

## **THE REFERENDUM ACT OF THE REPUBLIC OF AZERBAIJAN ON CHANGES AND AMENDMENTS TO THE CONSTITUTION OF THE REPUBLIC OF AZERBAIJAN**

1. In the Part I of the Article 12 after the word “freedoms” the following words shall be added, “decent living conditions for the citizens of the Republic of Azerbaijan”

2. In the Part II of the Article 15 the words “socially oriented” shall be added after the words “on the basis”.

3. The Article 17 shall be titled “Family, children and the state”; articles III, IV, V and VI shall be added consequently to this article with the following content:

“III. Children who do not have parents or guardians and are deprived of parental care are under the protection of the State”.

IV. It is prohibited to involve children in activities that may cause threat to their lives, health and morality.

V. Children under the age of 15 may not be employed for work.

VI. The state controls implementation of children’s rights.”

4. In the Article 18 Part II after the word “religions” the word “(religious movements)” shall be added.

5. In the Article 19 Part II to replace the word “National” with the word “Central”.

6. Parts IV and V shall be added to the Article 25 with the following content:

“IV. No one may be harmed, granted allowances or privileges, or deprived from granting allowances and privileges on the basis of the grounds elaborated in the Part III of this Article.

V. Equal rights shall be provided for everyone in relationship to the state institutions making decisions on rights and responsibilities and those having competencies of state authority.”

7. To leave out the words “and public needs” from the Part IV, Article 29.

8. In the Article 32:

In the second sentence of the Part II the words “to private life” shall be replaced with the words “to private and family life” and a sentence with the content given below shall be added to this Part:

“Everyone has the right to be protected from unlawful interference in his or her private and family life”;

A sentence with the following content shall be added to the Part III:

"No one may be subjected to being followed, videotaped or photographed, tape recorded or subjected to other similar actions without his or her consent save activities in cases prescribed by law.";

The Part V with the following content shall be added:

"V. Everyone may become familiar with the materials collected in regard of him or her save in cases prescribed by law. Everyone has a right to demand correction or elimination of the information collected in regards to him or her, which does not correspond to the truth, is incomplete or collected through violation of the provisions of law ".

9. Parts III and IV shall be added to the Article 39 with the following content:

"III. No one may cause threat or damage to the environment and natural resources to the extent that it is higher than the limit prescribed by law.

IV. The state guarantees the preservation of ecological balance and protection of the species of wild plants and animals determined by law."

10. Part V with the following content shall be added to the Article 48:

"V. No one shall be forced to express (to demonstrate) his or her religious faith and belief, to execute religious rituals and participate in religious ceremonies".

11. Part II with the following content shall be added to the Article 50:

"III. Everyone's right to refute or react to the information published in the media and violating his or her rights or damaging his or her reputation shall be guaranteed."

12. In the Article 67:

The word "charged" in the title of the Article shall be replaced with "accused persons"; In the text of the Article the words "charged by" shall be replaced with "accused by";

The existing text of the Article shall be considered as part I; Part II with the following content shall be added to the Article:

"II. Every person accused of a criminal offence shall be heard before being sentenced";

13. In the Article 71:

A sentence with the following content shall be added to the Part II:

"Everyone's rights and freedoms are limited by the grounds provided for in this Constitution and laws, as well as by the rights and freedoms of others".

The parts IX and X shall be added with the following content:

"IX. Everyone may conduct actions not prohibited by law and no one may be forced to conduct actions not envisaged by law.

X. The state institutions may function only on the basis of this Constitution, in the manner and within the boundaries prescribed by law".

14. A sentence shall be added to the Part I of the Article 72 with the following content:

"Duties may be imposed on everyone only upon this Constitution or law".

15. The existing text of the Article 75 shall be regarded as Part I; Part II with the following content shall be added to the Article:

"II. Expression of disrespect to the state symbols shall involve liability as determined by law".

16. A sentence shall be added to the Part I of the Article 84:

"In case the conduct of the elections to the Milli Majlis of the Republic of Azerbaijan may not be held due to the military operations under a state of war, the term of office of the Milli Majlis of the Republic of Azerbaijan shall be extended until the end of military operations. The decision of this matter shall be adopted by the Constitutional Court of Republic of Azerbaijan on the basis of the application of the state body organizing elections (referendum)".

17. Part IV with the following content shall be added to the Article 88:

"IV. The assemblies of the sessions of the Milli Majlis of the Republic of Azerbaijan are open to the public. An assembly of the session of the Milli Majlis may be closed to the public upon claim of 83 members of parliament or the proposal by the President of the Republic of Azerbaijan".

18. In the Article 92 the words "standing and other" shall be replaced with the words "committees and".

19. In the Article 95:

In the Para 4 of the Part I after the word "interstate" the words "and intergovernmental... envisaging laws different from the laws of the Republic of Azerbaijan" shall be added;

In the Para 15 the word "National" shall be replaced with "Central";

Para 20 with the following content shall be added:

"20) hearing of the municipality reports."

20. In the Article 96:

In the Part I the words “to 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage” shall be added after the words “to the Supreme Court” ; and “of 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage” shall be added after “of the Supreme Court”;

In the Part III the word “of the body” shall be replaced with “of the subject”;

Parts VI and VII with the following content shall be added:

"VI. The manner in which 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage exercise their right to initiate legislation shall be defined by law.

VII. Draft laws and decisions shall be substantiated and the purposes for their adoption shall be indicated".

21. Part V of the Article 101 shall read as follows:

"V. In case the conduct of the Presidential Election of the Republic of Azerbaijan is not held due to military operations under a state of war, the term of office of the President of the Republic of Azerbaijan shall be extended until the end of military operations. The decision on this matter shall be adopted by the Constitutional Court of Republic of Azerbaijan on the basis of the application of the state body organizing elections (referendum)".

22. The existing text of the Article 108 shall be regarded as Part I; Part II with the following content shall be added to the Article:

"II. “Regulations for the material security of the person who was elected President of the Republic of Azerbaijan in the past shall be defined by a Constitutional law."

23. In the Part I of the Article 109:

In the Para 10 to replace the word “National” with “Central”; the following words shall be added to the Para:

"Appoints the Chairman of the Central Bank of the Republic of Azerbaijan from the members of the Board of Directors of the Central Bank of the Republic of Azerbaijan";

In the Para 13 the words “Executive Apparatus” shall be replaced with “Administration”;

In the Para 17 the words “interstate international” shall be replaced with the words “interstate and intergovernmental envisaging regulations other than those prescribed by the laws of the Republic of Azerbaijan”.

24. Part VII with the following content shall be added to the Article 125:

"VII. Court proceeding shall provide for the discovery of the truth."

25. The existing text of the Article 129 shall be regarded as Part I; Parts II and III with the following content shall be added to the Article:

"II. Failure to execute a court decision entails liability prescribed by law.

III. A court decision shall be grounded in law and evidence."

26. A sentence with the following content shall be added to the Part IX of the Article 130:

"The decisions of the Constitutional Court of the Republic of Azerbaijan shall be published."

27. Part III with the following content shall be added to the Article 131:

"III. The decisions of the Supreme Court of the Republic of Azerbaijan shall be published."

28. The existing text of the Article 146 shall be regarded as Part V; Part I, II, III and IV with the following content shall be added to the Article:

"I. Municipalities are independent to exercise their power; nevertheless it does not exclude their responsibility before the citizens residing in the territory of the municipality. Regulations and order for selection of the municipality members, termination of their power, and regulation for early dissolution of municipalities shall be set forth by law.

II. Independent execution by the municipalities of their powers may not damage sovereignty of the Azerbaijani state.

III. The state oversees the activities of municipalities.

IV. Municipalities submit reports to the Milli Majlis of the Republic of Azerbaijan in cases and in the manner prescribed by law."

29. Part VIII with the following content shall be added to the Article 149:

"VIII. Normative legal acts shall be published. No one may be forced to execute (to adhere to) a regulation that was not published and held liable for failing to execute (to adhere to) such regulation. An order for publication of regulations shall be set forth by a Constitutional law".