) membership fees, if such fees are envisaged by the Charter of the Party; b) donations; c) budgetary financing made in conformity with the procedure envisaged by this Law; d) civil-legal transactions and other entries not prohibited by the legislation.

Article 25. Donations made to Parties 1. Parties have the right to receive donations in the form of property and cash means from physical persons, public unions and foundations, other legal entities, non-state institutions. 2. It is not allowed to receive donations from: a) charitable and religious organization, as well as organizations that have founded them; b) state and local self-governing bodies, except for financing provided by such bodies pursuant to Article 27 of this Law; c) institutions and organizations of state and local self-governing bodies, as well as organizations founded with the participation of state and local self-governing bodies; d) state administrative institutions; e) state non-commercial organizations; f) legal entities registered in six months prior to the date of making the donation; g) foreign states, foreign citizens and legal entities, as well as legal entities with foreign participation, if the share of the foreign participant in the statutory (share, stock) capital of the given legal entity is more than 25 per cent; h) citizens of the Republic of Armenia, who have not attained the age of eighteen; i) international organizations and international public movements; j) anonymous persons. 3. In case of receiving donations listed under sub-clauses (a) to (i) of Article 2 of this Law, the party shall return them to the donor within two weeks from the date of receiving of the donation. 4. In case of receiving donations listed under sub-clauses (j) of Article 2 of this Law, the party shall transfer it to the state budget within two weeks from the date of receiving of the donation. 5. Physical persons making the donation are required to specify their first name and surname, patrimonial name, residence place; and the legal entities shall specify all data (requisites) required by the rules of non-cash settlements between legal entities. 6. The resident of the Republic of Armenia makes cash donations in person through the bank, by presenting his/her passport or other document substituting the passport. CHAPTER 5. STATE ASSISTANCE TO PARTIES

Article 26. Forms of State Assistance to Parties State and local self-governing bodies, pursuant to the procedure established by the law, provide the following assistance to parties: 1. ensure equal opportunity for parties to use means of mass media established with their participation; 2. provide, on equal conditions, to parties buildings, communication means that belong to them, and reserve the preemptive right to use such means to parties which have participated in allocation of mandates envisaged for elections to National Assembly by proportional system; 3. ensure equal opportunities for parties and their regional and structural subdivisions to conduct election campaign; 4. finance the activity of parties in conformity with the procedure established by Article 27 of this Law; 5. ensure equal conditions for parties to carry out measures.

Article 27. State Financing of Parties 1. The state financing of parties is funded from the means of the state budget of the Republic of Armenia. For financing of parties the means from the state budget of the Republic of Armenia are provided by a segregate budget item. The total volume of party financing means envisaged by the state budget of the Republic of Armenia shall not be less than the product of 0,03-fold of the minimum salary established by the law and the total number of citizens included in voting lists during the last elections to the National Assembly. 2. State budget means are allocated to such party (party alliance), whose voting list during the last elections to the National Assembly has received at least 3 per cent of the sum of the total number of votes in favor of voting lists of all parties that have participated in the elections and the amount of inaccuracies. 3. The size of means allocated

from the state budget to each party is proportional to the votes in favor of the voting list of the given party during the last elections to the National Assembly. 4. The mentioned means are equally distributed among the parties participating in the electoral alliance, if otherwise is not envisaged by the decision of the electoral alliance. 5. From the date of adopting a decision on reorganization, self-liquidation of the party, entering of the decision of the Constitutional Court on prohibition of the party into legal force, or from the date of liquidation of the party, the allocation of state budget means is stopped.

Article 28. Financial Reports of Parties 1. The parties submit their financial and accounting reports in conformity with the procedure and within time periods defined for legal entities by the legislation. 2. Every year not later than the 25th of March of the year following the reporting year, the party shall submit to the state authorized body a financial report on the means received and spent by the Party during the reporting year. 3. The consolidated report on the means received and spent by the party during the reporting year shall contain data on sources and volumes of means entered into the account of the party, spending of such means, as well as the property in possession and its value. The procedure for account and reporting (including forms of report) are determined by the state authorized body. Accounting of means spent by a party for preparation and conduct of election campaigns is performed in segregate. 4. Not later than the 25th of March of the year following the reporting year, the party publishes its consolidated financial report in the means of mass media. 5. The oversight of the financial activity of the party is performed in the procedure established by the legislation. 6. The source of donation received by party and exceeding 100-fold of the minimum salary shall be indicted in financial reports. **CHAPTER 6. REORGANIZATION, LIQUIDATION AND PROHIBITION OF THE ACTIVITY OF THE PARTY**

Article 29. Reorganization of the Party 1. The party may, by the decision of the Conference and in conformity with the procedure established by Clause 2 of Article 19 of this Law, be reorganized (merged, united, divided, separated, reorganized) solely into other party(s). 2. In case of the reorganization of the party, its rights and obligations are transferred, in accordance with the procedure established by the legislation, to the legal successor party(s).

Article 30. Prohibition of the Activity of the Party 1. The activity of the party may be prohibited by the decision of the Constitutional Court. 2. On the grounds envisaged by Article 9 of this Law, the President of the Republic of Armenia applies to the Constitutional Court on the issue of prohibition of the activity of parties.

Article 31. Liquidation of the Party 1. The party may terminate its activity by the decision of the Conference of the party, in conformity with the procedure set forth by Clause 2 of Article 19 of this Law. 2. The party is subject to liquidation if: 1. It has not participated in two consecutive elections of the National Assembly through proportional voting system. 2. At each election of the last two elections to the National Assembly, its voting list has received less than one per cent of the sum of the total number of votes in favor of voting lists of all parties having participated in the elections and the amount of inaccuracies. 3. It has not participated in one election of the National Assembly and in previous or next elections its voting list has received less than one per cent of the sum of the total number of votes in favor of voting lists of all parties having participated in the elections. 3. In case of prohibition of the activity of the party by the decision of the Constitutional Court, the party is deemed liquidated. 4. In case of liquidation of the party, title to property of the party is transferred to the state. **CHAPTER 7. FINAL PROVISIONS**

Article 33. Transitional Provisions The requirement set by the Article 31, part two of the current law is applicable to the results of the elections of the National Assembly that will take place after the current law will come into effect.

Article 34. Coming of this Law into Force 1. This Law comes into force after three months from its official promulgation. 2. From the date when this Law becomes effective, the Law of the Republic of Armenia on "Public-Political Organizations" dated February 26, 1991 shall be deemed invalid. 3. Within one year following the date of effectiveness of this Law, parties (public-political organizations) established prior to the Law coming into force, are required to bring their program, charter and territorial coverage into consistency with the requirements of the Law, and inform the state authorized body about it, or about the lack of its necessity. Those parties (public-political organizations) which failed to inform the authorized body within the specified period are subject to liquidation. Those parties (public-political organizations) which although have informed the authorized body within the specified period, but amendments to their charter and program have not been approved, have the right to bring their program and charter into consistency with the requirements of the Law by the 15th of February 2004 and apply for a second time to the state authorized body. If parties (public-political organizations) have not applied for a second time or have been rejected, they are subject to liquidation. Those parties which are subject to liquidation in conformity with the procedure set forth by this Article are obliged to adopt a decision on their self-liquidation by the 15th of April 2004. If the party (public-political organization) has not informed the state authorized body or has not adopted the decision on self liquidation within the specified period, the state authorized body applies to the court with the request to liquidate the party (public-political organization). August 7, 2002 AL 410-N Official Bulletin N 14 (146), 2001 Current as of May 1, 2004 Revised/Translated by BearingPoint, USAID/Armenia Commercial Law and Economic Regulation Project Close