

# THE CONSTITUTION OF GEORGIA

The citizens of Georgia, whose firm will is to establish a democratic social order, economic freedom, a Rule of Law based social state, to secure universally recognized human rights and freedoms, to enhance the state independence and peaceful relations with other peoples, bearing in mind the centuries old traditions of the Statehood of the Georgian Nation and the basic principles of the Constitution of Georgia of 1921, proclaim nation-wide the present Constitution.

## CHAPTER ONE

### General Provisions

#### Article 1

1. Georgia shall be an independent, unified and indivisible state, as confirmed by the Referendum of 31 March 1991, held throughout the territory of the country, including the Autonomous Soviet Socialist Republic of Abkhazia and the Former Autonomous Region of South Ossetia and by the Act of Restoration of the State Independence of Georgia of 9 April 1991.
2. The form of political structure of the state of Georgia shall be a democratic republic.
3. "Georgia" shall be the name of the state of Georgia.

#### Article 2

1. The territory of the state of Georgia shall be determined as of 21 December 1991. The territorial integrity of Georgia and the inviolability of the state frontiers are confirmed by the Constitution and the laws of Georgia and is recognized by the world community of nations and international organizations.
2. The alienation of the territory of Georgia shall be prohibited. The state frontiers shall be changed only by a bilateral agreement concluded with the neighboring State.
3. The territorial state structure of Georgia shall be determined by a Constitutional Law on the basis of the principle of circumscription of authorization after the complete restoration of the jurisdiction of Georgia over the whole territory of the country.
4. The citizens of Georgia shall regulate the matters of local importance through local self-government without the prejudice to the state sovereignty. The office of the superiors of the executive bodies and a representative office of local self-government shall be electoral. The procedure of the creation of the bodies of local self-government, their authority and relation with state bodies shall be determined by the Organic Law. (*Amended by the Constitutional Law of Georgia of February 6, 2004*).

#### Article 3

1. The following shall fall within the exclusive competence of higher state bodies of Georgia:
  - a) legislation on Georgian citizenship, human rights and freedoms, emigration and immigration, entrance and leaving the country, temporary or permanent residence of citizens of foreign states and stateless persons in Georgia;
  - b) the status, boundary regime and defense of the state frontiers; the status and defense of territorial waters, airspace, the continental shelf and Exclusive Economic Zone;
  - c) state defense and security, armed forces, military industry and trade in arms;

- d) the issues of war and peace, the determination of a legal regime of the state of emergency and the martial law and their introduction;
- e) foreign policy and international relations;
- f) foreign trade, customs and tariff regimes;
- g) state finances and state loan; issuing money; legislation on banking, credit, insurance and taxes;
- h) standards and models; geodesy and cartography; determination of the exact time; state statistics;
- i) a unified energetic system and regime; communications; merchant fleet; ensigns; harbours of general state importance; airports and aerodromes; control of airspace, transit and air transport, registration of air transport; meteorological service; environmental observation system;
- j) railways and motor roads of state importance;
- k) piscary in ocean and high seas;
- l) frontier-sanitary cordon;
- m) legislation on pharmaceutical medicines;
- n) legislation on the accreditation educational institutions and the academic degrees; legislation on academic, scientific and professional titles and grades;
- o) legislation on intellectual property;
- p) legislation on trade law, criminal law, civil law, administrative law and labor law, penitentiary and procedures legislation.
- q) criminal police and investigation;
- r) legislation on land, subsoil and natural resources;

2. Issues falling within the joint competence shall be determined separately.

3. The status of the Autonomous Republic of Ajara shall be determined by the Constitutional Law of Georgia "On the Status of the Autonomous Republic of Ajara". (*Amended by the Constitutional Law of Georgia of April 20, 2000*);

4. The status of the Autonomous Republic of Abkhazia shall be determined by the Constitutional Law of Georgia "On the Status of the Autonomous Republic of Abkhazia". (*Amended by the Constitutional Law of Georgia of October 10, 20002*);

#### **Article 4**

1. After the creation of appropriate conditions and formation of the bodies of local self-government throughout the whole territory of Georgia two chambers shall be set up within the Parliament of Georgia: the Council of Republic and the Senate.

2. The Council of Republic shall consist of members elected after a proportional system.

3. The Senate shall consist of members elected from Abkhazia, the Autonomous Republic of Ajara and other territorial units of Georgia and five members appointed by the President of Georgia. (*Amended by the Constitutional Law of Georgia of 20 April 2000*).

4. The composition, authority and election procedure of the chambers shall be determined by the Organic Law.

#### **Article 5**

1. The people shall be the source of state authority in Georgia. The state authority shall be exercised within the framework established by the Constitution.

2. The people shall exercise their authority through referendum, other forms of direct democracy and their representatives.

3. No one shall have the right to seize the authority or usurp it.

4. State authority shall be exercised on the basis of the principle of separation of powers.

## **Article 6**

1. The Constitution of Georgia shall be the supreme law of the state. All other legal acts shall comply with the Constitution.
2. The legislation of Georgia shall correspond to universally recognized principles and rules of international law. An international treaty or agreement of Georgia unless it contradicts the Constitution of Georgia, the Constitutional Agreement, shall take precedence over domestic normative acts. *(Amended by the Constitutional Law of Georgia of March 30, 2001).*

## **Article 7**

The state shall recognize and protect universally recognized human rights and freedoms as eternal and supreme human values. While exercising authority, the people and the state shall be bound by these rights and freedoms as directly acting law.

## **Article 8**

The state language of Georgia shall be Georgian, and in Abkhazia - also Abkhazian. *(Amended by the Constitutional Law of Georgia of October 10, 2002)*

## **Article 9**

1. The state shall declare complete freedom of belief and religion, as well as shall recognize the special role of the Apostle Autocephalous Orthodox Church of Georgia in the history of Georgia and its independence from the state.
2. The relations between the state of Georgia and the Apostle Autocephalous Orthodox Church of Georgia shall be determined by the Constitutional Agreement. The Constitutional Agreement shall fully correspond with universally recognized principles and norms of international law, in particular, in the field of human rights and fundamental freedoms. *(Amended by the Constitutional Law of Georgia of March 30, 2001)*

## **Article 10**

Tbilisi shall be the capital of Georgia.

## **Article 11**

The state symbols of Georgia shall be determined by the Organic Law.

## **CHAPTER TWO**

### **Georgian Citizenship. Basic Rights and Freedoms of Individual**

## **Article 12**

1. Georgian citizenship shall be acquired by birth and naturalization.
2. A citizen of Georgia shall not at the same time be a citizen of another state, save in cases established by this paragraph. Citizenship of Georgia shall be granted by the President of

Georgia to a citizen of foreign country, who has a special merit before Georgia or grant the citizenship of Georgia to him/her is due to State interests. *(Amended by the Constitutional Law of Georgia of February 6, 2004)*

3. The procedure for the acquisition and loss of citizenship shall be determined by the Organic Law.

### **Article 13**

1. Georgia shall protect its citizen regardless of his/her whereabouts.
2. No one shall be deprived of his/her citizenship.
3. The expulsion of a citizen of Georgia from Georgia shall be impermissible.
4. The extradition/transfer of a citizen of Georgia to the foreign state shall be impermissible, except for the cases prescribed by international treaty. A decision on extradition/transfer may be appealed in a court.

### **Article 14**

Everyone is free by birth and is equal before law regardless of race, color, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence.

### **Article 15**

1. Everyone has the inviolable right to life and this right shall be protected by law.
2. The application of death penalty is forbidden. *(Amended by the Constitutional Law of Georgia of December 27, 2006)*

### **Article 16**

Everyone has the right to free development of his/her personality.

### **Article 17**

1. Honor and dignity of an individual is inviolable.
2. Torture, inhuman, cruel or degrading treatment or punishment shall be impermissible.
3. The use of physical force or psychological pressure towards detainee or the persons otherwise deprived of his/her liberty is forbidden. *(Amended by the Constitutional Law of Georgia of December 27, 2006)*

### **Article 18**

1. Liberty of an individual is inviolable.
2. Deprivation of liberty or other restriction of personal liberty without a court decision shall be impermissible.
3. An arrest of an individual shall be permissible by a specially authorized official in the cases determined by law. Everyone arrested or otherwise restricted in his/her liberty shall be brought before a competent court not later than 48 hours. If, within next 24 hours, the court fails to adjudicate upon the detention or another type of restriction of liberty, the individual shall immediately be released.
4. Removed. *(Amended by the Constitutional Law of Georgia of December 27, 2006)*

5. An arrested or detained person shall be informed about his/her rights and the grounds for restriction of his/her liberty upon his/her arrest or detention. The arrested or detained person may request for the assistance of a defender upon his/her arrest or detention, the request shall be met.

6. The term of arrest of a suspect in the commission of a crime shall not exceed 72 hours and the term of detention on remand of an accused shall not exceed 9 months.

7. The violation of the requirements of the present Article shall be punishable by law. A person arrested or detained unlawfully shall have the right to receive a compensation.

## **Article 19**

1. Everyone has the right to freedom of speech, thought, conscience, religion and belief.

2. The persecution of a person on the account of his/her speech, thought, religion or belief as well as the compulsion to express his/her opinion about them shall be impermissible.

3. The restriction of the freedoms enumerated in the present Article shall be impermissible unless their manifestation infringes upon the rights of others.

## **Article 20**

1. Everyone's private life, place of personal activity, personal records, correspondence, communication by telephone or other technical means, as well as messages received through technical means shall be inviolable. Restriction of the aforementioned rights shall be permissible by a court decision or without such decision in the case of the urgent necessity provided for by law.

2. No one shall have the right to enter the house and other possessions against the will of possessors, or conduct search unless there is a court decision or the urgent necessity provided for by law.

## **Article 21**

1. The property and the right to inherit shall be recognized and guaranteed. The abrogation of the universal right to property, of the right to acquire, alienate and inherit property shall be impermissible.

2. The restriction of the rights referred to in the first paragraph shall be permissible for the purpose of the pressing social need in the cases determined by law and in accordance with a procedure established by law.

3. Deprivation of property for the purpose of the pressing social need shall be permissible in the circumstances as expressly determined by law, under a court decision or in the case of the urgent necessity determined by the Organic Law and only with appropriate compensation.

## **Article 22**

1. Everyone legally within the territory of Georgia shall, within throughout the territory of the country, have the right to liberty of movement and freedom to choose his/her residence.

2. Everyone legally within the territory of Georgia shall be free to leave Georgia. A citizen of Georgia may freely enter Georgia.

3. These rights may be restricted only in accordance with law, in the interests of securing national security or public safety, protection of health, prevention of crime or administration of justice that is necessary for maintaining a democratic society.

## **Article 23**

1. The freedom of intellectual creativity shall be guaranteed. The right to intellectual property shall be inviolable.
2. Interference in creative process, censorship in the field of creative activity shall be impermissible.
3. The seizure of creative work and prohibition of its dissemination shall be impermissible unless it infringes upon the legal rights of others.

#### **Article 24**

1. Everyone has the right to freely receive and impart information, to express and impart his/her opinion orally, in writing or by in any other means.
2. Mass media shall be free. The censorship shall be impermissible.
3. Neither the state nor particular individuals shall have the right to monopolies mass media or means of dissemination of information.
4. The exercise of the rights enumerated in the first and second paragraphs of the present Article may be restricted by law on such conditions which are necessary in a democratic society in the interests of ensuring state security, territorial integrity or public safety, for preventing of crime, for the protection of the rights and dignity of others, for prevention of the disclosure of information acknowledged as confidential or for ensuring the independence and impartiality of judiciary.

#### **Article 25**

1. Everyone except members of the military forces and the personal of the Ministry of Internal Affairs has the right to public assembly without arms either indoors or outdoors without prior permission.
2. The necessity of prior notification of the authorities may be established by law in the case where a public assembly or manifestation is held on a public thoroughfare.
3. Only the authorities shall have the right to brake up a public assembly or manifestation in case it assumes an illegal character.

#### **Article 26**

1. Everyone shall have the right to form and to join public associations, including trade unions.
2. Citizens of Georgia shall have the right to form a political party or other political association and participate in its activity in accordance with the Organic Law.
3. The formation and activity of such public and political associations aiming at overthrowing or forcibly changing the constitutional structure of Georgia, infringing upon the independence and territorial integrity of the country or propagandizing war or violence, provoking national, local, religious or social hatred, shall be impermissible.
4. The creation of armed formations by public and political associations shall be impermissible.
5. A person who is enrolled in the personnel of the military forces or the forces of the bodies of internal affairs or a person having been designated as a judge or a prosecutor shall cease his/her membership of any political association.
6. Suspension or prohibition of the activity of public or political associations shall be possible only under a court decision, in the cases determined by the Organic Law and in accordance with a procedure prescribed by law.

#### **Article 27**

The state shall be entitled to impose restriction on the political activity of citizens of a foreign country and stateless persons.

### **Article 28**

1. Every citizen of Georgia who has attained the age of 18 shall have the right to participate in referendum or elections of state and self-government bodies. Free expression of the will of electors shall be guaranteed.
2. A citizen, who is recognized as legally incapable by a court or who is detained in a penitentiary institution following a conviction by a court, shall have no right to participate in elections and referendum.

### **Article 29**

1. Every citizen of Georgia shall have the right to hold any state position if he/she meets the requirements established by legislation.
2. The conditions of public office shall be determined by law.

### **Article 30**

1. Labor shall be free.
2. The state shall be bound to promote the development of free entrepreneurial activity and competition. Monopolistic activity shall be prohibited except for the cases permitted by law. The rights of consumers shall be protected by law.
3. On the basis of international agreements governing labor relations, the state shall protect the labor rights of the citizens of Georgia abroad.
4. The protection of labor rights, fair remuneration of labor and safe, healthy working conditions and the working conditions of minors and women shall be determined by law.

### **Article 31**

The state shall take care for the equal socio-economic development of the whole territory of the country. With the view of ensuring the socio-economic progress of the high mountainous regions special privileges shall be determined by law.

### **Article 32**

The state shall promote the unemployed citizen of Georgia to be employed. The conditions of the provision of a minimum standard of living and the status of the unemployed shall be determined by law.

### **Article 33**

The right to strike shall be recognized. Procedure of exercising this right shall be determined by law. The law shall also establish the guarantees for the functioning of services of vital importance.

### **Article 34**

1. The state shall promote the development of culture, the unrestricted participation of citizens in cultural life, expression and enrichment of cultural originality, recognition of national and common values and deepening of international cultural relations.
2. Every citizen of Georgia shall be obliged to take care for the protection and preservation of the cultural heritage. The state shall protect the cultural heritage by law.

### **Article 35**

1. Everyone shall have the right to receive education and the right to free choice of a form of education.
2. The state shall ensure the harmonization of educational systems on the international educational area.
3. Pre-school education shall be guaranteed by the state under the regime established by law. Primary and basic education shall be compulsory. The state shall provide basic education at its own expense under the rules established by law. Citizens shall have the right to receive, professional and higher education with state funding in accordance with a procedure established by law.
4. The state shall support educational institutions in accordance with the procedure established by law.

### **Article 36**

1. Marriage shall be based upon equality of rights and free will of spouses.
2. The state shall promote the prosperity of the family.
3. The rights of the mother and the child shall be protected by law.

### **Article 37**

1. Everyone shall have the right to enjoy health insurance as a means of accessible medical aid. In the cases determined in accordance with a procedure prescribed by law, free medical aid shall be provided.
2. The state shall control all institutions of health protection and the production and trade of medicines.
3. Everyone shall have the right to live in healthy environment and enjoy natural and cultural surroundings. Everyone shall be obliged to care for natural and cultural environment.
4. With the view of ensuring safe environment, in accordance with ecological and economic interests of society, with due regard to the interests of the current and future generations the state shall guarantee the protection of environment and the rational use of nature.
5. A person shall have the right to receive a complete, objective and timely information as to a state of his/her working and living environment.

### **Article 38**

1. Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging. In accordance with universally recognized principles and rules of international law, they shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public.
2. In accordance with universally recognized principles and rules of international law, the exercise of minority rights shall not oppose the sovereignty, state structure, territorial integrity and political independence of Georgia.

### **Article 39**

The Constitution of Georgia shall not deny other universally recognized rights, freedoms and guarantees of an individual and a citizen, which are not referred to herein but stem inherently from the principles of the Constitution.

### **Article 40**

1. An individual shall be presumed innocent until the commission of an offence by him/her is proved in accordance with the procedure prescribed by law and under a final judgment of conviction by the court.
2. No one shall be obliged to prove his innocence. A burden of proof shall rest with the prosecutor.
3. A resolution on proceeding a person as an accused, a bill of indictment and a judgment of conviction shall be based only on the evidences beyond a reasonable doubt. An accused shall be given the benefit of doubt in any event.

### **Article 41**

1. Every citizen of Georgia shall have the right to become acquainted, in accordance with a procedure prescribed by law, with the information about him/her stored in state institutions as well as official documents existing there unless they contain state, professional or commercial secret.
2. The information existing on official papers pertaining to individual's health, his/her finances or other private matters, shall not be accessible to any one without the consent of the individual in question except in the cases determined by law, when it is necessary for ensuring the state security or public safety, for the protection of health, rights and freedoms of others.

### **Article 42**

1. Everyone has the right to apply to a court for the protection of his/her rights and freedoms.
2. Everyone shall be tried only by a court under jurisdiction of which his/her case is.
3. The right to defense shall be guaranteed.
4. No one shall be convicted twice for the same crime.
5. No one shall be held responsible on account of an action, which did not constitute a criminal offence at the time it was committed. The law that neither mitigate nor abrogate responsibility shall have no retroactive force.
6. The accused shall have the right to request summoning and interrogation of his/her witnesses under the same conditions as witnesses of the prosecution.
7. Evidence obtained in contravention of law shall have no legal force.
8. No one shall be obliged to testify against himself/herself or those relatives whose circle shall be determined by law.
9. Everyone having sustained illegally a damage by the state, self-government bodies and officials shall be guaranteed to receive complete compensation from state funds through the court proceedings.

### **Article 43**

1. The protection of human rights and fundamental freedoms within the territory of Georgia shall be supervised by the Public Defender of Georgia who shall be elected for a term of five years by the majority of the total number of the members of the Parliament of Georgia.
2. The Public Defender shall be authorized to reveal facts of the violation of human rights and freedoms and to report on them to the respective bodies and officials. The creation of impediments to the activity of the Public Defender shall be punishable by law.
3. The authority of the Public Defender shall be determined by the Organic Law.

#### **Article 44**

1. Everyone residing in Georgia shall be obliged to observe the requirements of the Constitution and legislation of Georgia.
2. The exercise of the rights and freedoms of an individual shall not infringe upon the rights and freedoms of others.

#### **Article 45**

The basic rights and freedoms enshrined in the Constitution with due regard to their contents shall apply to legal entities as well.

#### **Article 46**

1. In case of a state emergency or martial law, the President of Georgia shall be authorized to restrict the rights and freedoms enumerated in Articles 18, 20, 21, 22, 24, 25, 30, 33 and 41 of the Constitution either throughout the whole country or a certain part thereof. The President shall be obliged to submit the decision to the Parliament for approval within 48 hours.
2. In case of introduction of a state of emergency or martial law throughout the whole territory of the state, elections of the President of Georgia, the Parliament of Georgia or other representative bodies of Georgia shall be held upon the cancellation of the state. In case of introduction of a state of emergency in a certain part of the state the Parliament of Georgia shall adopt a decision on holding the elections throughout the other territories of the state. *(Amended by the Constitutional Law of Georgia of February 6, 2004)*

#### **Article 47**

1. Foreign citizens and stateless persons residing in Georgia shall have the rights and obligations equal to the rights and obligations of citizens of Georgia with exceptions envisaged by the Constitution and law.
2. In accordance with universally recognized rules of international law, the procedure established by law, Georgia shall grant asylum to foreign citizens and stateless persons.
3. It shall be inadmissible to extradite/transfer an individual seeking a shelter, being persecuted for political creed or prosecuted for an action not regarded as a crime under the legislation of Georgia.

### **CHAPTER THREE**

#### **The Parliament of Georgia**

#### **Article 48**

The Parliament of Georgia shall be the supreme representative body of the country, which shall exercise legislative power, determine the principle directions of domestic and foreign policy, exercise control over the activity of the Government within the framework determined by the Constitution and discharge other powers.

#### **Article 49**

1. The Parliament of Georgia shall consist of 100 members of the Parliament elected by a proportional system and 50 members elected by a majority system for a term of four years on the basis of universal, equal and direct suffrage by secret ballot. *(Amended by the Constitutional Law of Georgia of February 23, 2005)*
2. A citizen, who has attained the age of 25, having the right to vote, may be elected a member of the Parliament.
3. The internal structure of the Parliament and procedure of its activity shall be determined by the Regulations of the Parliament.
4. The current expenditure for the Parliament of Georgia in the State Budget comparatively to the amount of budgetary means of the previous year may be reduced only by the prior consent of the Parliament. The Parliament shall adopt a decision itself on the distribution of the budgetary means of the Parliament in the State Budget. *(Amended by the Constitutional Law of Georgia of February 6, 2004)*

#### **Article 50**

1. A political association of citizens registered in accordance with a procedure determined by law, the initiative of which is confirmed by the signatures of not less than 50,000 electors or which has a representative in the Parliament at the time elections are scheduled, shall have the right to stand for the elections, whereas the elections by the majority system, an individual, whose nomination is confirmed by at least 1,000 signatures or an individual who was a member of the Parliament as a result of the previous elections shall have the right to stand for the elections.
2. The mandates of the members of the Parliament shall be distributed only among those political associations and electoral blocks, which obtained at least seven per cent of the votes of the electors, participated in the elections held under the proportional system. *(Amended by the Constitutional Law of Georgia of July 20, 1999)*
- 2<sup>1</sup>. The following Parliamentary elections shall be held in October of the year the term of office of the Parliament expires. The date of elections shall be selected by the president no later than 60 days before the elections.
3. If the date of holding the elections coincides with a state of emergency or martial law, the elections shall be held not later than 60 days after the cancellation of the state. The President of Georgia shall schedule immediately after the cancellation of the state of emergency or war. In case of dissolution of the Parliament the extraordinary elections shall be held on the 60th day following the enforcement of an order on the dissolution of the Parliament. The President shall schedule extraordinary elections immediately after the enforcement of the order on the dissolution of Parliament. *(Amended by the Constitutional Law of Georgia of December 27, 2006)*
- 3<sup>1</sup>. The Parliament shall terminate the activity upon the enforcement of the order of the President on the dissolution of the Parliament. From the enforcement of the order of the President on the dissolution of the Parliament to the first convocation of the newly elected Parliament the dissolved Parliament shall assemble only in case of declaration of a state of emergency or martial

law by the President to decide on the issues of prolongation or/and approval a state of emergency or martial law. In case the Parliament is not assembled within 5 days or does not approve (prolong) the order of the President on the declaration (prolongation) of a state of emergency, the announced state of emergency shall be cancelled. In case the Parliament does not approve the order of the President on the declaration (prolongation) of a state of martial law within 48 hours, the state of martial law shall be cancelled. Convocation of the Parliament shall not result in restoration of the offices and salaries of the members of the Parliament. The Parliament shall terminate an activity upon the adoption of a decision on the above mentioned issues. *(Amended by the Constitutional Law of February 6, 2004)*

4. The authority of the Parliament shall be terminated upon the first convocation of the newly elected Parliament.

5. The election procedure of a member of the Parliament as well as inadmissibility to stand for the elections shall be determined by the Constitution and the Organic Law.

## **Article 51**

The first sitting of the newly elected Parliament of Georgia shall be held within 20 days after the elections. The day of the first sitting shall be scheduled by the President of Georgia. The Parliament shall begin its work if the authority of not less than two thirds of the members of the Parliament is confirmed.

## **Article 51<sup>1</sup>**

The Parliament shall be dissolved by the President only in cases determined by the Constitution, save for:

- a. within six months from the holding of the elections of the Parliament;
- b. discharging of an authority determined by Article 63 of the Constitution by the Parliament;
- c. in time of a state of emergency or martial law;
- d. within the last 6 months of the term of office of the President of Georgia. *(Amended by the Constitutional Law of February 6, 2004)*

## **Article 52**

1. A member of the Parliament of Georgia shall be a representative of the whole Georgia. He/she shall enjoy a free mandate and his/her recall shall be impermissible.

2. Arrest or detention of a member of the Parliament, the search of his/her apartment, car, workplace or his/her person shall be permissible only by the consent of the Parliament, except in the cases when he/she is caught *flagrante delicto* which shall immediately be notified to the Parliament. Unless the Parliament gives the consent, the arrested or detained member of the Parliament shall immediately be released. *(Amended by the Constitutional Law of Georgia of April 23, 2004)*

3. A member of the Parliament shall have the right not to testify on the fact disclosed to him/her as to a member of the Parliament. Seizure of written materials connected with this matter shall be impermissible. The right shall also be reserved to a member of the Parliament after the termination of his/her office.

4. A member of the Parliament shall not be prosecuted on the account of the ideas and opinions expressed by him/her in and outside the Parliament while performing his/her duties.

5. The conditions of unimpeded exercise of the authority by a member of the Parliament shall be guaranteed. On the basis of the application of a member of the Parliament the state bodies shall ensure his/her personal security.
6. The creation of impediments to the discharge of the duties by a member of the Parliament shall be punishable by law.

### **Article 53**

1. A member of the Parliament shall not be entitled to hold any position in public office or engage in an entrepreneurial activity. The conflict of interests shall be determined by law.
2. In case of a violation of the requirements set out in the preceding paragraph, the office of a member of the Parliament shall be terminated.
3. A member of the Parliament shall receive remuneration as determined by law.

### **Article 54**

1. The Parliament shall decide about the issue of the recognition or pre-term termination of the office of a member of the Parliament. The decision of the Parliament may be appealed to the Constitutional Court.
2. The office of a member of the Parliament shall be pre-term terminated in the following cases:
  - a. resignation from office by a personal application;
  - b. a final judgment of conviction is rendered by a court against him/her;
  - c. recognition by a court as legally incapable, missing or dead;
  - d. occupation of a position or engagement in an activity incompatible with the status of a member of the Parliament;
  - e. loss of Georgian citizenship;
  - f. failure to participate in the work of the Parliament for a period of four months without a good reason;
  - g. death.

### **Article 55**

1. The Parliament of Georgia for the term of its authority, in accordance with a procedure established by the Regulations of the Parliament shall elect the President and the Vice-Presidents of the Parliament by a secret ballot, *inter alia*, one from the members of the Parliament elected respectively in Abkhazia and the Autonomous Republic of Ajara upon the submission of the latter. (*Amended by the Constitutional Law of Georgia of April 20, 2000*)
2. The President of the Parliament shall lead the work of the Parliament, ensure free expression of opinions, sign acts adopted by the Parliament, perform other authorities provided for by the Regulations of the Parliament.
3. A Vice-President shall perform the responsibilities of the President under the instructions of the latter, in case of inability of the President to discharge his/her authority or his/her dismissal.
4. The President of the Parliament shall exercise all administrative functions in the House of the Parliament in accordance with a procedure provided for by the Regulations of the Parliament.

### **Article 56**

1. With the view of the preliminary preparation of the legislative issues, facilitating the implementation of decisions, controlling the activities of the bodies accountable before the

Parliament and the Government, Committees shall be set up in the Parliament for the term of its authority.

2. In the cases defined in the Constitution and the Regulations of the Parliament as well as at the request of not less than one fourth of the deputies, investigative or other temporary commissions shall be set up in the Parliament. The representation of the parliamentary majority in such a commission shall not exceed half of the total number of the commission members.

3. At the request of the investigative commission, appearance before its sitting and submission of the documents necessary for examination of the issue shall be obligatory.

#### **Article 57**

1. With the view of organizing the work of the Parliament, a Bureau of the Parliament shall be set up. It shall consist of the President of the Parliament of Georgia, the Vice-Presidents, Presidents of the Parliamentary Committees and Parliamentary Factions.

2. The issues concerning the appointment of the officials as defined by the Constitution shall be discussed by the Bureau upon the basis of the conclusion of the respective Committees and in accordance with a procedure provided for by the Regulations. The conclusion shall be submitted to the President and the Parliament. The Bureau shall adopt decisions on the issues relating to the organization of the work of the Parliament.

#### **Article 58**

1. The members of the Parliament shall be entitled to unite in a Parliamentary Faction. The number of the members of the Parliamentary Faction shall be not less than seven.

2. The formation and functioning procedure of a faction and its authority shall be determined by law and the Regulations of the Parliament.

#### **Article 59**

1. A member of the Parliament shall be entitled to apply with a question to the bodies accountable to the Parliament, a member of the Government, the mayor of the city, the heads of executive bodies of the territorial units of any level, state institutions and to receive answers from them.

2. A group of at least ten members of the Parliament or a Parliamentary Faction shall be entitled to apply with a question to any body accountable to the Parliament, the Government, a particular member of the Government the latter being obliged to answer the raised questions at a sitting of the Parliament. The answer may become a matter of discussion of the Parliament.

3. The Parliament shall be authorized to raise a question of official liability of a particular member of the Government before the Prime Minister. In case the Prime Minister does not dismiss a member of the Government, he/she shall submit his/her motivated decision to the Parliament within two weeks. *(Amended by the Constitutional Law of February 6, 2004)*

#### **Article 60**

1. Sittings of the Parliament shall be public. Under the decision of the majority of the members of the Parliament present, the Parliament shall be entitled to declare a sitting or a part thereof closed while discussing a particular issue.

2. A member of the Government, an official elected, appointed or approved by the Parliament, shall be entitled and in case of request shall be obliged to attend the sittings of the Parliament, its Committee or Commission, to answer the raised questions at a sitting and submit an account of

an activity. At a request such an official shall be heard by the Parliament, Committee or Commission. (*Amended by the Constitutional Law of February 6, 2004*)

3. Voting shall always be by open or individual except for the cases defined in the Constitution or law.

4. The minutes of the Parliament, except for secret matters, shall be published in the official gazette of the Parliament.

## **Article 61**

1. The Parliament of Georgia shall assemble *ex officio* for a regular session twice a year. The autumn session shall open on the first Tuesday of September and close on the third Friday of December. The spring session shall open on the first Tuesday of February and close on the last Friday of June.

2. The President of Georgia at the request of the President of the Parliament, not less than one fourth of the members of the Parliament or on his/her own initiative during the period between regular sessions shall convene an special session of the Parliament and in the duration of a regular session – a special sitting. If within 48 hours after such a written submission was made, the President fails to issue the act of convocation, the Parliament shall be obliged to start its work within the following 48 hours in accordance with its Regulations.

3. Special sitting of the Parliament shall follow a specific agenda and it shall close upon the exhaustion of the agenda.

4. From the declaration of a state of emergency or martial law by the President, the Parliament shall assemble within 48 hours. The Parliament shall work until the end of the state.

## **Article 62**

Decision of the Parliament on the issues of war and peace, state of emergency or martial law and issues determined by Article 46 of the Constitution shall be adopted by the majority of the total number of the members of the Parliament.

## **Article 63**

1. Under the circumstances defined in the second paragraph of Article 75, not less than one third of the total number of the members of the Parliament shall be entitled to raise the question of the dismissal of the President of Georgia in accordance with impeachment procedure. The case shall be submitted to the Supreme Court or Constitutional Court for a conclusion.

2. If, by its conclusion, the Supreme Court confirmed *corpus delicti* in the act of the President or the Constitutional Court confirmed the violation of the Constitution, after having discussed the conclusion the Parliament shall adopt a decision by the majority of votes of the total number of the members of the Parliament on putting the issue of impeachment of the President to the vote.

3. The President shall be deemed to be dismissed from the office in accordance with impeachment procedure, if not less than two thirds of the total number of the members of the Parliament supported the decision.

4. The issue shall be deemed stricken off if the Parliament fails to adopt the decision within a term of 30 days. Bringing of the same charge against the President shall be impermissible during the following one year.

5. Discussion of the charge brought against the President and the adoption of the decision in the Parliament shall be impermissible during war, a state of emergency or martial law.

## **Article 64**

1. In case of the violation of the Constitution, commission of high treason and other criminal offences, not less than one third of the total number of the members of the Parliament shall be entitled to raise the question about the dismissal in accordance with impeachment procedure of the President of the Supreme Court, members of the Government, the Prosecutor General, the President of the Chamber of Control and members of the Council of National Bank.
2. After having received the conclusion in accordance with a procedure envisaged in the second paragraph of Article 63, the Parliament shall be authorized to dismiss the officials listed in the first paragraph of the present Article by the majority of the total number of the members of the Parliament. The requirements of the fourth paragraph of Article 63 shall apply to such cases as well.

## **Article 65**

1. The Parliament of Georgia by the majority of the total number of the members of the Parliament shall ratify, denounce and annul the international treaties and agreements.
2. Apart from the international treaties and agreements providing for ratification, it shall also be obligatory to ratify an international treaty and agreement which:
  - a. provides for accession of Georgia to an international organization or intergovernmental union;
  - b. is of a military character;
  - c. pertains to the territorial integrity of the state or change of the state frontiers;
  - d. is related to borrowing or lending loans by the state;
  - e. requires a change of domestic legislation, adoption of necessary laws and acts with force of law with the view of honoring the undertaken international obligations.
3. The Parliament shall be notified about the conclusion of other international treaties and agreements.
4. In case of lodging a constitutional claim or a submission with the Constitutional Court, ratification of the respective international treaty or agreement shall be impermissible before adjudication by the Constitutional Court.

## **Article 66**

1. A draft law or a draft resolution shall be deemed to be adopted if it is supported by the majority of the members of the Parliament present, but not be less than one third of the total number of the members of Parliament unless the Constitution determines another procedure for the adoption of the draft law or draft resolution.
  - 1<sup>1</sup>. A Constitutional Agreement shall be deemed approved if it is supported by not less than three fifth of the total number of the members of the Parliament. (*Amended by the Constitutional Law of Georgia of March 30, 2001*)
2. A draft Organic Law shall be deemed adopted if it is supported by more than half of the number of the members of the Parliament on the current nominal list.
3. The consent of the Parliament shall be adopted in the form of a resolution unless another procedure is defined by the Constitution.
4. The procedure for the adoption of other decisions shall be defined by the Regulations of the Parliament.

## **Article 67**

1. The President of Georgia only in the exclusive cases, the Government, a member of the

Parliament, a Parliamentary Faction, a Parliamentary Committee, the higher representative bodies of the Autonomous Republic of Abkhazia, the Autonomous Republic of Ajara, not less than 30,000 electors shall have the right to legislative initiative. *(Amended by the Constitutional Laws of Georgia of April 20, 2000 and October 10, 2002)*

2. At the request of the President of Georgia, the Parliament shall give the priority to the discussion of a draft law submitted by the former.

3. In case the Government does not submit the remarks with regard to a draft law considering in the Parliament within a term provided for by law, the draft law shall be deemed approved. *(Amended by the Constitutional Law of February 6, 2004)*

## **Article 68**

1. A draft law adopted by the Parliament shall be submitted to the President of Georgia within a term of seven days. *(Amended by the Constitutional Law of February 6, 2004)*

2. The President shall sign and promulgate the law within a term of ten days or return it to the Parliament with reasoned remarks.

3. If the President returns the draft law to the Parliament, the latter shall put to the vote the remarks of the President. For the adoption of the remarks the same number of votes shall suffice as determined for this kind of draft law by Article 66 of the Constitution. If the remarks are adopted, the final redaction of the draft law shall be submitted to the President who shall sign and promulgate it within a term of seven days.

4. If the Parliament rejects the remarks of the President, the initial redaction of the draft law shall be put to the vote. A law or an Organic Law shall be deemed to be adopted if it is supported by not less than three fifths of the number of the members of the Parliament on the current nominal list. The constitutional amendment shall be deemed to be passed if it is supported by not less than two thirds of the total number of the members of the Parliament.

5. If the President fails to promulgate the draft law within the defined term, the President of the Parliament shall sign and promulgate it.

6. A law shall enter into force on the fifteenth day after its official promulgation unless another term is defined.

## **CHAPTER FOUR**

### **The President of Georgia**

#### **Article 69**

1. The President of Georgia shall be the Head of State of Georgia.

2. The President of Georgia shall lead and exercise the internal and foreign policy of the state. He/she shall ensure the unity and integrity of the country and the activity of the state bodies in accordance with the Constitution.

3. The President of Georgia shall be the higher representative of Georgia in foreign relations.

#### **Article 70**

1. The President of Georgia shall be elected on the basis of universal, equal and direct suffrage by secret ballot for a term of five years. The same person may be elected the President only for two consecutive terms.

2. Any person may be elected the President of Georgia if he/she is a native-born citizen of

Georgia, having the right to vote, has attained the age of 35, has lived in Georgia for at least fifteen years and lives in Georgia by the day on which the election is scheduled.

3. The right to nominate a candidate to the office of the President shall be vested with a political association of citizens or a stirring group. The nomination shall be confirmed by the signatures of not less than 50,000 electors.

4. A candidate shall be deemed to be elected if he/she has obtained more than half of the votes of participants. *(Amended by the Constitutional Law of February 6, 2004)*

5. If election is deemed to be held but none of the candidates obtained the necessary number of votes, the second round of the election shall be held in two weeks following the announcement of the results of the first round.

6. Two candidates having the best results in the first round shall be put to the vote in the second round. The candidate who received more votes shall be deemed to be elected. *(Amended by the Constitutional Law of February 6, 2004)*

7. If only one candidate participated in the first round and he/she did not receive the necessary number of votes or in case of the failure to elect the President in the second round, new election shall be held within two months following the date of elections.

8. No election shall be held in case of a state of emergency or martial law.

9. The election of the Presidency shall be held in October of the year of expiration of the term of office. The elections shall be scheduled by the President no later than 60 days before the Presidential elections.

10. The procedure and conditions of the election of the President as well as the inadmissibility to participate in election as a candidate shall be determined by the Constitution and the Organic Law. *(Amended by the Constitutional Law of Georgia of July 20, 1999)*

## **Article 71**

1. Before taking up office the new President shall make a programme speech and take the following oath:

*“I, the President of Georgia, before the God and the Nation, declare to observe the Constitution of Georgia, defend the independence, unity and indivisibility of the country, to perform faithfully the duties of the President, to take care for the security and welfare of the citizens of my country and for the revival and might of my Nation and Fatherland”.*

2. The ceremony envisaged in the first paragraph shall take place on the third Sunday after the day of the election of the President.

## **Article 72**

The President of Georgia shall not have the right to hold any other position except for a party position, engage in entrepreneurial activity, receive salary or another permanent remuneration for any other activity. *(Amended by the Constitutional Law of February 6, 2004)*

## **Article 73**

1. The President of Georgia shall:

- a. conclude international agreements and treaties, negotiate with foreign states;
- appoint ambassadors and other diplomatic representatives of Georgia by the consent of the Parliament;
- accredit ambassadors and other diplomatic representatives of foreign states and international organizations;

- a<sup>1</sup>. conclude a constitutional agreement with the Apostle Autocephalous Orthodox Church of Georgia on behalf of the state of Georgia; (*Amended by the Constitutional Law of Georgia of March 30, 2001*)
- b. appoint the Prime Minister, give the Prime Minister consent to appoint a member of the Government – a Minister; (*Amended by the Constitutional Law of February 6, 2004*)
- c. be entitled to dissolve the Government, dismiss the Ministers of Internal Affairs and Defense of Georgia on his/her own initiative or in other cases envisaged by the Constitution; (*Amended by the Constitutional Law of February 6, 2004*)
- d. accept the resignation of the Government, a member of the Government and other officials as determined by law, shall be entitled to require the Government, a member of the Government to perform their official duties until the appointment of a new composition of the Government or a new member of the Government; (*Amended by the Constitutional Law of February 6, 2004*)
- e. give the Government consent to submit the State Budget of Georgia to the Parliament; (*Amended by the Constitutional Law of February 6, 2004*)
- f. submit the Parliament the officials, appoint and dismiss them in the cases and in accordance with the procedure defined in the Constitution and law;
- g. declare a martial law in the case of armed attack on Georgia, make peace when appropriate conditions exist and submit the decisions to the Parliament within 48 hours for approval;
- h. in the case of war or mass disorder, infringement upon the territorial integrity of the country, coup d'etat, armed insurrection, ecological disasters, epidemics or in other cases, when state bodies are unable to normally exercise their Constitutional powers, shall declare a state of emergency throughout the whole territory of the country or a certain part thereof and submit this decision to the Parliament within 48 hours for approval. In the case of a state of emergency issue the decrees having the force of law, which shall remain in force until the end of the state of emergency, shall take emergency measures. The decrees shall be submitted to the Parliament when it is assembled. Emergency authorities shall apply only to the territory where the state of emergency is declared for the reasons mentioned in the present paragraph.
- i. by the consent of the Parliament, be entitled to suspend the activity of the institutions of self-government or other representative bodies of territorial units or dismiss them if their activity endangers the sovereignty, territorial integrity of the country or the exercise of constitutional authority of state bodies;
- j. issue decrees and orders on the basis of the Constitution and law;
- k. sign and promulgate laws in accordance with the procedure prescribed by the Constitution;
- l. decide about the matters of citizenship, granting asylum;
- m. award state honors, higher military ranks, special and honorary titles and higher diplomatic ranks;
- n grant pardon to convicted persons.
- o. dissolve the Parliament in accordance with a procedure and in cases established by the Constitution. (*Amended by the Constitutional Law of February 6, 2004*)
- p. preside over the highest Council of Justice of Georgia, appoint and dismiss the judges in accordance with the Constitution and the procedure proscribed by the Organic law as well; (*Amended by the Constitutional Law of February 6, 2004*)
- q. Removed.
- r. be entitled to appoint the Prime Minister and give his/her consent for the appointment of the ministers under the circumstances defined in subparagraphs “a”-“d” of Article 511 in case of non-declaration of confidence to the composition of the Government by the

Parliament within a term established by the Constitution. Within a month from the end of the above mentioned circumstances the President shall re-submit the composition of the Government to the Parliament for confidence. *(Amended by the Constitutional Law of February 6, 2004)*

2. The President shall schedule the date of elections of the Parliament and representative bodies in accordance with the procedure prescribed by law.
3. The President of Georgia shall be authorized to suspend or abrogate acts of the Government and the bodies of the executive power, if they are in contradiction with the Constitution of Georgia, international treaties and agreements, laws and the normative acts of the President. *(Amended by the Constitutional Law of February 6, 2004)*
4. The President shall be the Higher Commander-in-Chief of the armed forces of Georgia. He/she shall appoint the members of the Council of National Security, appoint and dismiss the head of united staff of the armed forces of Georgia and other commanders; *(Amended by the Constitutional Law of February 6, 2004)*
5. The President shall be authorized to address the people and the Parliament. Once a year he/she shall submit a report to the Parliament on the most important state issues.
6. The President shall exercise other powers determined by the Constitution and law.

#### **Article 74**

1. At the request of the Parliament of Georgia, of not less than 200,000 electors or on his/her own initiative the President of Georgia shall schedule a referendum concerning the issues determined by the Constitution and the Organic Law within 30 days after receiving such a request.
2. The referendum shall not be held with the view of adopting or repealing law, in terms of amnesty or pardon, ratification or denunciation of international treaties and agreements, as well as the issues restricting the basic constitutional rights and freedoms of individuals.
3. Issues related to the scheduling and holding referendum shall be determined by the Organic Law.

#### **Article 75**

1. The President of Georgia shall enjoy personal immunity. While holding his/her position, his/her detention or proceeding shall be impermissible.
2. In case of the violation of the Constitution, commission of high treason and other criminal offence, the Parliament shall be authorized to dismiss the President in accordance with a procedures of Article 63 of the Constitution and in accordance with a procedures determined by the Organic Law if:
  - a. the violation of the Constitution is confirmed by a judgment of the Constitutional Court;
  - b. *corpus delicti* of high treason and other criminal offence is confirmed by a conclusion of the Supreme Court.

#### **Article 76**

1. In case of inability to discharge the authority of the President of Georgia or pre-term termination of his/her office, the President of the Parliament shall exercise the responsibilities of the President of Georgia, whereas in case the President of the Parliament is unable to discharge the authority of the President of Georgia, as well as if the Parliament is dissolved the Prime Minister shall exercise the responsibilities of the President of Georgia. During the period of

discharging the authority of the President of Georgia by the President of the Parliament, one of the Vice-Presidents shall perform the duties of the President of the Parliament. During the period of discharging the authority of the President of Georgia by the Prime Minister a member of the Government having the authority of the Vice-Prime Minister shall perform the duties of the Prime Minister. *(Amended by the Constitutional Law of February 6, 2004)*

2. A person acting as the President shall not be entitled to use the rights defined in subparagraphs c) and i) of the first paragraph of Article 73 and the rights defined in the first paragraph of Article 74 and dissolve the Parliament as well. *(Amended by the Constitutional Law of February 6, 2004)*

3. The presidential election shall be held within 45 days after the termination of the office of the President. The Parliament shall ensure the holding of election.

## **Article 76<sup>1</sup>**

The President of Georgia shall nominate a candidate of the Prosecutor General of Georgia before the Parliament for appointment. The authority and a procedure of activity of the Prosecutor's office shall be determined by the Organic law. *(Amended by the Constitutional Law of February 6, 2004)*

## **Article 77**

The administration of the President of Georgia shall be established on purpose to promote the exercise of the authority of the President of Georgia. The President of Georgia shall appoint and dismiss the head of the administration of the President of Georgia, determine a structure and a procedure of activity of the administration. *(Amended by the Constitutional Law of February 6, 2004)*

## **CHEPTER FOUR<sup>1</sup>**

### **The Government of Georgia**

*(Amended by the Constitutional Law of February 6, 2004)*

## **Article 78**

1. The Government shall ensure the exercise of the executive power, the internal and foreign policy of the state in accordance with the legislation of Georgia. The Government shall be responsible before the President and the Parliament of Georgia.

2. The Government shall be composed by the Prime Minister and the Ministers. The State Minister (the State Ministers) may be in the composition of the Government. The Prime Minister shall charge one of the members of the Government with the exercise of the responsibilities of the Vice Prime Minister. The Government and the members of the Government shall withdraw the authority before the President of Georgia.

3. The Government shall adopt a decree and a resolution on the basis of the constitution, laws and the normative acts of the President and for their realization thereof, which shall be signed by the Prime Minister.

4. The President of Georgia shall be authorized to convene and preside over the sittings of the Government with regard to the issues of exclusive state importance. Decision adopted at the sitting shall be formed by the act of the President.

5. The structure, authority, and a procedure of the activity of the Government shall be determined by the Constitution and law, the draft of which shall be submitted to the Parliament by the Government by the consent of the President.
6. The Government shall be authorized to retire by its own decision.
7. The authority of the Government shall begin upon the appointment of the members of the Government in accordance with a procedure and in cases established by the Constitution. *(Amended by the Constitutional Law of February 6, 2004)*

## **Article 79**

1. The Prime Minister shall be the head of the Government.
2. The Prime Minister shall determine the directions of the activity of the Government, organize the activity of the Government, exercise co-ordination and control over the activity of the members of the Government, submit report on the activity of the Government to the President and be responsible for the activity of the Government before the President and the Parliament of Georgia.
3. At the request of the Parliament the Prime Minister shall submit an account to it on the realization of the governmental program.
4. The Prime Minister within his/her authority shall issue an individual legal act- an order, exercise full administrative functions in the building of the Government as well.
5. The Prime Minister shall appoint other members of the Government by the consent of the President, be authorized to dismiss the members of the Government.
6. The Prime Minister shall appoint and dismiss other officials in accordance with a procedure and in cases envisaged by law.
7. Resignation of the Prime Minister or termination of his/her authority shall result in termination of the authority of the other members of the Government. In case of resignation or dismissal of the other member of the Government the Prime minister shall appoint a new member of the Government within two weeks by the consent of the President of Georgia. *(Amended by the Constitutional Law of February 6, 2004)*

## **Article 80**

1. After taking the oath by the President of Georgia, the Government shall withdraw the authority before the President of Georgia. The President shall uphold the withdrawal of the authority of the Government and be entitled to charge the Government with the exercise of the responsibilities until the appointment of a new composition.
2. The President of Georgia within 7 days from the resignation, dismissal and withdrawal of the authority of the Government after the consultations with the Parliamentary Factions shall choose a candidate of the Prime Minister, whereas the candidate of the Prime Minister - the candidates of the members of the Government by the consent of the President within a term of 10 days. Within 3 days from the end of the procedure envisaged by the first sentence of this paragraph the President of Georgia shall submit the composition of the Government to the Parliament for confidence.
3. Within a week from the submission of the composition of the Government by the President of Georgia the Parliament shall consider and vote the issue of declaration of confidence to the composition of the Government and the Governmental program. The confidence of the Parliament shall be gained by the majority of the total number of the members of the Parliament. The members of the Government shall be appointed within a term of three days from the declaration of confidence. The Parliament shall be entitled to declare non-confidence to the composition of the Government and raise a question of recusal of a particular member of the

Government in the same decision. In case of approval of the decision of the Parliament on the recusal by the President the recused person shall not be appointed in the same composition of the Government instead of a dismissed or resigned member.

4. In case a composition of the Government and its governmental program do not gain the confidence of the Parliament, the President of Georgia shall submit the same or a new composition of the Government to the Parliament within a term of a week. The Parliament shall exercise the procedure provided for by paragraph 3 of this Article.

5. In case a composition of the Government and the program of the Governmental thereof do not gain the confidence of the Parliament for three times, the President of Georgia shall nominate a new candidate of the Prime Minister within a term of 5 days or appoint the Prime Minister without consent of the Parliament, whereas the Prime Minister shall appoint the Ministers by the consent of the President of Georgia within a term of 5 days as well. In such a case the President of Georgia shall dissolve the Parliament and schedule extraordinary elections.

6. It shall be impermissible to put the issue of dismissal of the President of Georgia in accordance with impeachment procedure during the procedures envisaged by this Article. *(Amended by the Constitutional Law of February 6, 2004)*

## **Article 81**

1. The Parliament shall be entitled to declare non-confidence to the Government by the majority of the total number. Not less than one third of the total number of the members of the Parliament shall be entitled to raise a question of declaration of non-confidence. After the declaration of non-confidence to the Government the President of Georgia shall dismiss the Government or not approve the decision of the Parliament. In case the Parliament declares non-confidence to the Government again not earlier than 90 days and not later than 100 days, the President of Georgia shall dismiss the Government or dissolve the Parliament and schedule extraordinary elections. In case of circumstances provided for by subparagraphs "a"- "d" of Article 511 re-voting of non-confidence shall be held within 15 days from the end of these circumstances.

2. The Parliament shall be entitled to raise the question of declaration of unconditional non-confidence to the Government by a resolution. In case the Parliament declares non-confidence to the Government by the majority of three-fifth of the total number of the members of the Parliament not earlier than 15 days and not later than 20 days from the adoption of the resolution, the President shall dismiss the Government. In case the Parliament does not declare non-confidence to the Government, it shall be impermissible to put the question of non-confidence to the Government within next 6 months.

3. In case of dismissal of the Government in accordance with a procedure provided for by paragraph 2 of this Article the President of Georgia shall not be entitled to appoint the same person as a Prime Minister in the next composition of the Government or nominate the same candidate of the Prime Minister.

4. The Prime Minister shall be entitled to put the question of confidence of the Government on the draft laws on the State Budget, Tax Code and a procedure of the structure, authority and activity of the Government considering at the Parliament. The Parliament shall declare the confidence to the Government by the majority of the total number. In case the Parliament does not declare the confidence to the Government, the President of Georgia shall dismiss the Government or dissolve the Parliament within a week and schedule extraordinary elections.

5. Voting the declaration of confidence shall be held within 15 days from the putting of the question. Failure of voting during this term shall mean the declaration of confidence.

6. A relevant draft law shall be deemed adopted upon the declaration of confidence to the Government by the Parliament.

7. It shall be impermissible to put the question of dismissal of the President of Georgia in accordance with impeachment procedure during the procedures provided for by this Article. *(Amended by the Constitutional Law of February 6, 2004)*

### **Article 81<sup>1</sup>**

1. After the declaration of confidence to the Government and its governmental program, in case of renewal of the first composition of the Government by one third, but not less than 5 members of the Government, the President of Georgia shall submit a composition of the Government to the Parliament for confidence within a week.
2. Declaration of confidence to the composition of the Government by the Parliament shall be exercised in accordance with a procedure established by Article 80 of the Constitution. *(Amended by the Constitutional Law of February 6, 2004)*

### **Article 81<sup>2</sup>**

1. Ministries shall be created with the view of ensuring state government and state policy in particular field of state and public life.
2. Ministry shall be headed by a Minister who shall adopt decisions independently on the matters falling within his/her competence. A Minister shall issue orders on the basis of law, normative act of the President or resolution of the Government and with the view of implementing them.
3. The State Minister shall be appointed in accordance with a procedure established by the Constitution with the view of fulfilling the state objects of exclusive importance.
4. A member of the Government shall not have the right to hold any position, except for a party position, either establish an enterprise, engage in entrepreneurial activity or receive a salary from any other activity, with the exception of scientific and pedagogical activity.
5. A member of the Government shall be entitled to resign. *(Amended by the Constitutional Law of February 6, 2004)*

## **CHAPTER FIVE**

### **Judicial Power**

#### **Article 82**

1. Judicial power shall be exercised by means of constitutional control, justice and other forms determined by law.
2. Acts of courts shall be obligatory for all state bodies and persons throughout the whole territory of the country.
3. The judiciary shall be independent and exercised exclusively by courts.
4. A court shall adopt a judgment in the name of Georgia.
5. The cases shall be considered by juries before the courts of general jurisdiction in accordance with a procedure and in cases prescribed by law. *(Amended by the Constitutional Law of February 6, 2004)*

#### **Article 83**

1. The Constitutional Court of Georgia shall be the judicial body of Constitutional review. Its authority, the procedures of its creation and activity shall be determined by the Constitution and the Organic Law.
2. Justice shall be administered by courts of general jurisdiction. Their system shall be determined by organic law.
3. Introduction of a court martial shall be permissible at war and exclusively within the system of the courts of general jurisdiction.
4. Creation of either extraordinary or special courts shall be prohibited.

#### **Article 84**

1. A judge shall be independent in his/her activity and shall be subject only to the Constitution and law. Any pressure upon the judge or interference in his/her activity with the view of influencing his/her decision shall be prohibited and punishable by law.
2. The removal of a judge from the consideration of a case, his/her pre-term dismissal or transfer to another position shall be permissible only in the circumstances determined by law.
3. No one shall have the right to demand from a judge an account on a particular case.
4. All acts restricting the independence of a judge shall be annulled.
5. Only a court shall be authorized to repeal, change or suspend a court judgment in accordance with a procedure determined by law.

#### **Article 85**

1. Cases before a court shall be considered at an open sitting. The consideration of a case at a closed sitting shall be permissible only in the circumstances provided for by law. A court judgment shall be delivered publicly.
2. Legal proceedings shall be conducted in the state language. An individual not having a command of the state language shall be provided with an interpreter. In the districts, where the population does not have a command of the state language, teaching of the state language and solution of the issues related to the legal proceedings shall be ensured.
3. The legal proceedings shall be exercised on the basis of equality of parties and the adversarial nature of the proceedings.

#### **Article 86**

1. A judge shall be a citizen of Georgia who has attained the age of 28, and has the higher legal education and at least five years experience in the practice of law.
2. A judge shall be designated on the position for a period of not less than ten years. The selection, appointment or dismissal procedure of a judge shall be determined by law.
3. The position of a judge shall be incompatible with any other occupation and remunerative activity, except for a pedagogical and scientific activity. A judge shall not be a member of a political party or participate in a political activity.

**Article 86<sup>1</sup>** (27.12.2006 N4133 *Shall enter into force after the regulation of relevant issues under the organic law*)

1. The Supreme Council of Justice of Georgia shall be established for the purposes of the appointment, dismissal and for the conduct of other activities.
2. More than half of the members of the Supreme Council of Justice of Georgia shall be composed of the persons elected by the self-governing bodies of the judges of the courts of

general jurisdiction of Georgia. The Supreme Council of Georgia is administered by the Chair of the Supreme Court of Georgia.

3. The authority of the Supreme Council of Justice of Georgia and the procedure of its creation shall be determined by the organic law.

### **Article 87**

1. A judge shall enjoy personal immunity. Criminal proceeding of a judge, his/her arrest or detention, the search of his/her apartment, car, workplace or his/her person shall be permissible by the consent of the President of the Supreme Court of Georgia, except when he/she is caught *flagrante delicto*, which shall immediately be notified to the President of the Supreme Court of Georgia. Unless the President of the Supreme Court gives his/her consent to the arrest or detention, the arrested or detained judge shall immediately be released.

2. The state shall ensure the security of a judge and his/her family.

### **Article 88**

1. The Constitutional Court of Georgia shall exercise the judicial power by virtue of the constitutional legal proceedings.

2. The Constitutional Court of Georgia shall consist of nine judges – the members of the Constitutional Court. Three members of the Constitutional Court shall be appointed by the President of Georgia, three members shall be elected by the Parliament by not less than three fifths of the number of the members of the Parliament on the current nominal list, three members shall be appointed by the Supreme Court. The term of office of the members of the Constitutional Court shall be ten years. The Constitutional Court shall elect the President of the Constitutional Court among its members for a period of five years. The President shall not be re-elected.

3. A member of the Constitutional Court shall not be a person who has held this position before.

4. A member of the Constitutional Court may be a citizen of Georgia who has attained the age of 30 and has the higher legal education. The selection, appointment and election procedure and the issue of termination of the office of the members of the Constitutional Court as well as other issues of the constitutional legal proceeding and the activity of the Constitutional Court shall be determined by law.

5. A member of the Constitutional Court shall enjoy personal immunity. A member of the Constitutional Court shall not be proceeded, arrested or detained, nor shall his/her apartment, car, workplace or his/her person be subject to search without the consent of the Constitutional Court, except when he/she is caught *flagrante delicto*, which shall immediately be notified to the Constitutional Court. Unless the Constitutional Court gives its consent to the arrest or detention, an arrested or detained member shall immediately be released.

### **Article 89**

1. The Constitutional Court of Georgia on the basis of a constitutional claim or a submission of the President of Georgia, the Government, not less than one fifth of the members of the Parliament, a court, the higher representative bodies the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara, the Public Defender or a citizen in accordance with a procedure established by the Organic Law. (*Amended by the Constitutional Law of February 6, 2004*)

a. adjudicate upon the constitutionality of a Constitutional Agreement, law, normative acts of the President and the Government, the normative acts of the higher state bodies of

the Autonomous Republic Abkhazia and the Autonomous Republic of Ajara (*Amended by the Constitutional Law of February 6, 2004*)

- b. consider dispute on competence between state bodies;
  - c. consider constitutionality of formation and activity of political associations of citizens;
  - d. consider dispute on constitutionality of the provisions regulating the referenda and elections and that of the elections (referenda) conducted or bound to be conducted under this provisions;
  - e. consider constitutionality of international treaties and agreements;
  - f. on the basis of a constitutional claim of a person, consider constitutionality of normative acts regarding the rights and obligations of Chapter Two of the Constitution;
  - f<sup>1</sup>. consider dispute on violations of Constitutional Law of Georgia on the “Status of the Autonomous Republic of Adjara”.
  - g. exercise other powers determined by the Constitution and the Organic Law of Georgia.
2. The judgment of the Constitutional Court shall be final. A normative act or a part thereof recognized as unconstitutional shall cease to have legal effect from the moment of the promulgation of the respective judgment of the Constitutional Court.

## **Article 90**

1. The Supreme Court of Georgia shall represent the Highest Court of Cassation.
2. The President and the judges of the Supreme Court of Georgia shall be elected for a period of not less than ten years by the Parliament by the majority of the number of the members of Parliament on the current nominal list upon the submission of the President of Georgia.
3. The authority, organization of the Supreme Court of Georgia and the procedure of activity and of the pre-term termination of the office of the judges of the Supreme Court shall be determined by law.
4. The President and the members of the Supreme Court of Georgia shall enjoy personal immunity. Criminal proceeding of the President or a judge of the Supreme Court, their arrest or detention, the search of their apartment, car, workplace or person shall be permissible only by the consent of the Parliament, except when the President or a judge is caught *flagrante delicto*, which shall immediately be notified to the Parliament. Unless the Parliament gives its consent, the arrested or detained shall immediately be released.

## **Article 91**

*(Removed by the Constitutional Law of February 6, 2004).*

## **CHAPTER SIX**

### **State Finances and Control**

## **Article 92**

1. The Parliament of Georgia by the majority of the number of the members of the Parliament on the current nominal list shall annually adopt the Law on the State Budget, which shall be signed by the President of Georgia.
2. The procedure of the drafting and adoption of the State Budget shall be determined by law.

## **Article 93**

1. Only the Government of Georgia after the agreement with the committees of the Parliament on the basic data and directions shall be authorized to submit the Draft Budget to the Parliament by the consent of the President of Georgia.
2. The Government shall submit the Draft Budget of next year to the Parliament not later than three months before the end of the budget year. Together with the Draft Budget, the Government shall submit a report on the progress of the fulfillment of the State Budget of the current year. The Government shall submit a report on the fulfillment of the State Budget to the Parliament for approval not later than three months from the end of the budget year. In case of non-fulfillment of the State Budget the Parliament does not approve a report on the fulfillment of the State Budget, the President of Georgia shall consider the issue of liability of the Government and inform the Parliament on his/her founded decision within a month.
3. The President shall approve the State Budget by a decree if it is not approved by the Parliament within a term established by the Constitution in cases defined by subparagraphs “a”-“d” of Article 511 of the Constitution.
4. The introduction of changes in the Draft Budget without the consent of the Government shall be impermissible. The Government shall be authorized to request the Parliament for the additional state expenditure, only if it indicates the sources of covering the latter.
5. The Parliament shall be authorized to control the legality of expenditure of the State Budget and in case of revealing the violation make a request on suspension of expenditure of the budget means before the President of Georgia. In case of confirming of illegal expenditure the President shall adopt a relevant decision.
6. If the Parliament fails to adopt the Budget submitted in accordance with a procedure established by paragraph 2 of this Article within three months, the President of Georgia shall be authorized to dismiss the Government or dissolve the Parliament and schedule extraordinary elections.
7. In case of dissolution of the Parliament due to unapproved State Budget the President shall approve the State Budget by a decree and submit to the Parliament within a month from the recognition of the authority of the newly elected Parliament.
8. A draft law which results in increase of expenditure of the State Budget of the current year, reduction of an income or taking of the new financial obligations by the State, may be adopted by the Parliament only after the consent of the Government, whereas the above mentioned laws with regard to the next financial year- by the Government within the scope of the basic parameters of the State Budget agreed with the Parliament. *(Amended by the Constitutional Law of February 6, 2004)*

#### **Article 94**

1. The payment of taxes and duties shall be obligatory in the amount and in accordance with a procedure established by law.
2. The structure of taxes and duties and the procedure for the introduction thereof shall only be determined by law.
3. Exemption from taxation as well as bearing the costs from the state treasury shall only be permissible by law.

#### **Article 95**

1. The monetary-credit system of Georgia shall be ensured by the National Bank of Georgia.

2. The National Bank of Georgia shall work out and exercise monetary-credit and currency policy in accordance with the main directions determined by the Parliament.
3. The National Bank shall be the bank of banks and the banker of the Government of Georgia and its fiscal agent.
4. The National Bank shall be independent in its activity. The rights and duties, activity procedure and guarantee of independence of the National Bank shall be determined by the Organic Law.
5. The name of money and the monetary unit shall be determined by law. Only the National Bank shall be authorized to money emission.

## **Article 96**

1. The Council of the National Bank shall be the higher body of the National Bank of Georgia. The members of the Council of the National Bank shall be elected for a term of seven years by the Parliament by the majority of the number of the members of the Parliament on the current nominal list upon the submission of the President of Georgia. The dismissal of the members of the Council of the National Bank shall be permissible only under a decision of the Parliament in accordance with Article 64.
2. The President of the National Bank shall be appointed and dismissed by the President of Georgia of the Bank upon the submission of the Council of the National Bank among the members of the Council.
3. The National Bank shall be responsible before the Parliament and shall annually submit a report on its activity.

## **Article 97**

1. The Chamber of Control of Georgia shall supervise the use and expenditure of state funds and of other material values. It shall also be authorized to examine activity of other state bodies of fiscal and economic control, submit proposals on improving tax legislation to the Parliament.
2. The Chamber of Control shall be independent in its activity. It shall be accountable to the Parliament. The President of the Chamber of Control shall be elected for a term of five years by the Parliament of Georgia by the majority of the number of the members of the Parliament on the current nominal list upon the submission of the President of Georgia. The grounds and a procedure of his/her dismissal shall be prescribed by the Constitution and law. *(Amended by the Constitutional Law of February 6, 2004)*
3. The Chamber of Control shall submit a report to the Parliament regarding Government expenditure twice a year while submitting the preliminary and final reports on the fulfillment of the Budget, and it shall submit a report on its activity once a year.
4. The authority, organization and procedure activity and guarantee of the independence of the Chamber of Control shall be determined by law.
5. Other bodies of state control shall be set up in accordance with law.

## **CHAPTER SEVEN**

### **State Defense**

## **Article 98**

1. Defensive war shall be a sovereign right of Georgia.

2. Georgia shall have the armed forces for the defense of the independence, sovereignty and territorial integrity of the country, as well as for the honoring its international obligations.
3. The types and the composition of the armed forces shall be determined by law. The structure of the armed forces shall be approved by the President of Georgia, while the strength thereof shall be approved by the Parliament by the majority of the number of the members of the Parliament on the current nominal list upon the submission of the Council of National Security.

### **Article 99**

1. With the view of organising the military construction and defence of the country, the Council of National Security shall be set up which shall be guided by the President of Georgia.
2. The composition, authority and procedure activity of the Council of National Security shall be determined by the Organic Law.

### **Article 100**

1. The President of Georgia shall take a decision on the use of the armed forces and submit it to the Parliament within 48 hours for approval. In addition the use of the armed forces for the honoring international obligations shall be impermissible without the consent of the Parliament of Georgia.
2. For the purpose of state defense in the exclusive cases and in cases envisaged by law, the decision about the entrance, use and movement of the armed forces of another state on the territory of Georgia shall be adopted by the President of Georgia. The decision shall immediately be submitted to the Parliament for approval and shall be enforced after the consent of the Parliament. *(Amended by the Constitutional Law of February 6, 2004)*

### **Article 101**

1. Defense of Georgia shall be an obligation of every citizen of Georgia.
2. Defense of the country and discharge of military service shall be a duty of every citizen being fit thereupon. The form of the discharge of military service shall be determined by law.

## **CHAPTER EIGHT**

### **Revision of the Constitution**

#### **Article 102**

1. The following shall be entitled to submit a draft law on general or partial revision of the Constitution:
  - a. the President;
  - b. more than half of the total number of the members of the Parliament;
  - c. not less than 200,000 electors.
2. A draft law on the revision of the Constitution shall be submitted to the Parliament, which shall promulgate the former for the public discussion. The Parliament shall begin the discussion of the draft law after a month from its promulgation.
3. The draft law on the revision of the Constitution shall be deemed to be adopted if it is supported by at least two thirds of the total number of the members of the Parliament of Georgia.
4. The law on the revision of the Constitution shall be signed and promulgated by the President of Georgia in accordance with a procedure provided for by Article 68 of the Constitution.

## **Article 103**

The announcement of a state of emergency or martial law shall lead to the suspension of the revision of the Constitution until the cancellation of the state of emergency or martial law.

## **CHAPTER NINE**

### **Transitional Provisions**

#### **Article 104**

1. The Constitution of Georgia shall enter into force from the day of the recognition of the authority of the newly elected President and the Parliament of Georgia.
2. Articles 49, 50 and 70 of the Constitution shall enter into force upon the promulgation of the Constitution.

#### **Article 104<sup>1</sup>** (23.02.2005)

1. Articles 49.1 and 58.1 shall enter into force as soon as the relevant amendments and additions are made to the organic law of Georgia "Election Code of Georgia".
2. Before the termination of the term of office of the Parliament elected in 2004, the composition, as well as the number of the Members of Parliament necessary for the formation of the fraction shall be determined by the legislation operating at the moment of parliamentary elections.
3. The next elections of the President and Parliament of Georgia elected in 2004 shall be conducted within the period from 1 October 2008 to 31 October 2008. The date of elections shall be scheduled by the President of Georgia.

#### **Article 105**

1. A political association of citizens registered in accordance with a procedure established by law, the initiative of which is confirmed by at least 50,000 signatures or which had a representative in the Parliament by the day of the adoption of the present Constitution, shall have the right to stand for the election of 1995.
2. Election under the proportional system shall be conducted with a single party list.
3. A political association or an electoral block shall be entitled to nominate a candidate to the office of a member of the Parliament before a majority election district, the candidate being at the same time on its party list as well.
4. The candidate having obtained most number of votes but not less than one third of the participants to the ballot shall be deemed to be elected in the majority electoral district.
5. If none of the candidates obtained the required number of votes in the first round, a second round shall be held. Two candidates having the best results shall participate in the second round. The candidate having obtained the most number of votes shall be deemed to be elected.
6. The present Article shall enter into force upon the promulgation of the Constitution and shall remain in force until the recognition of the authority of the newly elected Parliament.

#### **Article 106**

1. After the enforcement of the Constitution, only the legal act or a part thereof, which is not in contradiction with the Constitution, shall have the legal force.
2. During two years after the enforcement of the Constitution, the President of Georgia and the Parliament of Georgia shall ensure the public registration of normative acts adopted before the Constitution came into force and their compatibility with the Constitution and laws.
3. During two years after the enforcement of the Constitution, the Parliament shall adopt the Organic Laws envisaged by the Constitution or confirm the lawfulness of normative acts existing in the field.

#### **Article 107**

1. Before the adoption of the Organic Laws on judiciary in accordance with the Constitution, the current legislation on the judiciary shall remain in force.
2. The second and third paragraphs of Article 18 of the Constitution shall enter into force after the adoption of the respective criminal procedures legislative acts.
3. The Organic Law on the Constitutional Court shall be adopted before 1 February 1996.

#### **Article 108**

As an exception moving changes or addenda to the second paragraph of Article 102 of the Constitution in terms of the complete restoration of jurisdiction on the whole territory of Georgia shall be possible without publication of the draft law on the revision of the Constitution for the general-public discussion.

#### **Article 109**

1. The Constitution adopted in accordance with the established procedure shall be signed and promulgated by the Head of State of Georgia.
2. The members of the Parliament of Georgia and the members of the Constitutional Commission shall sign the text of the Constitution. After the enforcement of the Constitution, at least within a year, the text of the Constitution shall publicly be displayed in the buildings of all local bodies of Georgia in order the population become familiar with its contents.

*Adopted on 24 August 1995*