

# CONSTITUTION OF GEORGIA

We, the citizens of Georgia, whose firm will is to establish a democratic social order, economic freedom, a rule-of-law and a social state, to secure universally recognised human rights and freedoms, to enhance state independence and peaceful relations with other peoples, drawing inspiration from centuries-old traditions of statehood of the Georgian nation and the historical-legal legacy of the Constitution of Georgia of 1921, proclaim the present Constitution before God and the nation.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## CHAPTER ONE

### General Provisions

#### Article 1

1. Georgia is 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 State Independence of Georgia of 9 April 1991.
2. The political structure of the State of Georgia is a democratic republic.
3. 'Georgia' is the name of the State of Georgia.

#### Article 2

1. The territory of the State of Georgia is determined as of 21 December 1991. The territorial integrity of Georgia and the inviolability of state borders is acknowledged by the Constitution and laws of Georgia, and recognised by the world community of nations and international organisations.
2. Alienation/transfer of the territory of Georgia shall be prohibited. The state borders may be changed only by a bilateral agreement with a neighbouring state.
3. Constitutional law shall determine the territorial state structure of Georgia on the basis of the principle of delimitation of powers after the complete restoration of jurisdiction of Georgia over the whole territory of the country.
4. The citizens of Georgia registered in a self-governing unit shall regulate the affairs of local importance through local self-government, without prejudice to the state sovereignty, according to the legislation of Georgia. State authorities shall promote the development of local self-governance.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### Article 3

1. The following shall fall within the exclusive competence of supreme state authorities of Georgia:
  - a) legislation on Georgian citizenship, human rights and freedoms, emigration and immigration, entering and leaving the country, temporary or permanent stay of aliens and stateless persons in Georgia
  - b) status, regime, and protection of the state borders, status and protection of territorial waters, airspace, continental shelf and Exclusive Economic Zone
  - c) state defence and security, military forces, military industry, and trade in arms
  - d) issues of war and peace, determination and introduction of legal regime of state of emergency and martial law
  - e) foreign policy and international relations
  - f) foreign trade, customs and tariff treatment
  - g) state finances and state loans, money issuing, as well as banking, credit, insurance, and tax legislation
  - h) standards and models, geodesy and cartography, determination of exact time, state statistics
  - i) integrated power system and setting, communications, merchant fleet, ensigns, harbors of state significance, airports and aerodromes, control of airspace, transit and air transport, registration of air transport, meteorological service, environmental observation systems
  - j) railways and motor roads of state significance
  - k) fishing in oceans and high seas



- l) sanitary cordon on borders
- m) pharmaceutical legislation
- n) legislation on accreditation of educational institutions and academic degrees
- o) intellectual property legislation
- p) trade, criminal, civil, administrative and labour, penitentiary and procedural legislation
- q) criminal police and investigation
- r) land, minerals, and natural resources legislation.

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.

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.

5. The status and powers of Lazika city shall be defined in an organic law of Georgia.

*Constitutional Law of Georgia No 260 of 20 April 2000 - LHG I, No 15, 25.4.2000, Art. 36*

*Constitutional Law of Georgia No 1689 of 10 October 2002 - LHG I, No 28, 28.10.2002, Art. 128*

*Constitutional Law of Georgia No 4135 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 46*

*Constitutional Law of Georgia No 6602 of 29 June 2012 - website, 10.7.2012*

#### **Article 4**

1. After appropriate conditions have been created and local self-government bodies have been formed throughout the territory of Georgia, 2 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 under the principle of proportionality.

3. The Senate shall consist of members elected from the Autonomous Republic of Abkhazia, the Autonomous Republic of Ajara, and other territorial units of Georgia, as well as 5 members appointed by the President of Georgia.

4. The composition, powers, and election procedure of the chambers shall be defined by an organic law.

*Constitutional Law of Georgia No 260 of 20 April 2000 - LHG I, No 15, 25.4.2000, Art. 36*

*Constitutional Law of Georgia No 1689 of 10 October 2002 - LHG I, No 28, 28.10.2002, Art. 128*

#### **Article 5**

1. People shall be the source of state authority in Georgia. State authority shall be exercised within the ambit of the Constitution.

2. People shall exercise their power through a referendum, other forms of direct democracy, and their representatives.

3. No one shall have the right to appropriate or illegally seize power.

4. State authority shall be exercised under 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 comply with the universally recognised principles and rules of international law. A treaty or international agreement of Georgia, unless it comes into conflict with the Constitution or the Constitutional Agreement of Georgia, shall take precedence over domestic normative acts.

*Constitutional Law of Georgia No 826 of 30 March 2001 - LHG I, No 9, 10.4.2001, Art. 33*



#### **Article 7**

The State shall recognise and protect universally recognised 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 applicable law.

#### **Article 8**

The official language of Georgia shall be Georgian. The official language of the Autonomous Republic of Abkhazia shall be Georgian and Abkhazian.

*Constitutional Law of Georgia No 1689 of 10 October 2002 - LHG I, No 28, 28.10.2002, Art. 128*

#### **Article 9**

1. The State shall declare absolute freedom of belief and religion. At the same time, the State shall recognise the outstanding role of the Apostolic Autocephalous Orthodox Church of Georgia in the history of Georgia and its independence from the State.

2. Relations between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia shall be governed by Constitutional Agreement. Constitutional Agreement shall be in full compliance with the universally recognised principles and norms of international law, specifically in terms of human rights and fundamental freedoms.

*Constitutional Law of Georgia No 826 of 30 March 2001 - LHG I, No 9, 10.4.2001, Art. 33*

#### **Article 10**

Tbilisi is the capital of Georgia.

#### **Article 11**

The state symbols of Georgia shall be defined by an organic law.

### **CHAPTER TWO**

#### **Citizenship of Georgia; Fundamental Human Rights and Freedoms**

#### **Article 12**

1. Georgian citizenship shall be acquired by birth and naturalisation.

2. A citizen of Georgia may not have dual citizenship as a citizen of another state except as provided for by this paragraph. The President of Georgia may grant Georgian citizenship to an alien who has made a contribution of exceptional merit to Georgia. The President of Georgia may also grant Georgian citizenship to an alien based on state interests.

3. The procedure for acquisition and loss of Georgian citizenship shall be defined by an organic law.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

#### **Article 13**

1. Georgia shall protect its citizens regardless of their whereabouts.

2. No one shall be deprived of his/her citizenship.

3. Expulsion of a Georgian citizen from Georgia shall be inadmissible.

4. Transfer of a Georgian citizen to a foreign state shall be inadmissible, except as provided for by an international agreement. A decision on transfer may be appealed in court.

#### **Article 14**

Everyone is born free and is equal before the law regardless of race, colour of skin, language, sex, religion, political or other opinions, national, ethnic and social affiliation, origin, property or social status, place of residence.



## **Article 15**

1. Life is an inviolable human right and shall be safeguarded by law.
2. No one shall be condemned to the death penalty.

*Constitutional Law of Georgia No 4137 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 48*

## **Article 16**

Everyone shall have the freedom to develop their own personality.

## **Article 17**

1. Human honor and dignity shall be inviolable.
2. No one shall be subjected to torture, cruel, inhuman, or degrading treatment or punishment.
3. Physical or mental coercion of a detainee or a person whose liberty has been otherwise restricted shall be inadmissible.

*Constitutional Law of Georgia No 4137 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 48*

## **Article 18**

1. Human liberty shall be inviolable.
2. Imprisonment or other restrictions of personal liberty shall be inadmissible without a court decision.
3. A specially authorised official may arrest a person in the cases provided for by law. A detainee or a person whose liberty has been otherwise restricted shall be brought before a court of competent jurisdiction not later than 48 hours. If the court does not adjudicate upon detention or any other kind of liberty restriction within the following 24 hours, the person shall be released forthwith.
4. (Deleted – 27.12.2006, No 4137).
5. An arrestee or a detainee shall be made aware of his/her rights and the grounds for liberty restriction upon his/her arrest or detention. An arrestee or a detainee may request the assistance of an advocate upon his/her arrest or detention and the request shall be satisfied.
6. Pre-trial detention period shall not exceed nine months.
7. Violation of the provisions of this article shall be punishable by law. A person arrested or detained unlawfully shall have the right to compensation.

*Constitutional Law of Georgia No 4137 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 48*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 19**

1. Everyone has the right to freedom of speech, thought, conscience, religion, and belief.
2. No one shall be persecuted because of his/her speech, thought, religion or belief, or be compelled to express his/her opinion about them.
3. Freedoms listed in this article may not be restricted unless expression thereof infringes on the rights of others.

## **Article 20**

1. Every individual's private life, home, personal papers, correspondence, communication by telephone, and by other technical means, including messages received through other technical means, shall be inviolable. The above rights may be restricted only by a court decision, or in absence of a court decision, if urgently necessary, as provided for by law.
2. No one shall have the right to enter a place of residence or other possessions against the will of possessors, nor conduct a search unless there is a court decision or urgent necessity provided for by law.

## **Article 21**



1. The right to own and inherit property shall be recognised and inviolable. Abrogation of the universal right to ownership, acquisition, alienation, or inheritance of property shall be inadmissible.

2. The rights listed in the first paragraph of this article may be restricted for pressing social needs in the case and under the procedure provided for by law so that the essence of property right is not violated.

3. Property may be deprived for pressing social needs as provided for by law, by court decision, or if urgently necessary under an organic law, provided that preliminary, full, and fair compensation is made. Compensation shall be exempted from any taxes and fees.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 22**

1. Everyone lawfully within the territory of Georgia shall have the right to liberty of movement and freedom to choose his/her residence within that territory.

2. Everyone lawfully within the territory of Georgia shall be free to leave the country.

3. The above rights shall not be subject to any restrictions, except the restrictions provided for by law are necessary to protect national security, public safety, public health, or to prevent crime or to administer justice insofar as is necessary to maintain a democratic society.

4. A citizen of Georgia shall be free to enter Georgia.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 23**

1. Freedom of intellectual creativity shall be guaranteed. The right to intellectual property shall be inviolable.

2. Interference in creative work or censorship in the field of creative activity shall be inadmissible.

3. Creative work shall not be seized and its dissemination shall not be prohibited unless it infringes on the legal rights of other individuals.

## **Article 24**

1. Everyone shall be free to receive and disseminate information, to express and disseminate his/her opinion orally, in writing, or otherwise.

2. Mass media shall be free. Censorship shall be inadmissible.

3. Neither the State nor particular individuals shall have the right to monopolise mass media or the means of dissemination of information.

4. Exercise of rights listed in the first and second paragraphs of this article may be restricted by law, to the extent and insofar as is necessary in a democratic society, in order to guarantee state security, territorial integrity or public safety, to prevent crime, to safeguard rights and dignity of others, to prevent the disclosure of information acknowledged as confidential, or to ensure the independence and impartiality of justice.

## **Article 25**

1. Everyone, except those within the composition of military forces and the Ministry for Internal Affairs, shall have the right to public assembly without arms, either indoors or outdoors, without prior permission.

2. A law may determine the need for prior notification to the state authority if a public assembly or a manifestation is to be held on a public thoroughfare.

3. State authority may terminate a public assembly or a manifestation only if it assumes unlawful character.

*Constitutional Law of Georgia No 2494 of 23 December 2005 - LHG I, No 1, 4.1.2006, Art. 1*

## **Article 26**

1. Everyone shall have the right to establish and join public associations, including trade unions.

2. Citizens of Georgia shall have the right to form a political party or other political associations and participate in their activities according to organic law.

3. Formation and activity of public and political associations that aim to overthrow or forcibly change the constitutional order of Georgia, to infringe on the independence and territorial integrity of the country, or to propagandise war or violence, to stir up national, ethnic, religious, or social strife, shall be inadmissible.



4. Creation of paramilitary forces by public and political associations shall be inadmissible.

5. A person enrolled in the military forces or the bodies of internal affairs, or a person having been appointed as a judge or as a prosecutor shall cease his/her membership in any political association.

6. Activity of public or political associations may be suspended or prohibited only by a court decision in the cases and under the procedure provided for by organic law.

*Constitutional Law of Georgia No 2494 of 23 December 2005 - LHG I, No 1, 4.1.2006, Art. 1*

#### **Article 27**

The State may impose restrictions on the political activity of aliens and stateless persons.

#### **Article 28**

1. Every citizen of Georgia, who has attained the age of 18, shall have the right to participate in referenda and elections of state and self-government bodies. Free expression of the will of voters shall be guaranteed.

2. Citizens who have been found legally incapable by court or who have been deprived of their liberty by a court decision shall have no right to participate in elections and referenda, except persons having committed crimes of little gravity.

*Constitutional Law of Georgia No 5630 of 27 December 2011– website, 9.1.2012*

#### **Article 29**

1. Every citizen of Georgia shall have the right to hold any public office if they meet the requirements established by law.

1<sup>1</sup>. A citizen of Georgia who is at the same time a citizen of any foreign country may not hold the office of President, Prime Minister, or Chairperson of the Parliament of Georgia.

2. The requirements for state service shall be defined by Law.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 30**

1. No one shall be required to perform forced labour.

2. The State shall be bound to promote free enterprise and competition. Monopolistic activity shall be prohibited, except as permitted by law. Consumer rights shall be protected by law.

3. The State shall protect the labour rights of the citizens of Georgia abroad on the basis of international agreements governing labour relations.

4. Organic law shall define protection of labour rights, fair compensation for work and safe, healthy working conditions, as well as working conditions for minors and women.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 31**

The State shall guarantee equal socio-economic development for all regions of the country. Special privileges to ensure the socio-economic progress of high mountain regions shall be established by law.

#### **Article 32**

The State shall promote helping the unemployed find work. Conditions for ensuring some minimum standard of living and status for the unemployed shall be determined by law.

#### **Article 33**

The right to strike shall be recognised. The procedure for exercising this right shall be determined by law. The guarantees for the activity of offices of



vital importance shall also be established by law.

#### **Article 34**

1. The State shall support the development of culture, unrestricted participation of citizens in cultural life, expression and enrichment of cultural origins, recognition of national and universal values, and deepening of international cultural relations.
2. Every citizen of Georgia shall be obliged to protect and preserve their cultural heritage. The State shall protect cultural heritage by law.

#### **Article 34<sup>1</sup>**

The State shall facilitate the physical development of adults and youth as well as their engagement in sports through cooperation with educational institutions and sports associations.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 35**

1. Everyone shall have the right to education. Freedom of choice in education shall be guaranteed.
2. The State shall ensure harmony of the national educational system within international educational environment.
3. The State shall guarantee pre-school education as determined by law. Elementary and basic education shall be compulsory. General education shall be fully funded by the State according to law. Citizens shall have the right to state-funded vocational and higher education under the procedure and to the extent as provided for by law.
4. The State shall support educational institutions as determined by law.

*Constitutional Law of Georgia No 2597 of 23 July 2003 - LHG I, No 23, 12.8.2003, Art. 168*

*Constitutional Law of Georgia No 4135 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 46*

#### **Article 36**

1. Marriage shall be based on the equality of rights and free will of spouses.
2. The State shall promote family welfare.
3. The rights of mothers and children shall be safeguarded by law.

#### **Article 37**

1. Everyone shall have the right to health insurance as a means of affordable medical aid. Free medical aid shall be guaranteed under the procedure and to the extent as provided for by law.
2. The State shall exercise control over all healthcare institutions, as well as over the production and trade of medicines.
3. Everyone shall have the right to live in a healthy environment and to use the natural and cultural environment. Everyone shall be obliged to protect the natural and cultural environment.
4. Taking into account the interests of current and future generations, the State shall guarantee environmental protection and rational use of nature in order to ensure a safe environment for human health and maintain sustainable development of the country in line with the ecological and economic interests of society.
5. Everyone shall have the right to complete, objective, and timely information about environmental conditions.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 38**

1. Citizens of Georgia shall be equal in their social, economic, cultural, and political lives irrespective of national, ethnic, religious, or language origin. According to universally recognised principles and rules of international law, citizens of Georgia shall have the right to develop their culture freely, use their mother tongue in private and in public, without any discrimination and interference.
2. According to universally recognised principles and rules of international law, minority rights shall be exercised so as not to contradict the sovereignty,



#### **Article 39**

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

#### **Article 40**

1. An individual shall be presumed innocent until found guilty as provided for by law and by a final court judgement of conviction.
2. No one shall be obliged to prove his/her innocence. Burden of proof shall rest with the prosecutor.
3. A decision to commit an accused for trial, bill of indictment, and judgement of conviction shall be based only on incontrovertible evidence. Any suspicion that cannot be proved as provided for by law shall be solved in favour of the accused.

#### **Article 41**

1. Every citizen of Georgia shall have the right of access to information as determined by law, as well as to official documents about him/her stored in state institutions, unless they contain state, professional, or commercial secrets.
2. Information contained in official records pertaining to health, finances, or other private matters of an individual shall not be made available to anyone without the prior consent of the individual in question, except as determined by law, when doing so is necessary to safeguard national security or public safety, or the health, rights, and freedoms of others.

#### **Article 42**

1. Everyone shall have the right to apply to the court for protection of his/her rights and freedoms.
2. Everyone shall be tried only by the court that has jurisdiction over the particular case.
3. The right to a defence shall be guaranteed.
4. No one shall be tried twice for the same offence.
5. No one shall be held responsible for an action that did not constitute an offence at the time it was committed. No law shall have retroactive force unless it reduces or abrogates responsibility.
6. An accused shall have the right to request attendance and examination of witnesses on his/her behalf under the same conditions as the prosecution witnesses.
7. Evidence obtained unlawfully shall have no legal force.
8. No one shall be obliged to testify against themselves or against their familiars that are determined by law.
9. Any person, who has illegally sustained damage inflicted by the State, Autonomous Republics, or self-government bodies and officials, shall be guaranteed by the court to receive full compensation accordingly from the funds of the State, Autonomous Republic, and local self-government.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 43**

1. Supervision over protection of human rights and freedoms within the territory of Georgia shall be exercised by the Public Defender of Georgia who shall be elected for a five-year term by a majority of the total number of members of the Parliament ('the MPs') of Georgia.
2. The Public Defender shall have the right to reveal facts of violation of human rights and freedoms and inform corresponding bodies and officials thereof. Impediments to the activities of the Public Defender shall be punishable by law.
3. The powers of the Public Defender shall be determined by an organic law.

#### **Article 44**

1. Everyone who lives in Georgia shall be obliged to observe the Constitution and legislation of Georgia.
2. The exercise of human rights and freedoms shall not infringe on the rights and freedoms of others.





#### **Article 45**

The fundamental human rights and freedoms referred to in the Constitution, in terms of the context thereof, shall apply to legal persons as well.

#### **Article 46**

1. The President of Georgia shall have the right to restrict the rights and freedoms listed in Articles 18, 20, 21, 22, 24, 25, 30, 33, and 41 of the Constitution either throughout the territory of Georgia or in any part thereof during a state of emergency or martial law. The President of Georgia shall be obliged to submit the decision to Parliament for approval not later than 48 hours.

2. If a state of emergency or martial law has been introduced throughout the country, any presidential, parliamentary, or other elections of representative bodies shall be held once the state of emergency or martial law is rescinded. If the state of emergency has been introduced in any part of the country, a decision for holding elections in the rest of the country shall be made by the Parliament of Georgia.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

#### **Article 47**

1. Aliens and stateless persons living in Georgia shall have the rights and obligations equal to those of the citizens of Georgia except as provided for by the Constitution and law.

2. Georgia shall grant asylum to aliens and stateless persons according to universally recognised rules of international law, as determined by law.

3. No asylum seeker shall be transferred to another state if he/she is persecuted for his/her political creed or an action not considered a crime under the legislation of Georgia.

### **CHAPTER THREE**

#### **Parliament of Georgia**

#### **Article 48**

The Parliament of Georgia shall be the supreme representative body of the country. It shall exercise legislative power, determine the main directions of domestic and foreign policy, exercise control over Government activity within the realm of the Constitution, and perform other duties.

#### **Article 48<sup>1</sup>**

1. The Parliament of Georgia shall reside in the city of Kutaisi.

2. Only during a state of emergency or martial law may the residency of the Parliament of Georgia be temporarily changed to convene meetings or sessions.

*Law of Georgia No 1674 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 157*

*Constitutional Law of Georgia No 4985 of 1 July 2011– website, 14.7.2011*

#### **Article 49**

1. Before the conditions under Article 4 of the Constitution of Georgia have been created, the Parliament of Georgia shall consist of 77 members elected by a proportional voting system and 73 members elected by a majoritarian voting system. The MPs shall serve for a term of four years based on universal, equal, and direct suffrage through secret ballot.

2. Any citizen who is twenty-one years old and has the right to vote may be elected as an MP.

3. The internal structure and work procedure of Parliament shall be determined by Parliamentary Rules.

4. Compared to the amount of budgetary funds allocated from the previous year, the current costs earmarked in the State Budget for the Parliament of Georgia may be reduced only by prior consent of Parliament. Parliament shall, at its sole discretion, make a decision on the distribution of budgetary funds earmarked for Parliament in the State Budget.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 1010 of 23 February 2005 - LHG I, No 8, 10.3.2005, Art. 57*



## **Article 50**

1. A political union of citizens, registered as determined by law, shall have the right to stand for elections if the initiative is supported by the signatures of voters under an organic law or if it has a representative in Parliament at the time when elections are scheduled. The number of signatures of voters determined by organic law shall not exceed 1% of the number of voters. The procedure and conditions for participating in an election under the majoritarian system shall be determined by electoral legislation.

2. MP seats, as a result of an election held under the majoritarian system, shall be distributed only among political associations and electoral blocks that have obtained at least 5% of votes from those participating in the elections. The electoral subjects who have obtained fewer seats than needed for the creation of a parliamentary faction shall be given seats, after the distribution of MP seats, to fill seats based on the minimum amount necessary to set up a faction under the legislation of Georgia. The procedure for distribution of MP seats, as a result of the election held under the majoritarian system, shall be determined by electoral legislation.

2<sup>1</sup>. Regular parliamentary elections shall be held during the month of October in the calendar year when Parliament's term of office expires. The President of Georgia shall fix the date of elections not later than 60 days before the elections.

3. If the date for holding elections coincides with a state of emergency or martial law, the elections shall be held on the 60<sup>th</sup> day after the state of emergency has been lifted. The President of Georgia shall fix the date for elections upon lifting the state of emergency or martial law. In the case of the early dissolution of Parliament, extraordinary elections shall be held on the 60<sup>th</sup> day after the edict of dissolution of Parliament comes into force. The President of Georgia shall fix the date for extraordinary elections once the edict of dissolution for Parliament comes into force.

3<sup>1</sup>. Parliament shall terminate its activity after a presidential edict of dissolution of Parliament comes into force. During the period from the coming into force the presidential edict of dissolution to the first meeting of the newly elected Parliament, the dissolved Parliament shall convene only to make a decision on approval and/or extension of a state of emergency or martial law, but only if President has declared a state of emergency or martial law. Unless Parliament convenes within five days or approves (extends) the presidential edict for declaration (extension) of a state of emergency, the declared state of emergency shall be canceled. Martial law shall be canceled if Parliament does not approve the presidential edict for declaration (extension) of martial law within 48 hours after it has convened. Convening Parliament shall not lead to the restoration of parliamentary posts and salaries of MPs. Parliament shall cease its activity upon making decisions on the above issues.

4. The powers of Parliament shall cease immediately at the first meeting of the newly elected Parliament.

5. The procedure for an MP election and his/her eligibility to stand for an election shall be defined by the Constitution and organic law.,

## **Article 51**

The first meeting of the newly elected Parliament of Georgia shall be held within 20 days after the elections. The President of Georgia shall fix the day for the first meeting. Parliament shall begin its work when the powers of at least two thirds of the MPs have been confirmed.

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

The President of Georgia may dissolve Parliament only in the cases determined by the Constitution, except as follows:

- a) within six months after holding parliamentary elections unless Parliament is dissolved on the basis of Article 80 of the Constitution;
- b) while Parliament exercises the powers defined in Article 63 of the Constitution;
- c) during a state of emergency or martial law;
- d) within the last six months of the tenure of the President of Georgia unless Parliament is dissolved on the basis of Article 80 of the Constitution.



## Article 52

1. An MP is the representative of all Georgia. He/she shall enjoy free seat and cannot be recalled.
2. Arrest or detention of an MP, search of his/her place of residence, vehicle, workplace, or any personal search shall be permissible only by consent of Parliament, except when the MP is caught at the scene of crime, in which case Parliament shall be notified immediately. Unless Parliament gives its consent, the arrested or detained MP shall be released immediately.
3. MPs shall have the right not to testify about facts disclosed to them as an MP. Written materials associated with any parliamentary matter shall not be seized. MPs shall reserve these rights even after their term of office expires.
4. MPs shall not be prosecuted for their ideas and opinions expressed inside or outside Parliament while performing their duties.
5. MPs shall be guaranteed unhindered exercise of their powers. State bodies shall ensure personal safety of MPs based on their application.
6. Impeding deputies to exercise their powers shall be punishable by law.

*Constitutional Law of Georgia No 6 of 23 April 2004 - LHG I, No 9, 3.5.2004, Art. 39*

## Article 53

1. An MP shall not hold state service or engage in entrepreneurial activity. Conflict of interests shall be determined by law.
2. An MP shall cease to hold office if he/she violates any requirement under the preceding paragraphs.
3. MPs shall receive a salary as determined by law.

## Article 54

1. The recognition or early termination of office of an MP shall be settled by Parliament. The decision of Parliament may be appealed to the Constitutional Court.
2. The office of an MP shall be terminated early if:
  - a) the MP resigns by personal application;
  - b) a judgement of conviction comes into force against the MP;
  - c) the court recognises the MP as incapable, missing, or dead;
  - d) the MP holds a position or engages in an activity incompatible with the status of an MP;
  - e) the MP loses citizenship of Georgia;
  - f) the MP fails to participate in the work of Parliament for a period of four months without good reason;
  - g) the MP dies.

## Article 55

1. The Parliament of Georgia, under the procedure provided for by Parliamentary Rules, for the term of its authority and by secret ballot, shall elect a chairperson and deputy chairpersons. This shall include one deputy chairperson, among and upon the nomination of the MPs from the Autonomous Republic of Abkhazia, and one from the Autonomous Republic of Ajara.
2. The chairperson of Parliament shall preside over parliamentary meetings, guarantee free expression of opinions, sign acts passed by Parliament, and perform other duties envisaged by Parliamentary Rules.
3. The deputy chairpersons of Parliament shall perform the duties of the chairperson on his/her behalf in the case of the chairperson's disability or removal from office.
4. The chairperson of Parliament shall perform all administrative duties in the House of Parliament as provided for by Parliamentary Rules.

*Constitutional Law of Georgia No 260 of 20 April 2000 - LHG I, No 15, 25.4.2000, Art. 36*

*Constitutional Law of Georgia No 1689 of 10 October 2002 - LHG I, No 28, 28.10.2002, Art. 128*



## Article 56

1. Committees shall be set up in Parliament for the term of its authority. The committees shall prepare legislative issues in advance, facilitate implementing decisions, and exercise control over activities of the entities accountable to Parliament and of the Government.
2. Investigative or other interim commissions shall be established in Parliament in the cases envisaged by the Constitution and Parliamentary Rules, as well as if requested by at least one fifth of MPs. Parliament shall decide to establish an interim commission as determined by Parliamentary Rules. The parliamentary majority in an interim commission shall not represent more than half of the total number of commission members.
3. At the request of an investigative commission, everyone shall be required to come to the meetings and submit all documents required for examination of issues.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## Article 57

1. Parliament shall establish a Parliamentary Bureau to organise the work of Parliament. Members of the Parliamentary Bureau shall consist of the chairperson and deputy chairpersons of the Parliament of Georgia, and the chairpersons of parliamentary committees and parliamentary factions.
2. (Deleted – 15.10.2010, No 3710).

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## Article 58

1. MPs may join a parliamentary faction. The number of the members in a parliamentary faction shall not be less than 6.
2. The powers of and the procedure for the establishment and operation of a parliamentary faction shall be determined by Parliamentary Rules and law.

*Constitutional Law of Georgia No 1010 of 23 February 2005 - LHG I, No 8, 10.3.2005, Art. 57*

*Constitutional Law of Georgia No 343 of 10 October 2008 - LHG I, No 25, 23.10.2008, Art. 164*

## Article 59

1. An MP shall have the right to pose questions to and get answers from the bodies accountable to Parliament, as well as pose questions to and get answers from the Government, Government members, heads of executive bodies of territorial units at any level, state institutions.
2. A parliamentary faction consisting of at least 10 MPs shall have the right to pose questions to the bodies accountable to Parliament, the Government, and particular members of the Government whose obligation is to answer questions at the meeting of Parliament. The answer may become the subject of discussion by Parliament.
3. Parliament shall have the right to bring the Prime Minister's attention, by an absolute majority of MPs, to the official responsibilities of specific members of the Government.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## Article 60

1. Meetings of Parliament shall be public. By decision of a majority of MPs present, Parliament may declare a hearing or part thereof closed while discussing particular issues.
2. Any Government member, an official elected, appointed, or approved by Parliament, shall have the right and may be required to attend the Parliament, committee, or commission meetings, answer the questions raised at the meetings and present a report of activities performed. Parliament, committee, or commission shall hear the officials immediately upon request.
3. Voting at a plenary sitting of Parliament shall be open or secret. Voting shall be open except as provided for by the Constitution and law.
4. Records of open plenary sitting of Parliament shall be public.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*



## Article 61

1. The Parliament of Georgia shall assemble in its official capacity 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, and spring session shall open on the first Tuesday of February and close on the last Friday of June.
2. The President of Georgia shall convene a special session of Parliament at the request of the Chairperson of Parliament, or that of not less than one fourth of MPs, or on the recommendation of the Government during the period between regular sessions. In the course of a regular session, the President shall convene a special meeting under the same procedure. Unless an act of summoning Parliament is issued within 48 hours after a written request, Parliament shall assemble within the following 48 hours according to Parliamentary Rules.
3. A special meeting of Parliament shall be held only with a defined agenda and shall close once the agenda has been completed.
4. Parliament shall assemble within 48 hours after President declares a state of emergency or martial law. Parliament shall work until the end of the state of emergency or martial law.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## Article 62

Parliament's decision on issues of war and peace, state of emergency, or martial law, as well as on issues defined in Article 46 of the Constitution, shall be adopted by a majority of the total number of MPs.

## Article 63

1. In the cases provided for by Article 75(2) of the Constitution, Parliament acting with at least one third of the total number of MPs shall have the right to raise a question to remove the President of Georgia from office via impeachment. The issue shall be referred to the Constitutional Court of Georgia for decision.
2. If the Constitutional Court by its conclusion confirms components of crime in the actions of the President or confirms that the President has violated the Constitution by his/her actions, Parliament shall consider and vote for the removal of President from office via impeachment within not later than 15 days after the Court conclusion has been submitted.
3. The President shall be deemed removed from office via impeachment if at least two thirds of the total number of MPs supports the decision.
4. Unless Parliament decides to remove the President from office via impeachment within the term defined in the second paragraph of this article, the impeachment procedure for the same issue shall not be initiated.
5. No impeachment procedure shall be implemented during war, state of emergency, or martial law. *Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## Article 64

1. At least one third of the total number of MPs shall have the right to raise the question of removing the chairperson of the Supreme Court, members of the Government, auditor general of the State Audit Service and members of the Council of the National Bank from office via impeachment if they have violated the Constitution and/or committed an offence.
2. After having received the conclusion as provided for by Article 63(2), Parliament shall have the right to remove the officials listed in the first paragraph of this article by a majority of the total number of MPs. Article 63(4) shall also apply to such cases.

*Constitutional Law of Georgia No 344 of 10 October 2008 - LHG I, No 27, 27.10.2008, Art. 168*

*Constitutional Law of Georgia No 6239 of 22 May 2012 – website, 29.5.2012*

## Article 65

1. The Parliament of Georgia, acting by a majority of its members, shall ratify, denounce, and annul treaties and international agreements.
  - 1<sup>1</sup>. The Government of Georgia shall apply to the Parliament of Georgia for ratification, denunciation, and annulment of treaties and international agreements. In the cases provided for by paragraph 2(a-c) of this article, and also if the treaty (agreement) is signed by the President of Georgia, the President of Georgia shall apply to the Parliament of Georgia for ratification, denunciation, and annulment of treaties and international agreements that requires a countersignature by the Prime Minister.
2. Besides treaties and international agreements requiring ratification, it shall also be obligatory to ratify a treaty or international agreement which:
  - a) envisages Georgia joining an international organisation or interstate alliance;
  - b) is of a military nature;



- c) concerns the territorial integrity or change of the state borders;
- d) concerns the borrowing or lending of money by the State;
- e) requires change of domestic legislation or adoption of laws and statutory acts necessary for the fulfilment of international obligations undertaken.

3. Parliament shall be notified of the conclusion of other treaties and international agreements.

4. If a constitutional claim or a submission has been lodged with the Constitutional Court, the respective treaty or international agreement shall not be ratified until the Constitutional Court passes its judgement.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 66**

1. A draft law or a resolution shall be deemed adopted in Parliament if supported by a majority of the MPs present but at least by one third of the total number of MPs unless the Constitution determines another procedure for passing draft laws and resolutions.

1<sup>1</sup>. A constitutional agreement shall be deemed approved if supported by not less than three fifths of the total number of MPs.

2. A draft organic law shall be deemed adopted if supported by more than half of the full list of MPs.

3. Parliament's approval shall be given in the form of a resolution unless otherwise determined by the Constitution.

4. The procedure for adopting other decisions shall be defined by Parliamentary Rules.

*Constitutional Law of Georgia No 826 of 30 March 2001 - LHG I, No 9, 10.4.2001, Art. 33*

#### **Article 67**

1. The right of legislative initiative shall be granted to the Government, MPs, parliamentary factions, parliamentary committees, supreme representative bodies of the Autonomous Republic of Abkhazia, the Autonomous Republic of Ajara, and not less than 30,000 voters.

2. Parliament shall give priority to consider the draft law submitted by the Government of Georgia upon request.

*Constitutional Law of Georgia No 260 of 20 April 2000 - LHG I, No 15, 25.4.2000, Art. 36*

*Constitutional Law of Georgia No 1689 of 10 October 2002 - LHG I, No 28, 28.10.2002, Art. 128*

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 68**

1. A draft law passed by Parliament shall be submitted to the President of Georgia within seven days.

2. The President shall sign and promulgate the law within 10 days or return it to Parliament with justified comments.

3. If the President returns the draft law to Parliament, Parliament shall put the President's comments to a vote. For the acceptance of the comments, the same number of votes shall suffice as determined by Article 66 of the Constitution for similar draft laws. If the comments are accepted, the final version of the draft law shall be submitted to the President to sign and promulgate within seven days.

4. If Parliament rejects the President's comments, the initial version of the draft law shall be put to a vote. A draft law shall be deemed adopted if it is supported by a majority of the full list of MPs. A draft organic law shall be deemed adopted if it is supported by a majority of the total number of MPs. A constitutional draft law shall be deemed adopted if it is supported by at least three fourths of the total number of MPs.

5. If President fails to promulgate a law within the specified timeframe, the Chairperson of Parliament shall sign and promulgate it.

6. A law shall enter into force on the 15<sup>th</sup> day from its official promulgation unless another date is defined.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

*Constitutional Law of Georgia No 5630 of 27 December 2011– website, 9.1.2012*



## Article 69

1. The President of Georgia is the Head of the State of Georgia, the guarantor of national independence and unity of the country. The President of Georgia shall ensure the functioning of state bodies within the scope of his/her powers granted by the Constitution.
2. The President of Georgia is the Supreme Commander-in-Chief of the Armed Forces of Georgia.
3. The President of Georgia shall represent Georgia in foreign relations.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## Article 70

1. The President of Georgia shall be elected through universal, equal, and direct suffrage by secret ballot for a term of five years. The same person may serve as a president only for two consecutive terms.
2. Any citizen of Georgia who is eligible to vote may be elected as the President of Georgia if he/she is thirty-five years old, has lived in Georgia for at least five years, and has been living in Georgia for the last three years before the election.
3. The right to nominate a candidate for the Presidency shall be vested with a political association of citizens or an initiative group. The nomination shall be supported by the signatures of voters as determined by organic law of Georgia. The number of signatures of voters referred to in organic law shall not exceed 1% of the total number of voters.
4. A candidate having received more than half of the votes of those taking part in elections shall be deemed elected.
5. If no candidate has received the required number of votes in the first round, a second round of elections shall be held within two weeks after the first round results are officially announced.
6. The second round of elections shall be held between 2 candidates with the best results in the first round. Candidate having received a majority of votes shall be deemed elected.
7. If only one candidate takes part in the first round and does not receive the necessary number of votes, new elections shall be held within two months from the date of elections.
8. No election shall be held during a state of emergency or martial law.
9. Regular presidential elections shall be held in the month of October of a calendar year when the President's powers expire. The President of Georgia shall fix the date of elections not later than 60 days before the elections.
10. (Deleted – 15.10.2010, No 3710).

*Constitutional Law of Georgia No 2224 of 20 July 1999 - LHG I, No 35(42), 28.7.1999, Art. 170*

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 4133 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 44*

*Constitutional Law of Georgia No 5853 of 12 March 2008 - LHG I, No 3, 13.3.2008, Art. 8*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## Article 71

1. Before assuming office, the newly elected President shall make a speech and take the following oath of office:

'I, the President of Georgia, do solemnly affirm before God and the nation that I will support and defend the Constitution of Georgia, the independence, unity, and indivisibility of the country; that I will faithfully perform the duties of the President, will care for the security and welfare of the citizens of my country, and for the revival and might of my nation and homeland'.

2. The ceremony under the first paragraph of this article shall take place on the third Sunday after the day of holding presidential elections. The office of President shall terminate upon the inauguration of the newly elected President.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## Article 72

The President of Georgia may neither hold any other position, including in a political party, nor conduct entrepreneurial activities and get a salary or



other permanent remuneration for any other activity.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 73**

1. The President of Georgia shall:

- a) conduct negotiations with other countries and international organisations in agreement with the Government, conclude international agreements and treaties, appoint and dismiss ambassadors and other diplomatic representatives of Georgia on the recommendation of the Government, accredit ambassadors and other diplomatic representatives of foreign states and international organisations in agreement with the Government;
- b) conclude a constitutional agreement with the Apostolic Autocephalous Orthodox Church of Georgia on behalf of the State of Georgia;
- c) nominate a candidate for the office of Prime Minister and appoint a Prime Minister in accordance with the Constitution;
- d) assign the acting Government to perform their official duties until the appointment of the new Government in accordance with the Constitution;
- e) nominate before Parliament, appoint, release, and dismiss officials in accordance with the Constitution, appoint a member of the High Council of Justice as determined by law, participate in the appointment of the Chairperson and members of the Central Election Commission under the procedure and in the cases defined by organic law, nominate candidates for the members of the National Regulatory Authorities to Parliament in agreement with the Government;
- f) nominate a candidate for Chairperson of the Government of the Autonomous Republic of Ajara for approval by the Supreme Council within 10 days after powers of the newly elected Supreme Council of the Autonomous Republic of Ajara are recognised, after having consulted with the political entities represented in the Supreme Council, by prior consent of the Government of Georgia;
- g) declare martial law in the case of armed attack on Georgia, conclude a truce in the case of appropriate conditions, and submit such decisions to Parliament for approval within not later than 48 hours;
- h) declare a state of emergency throughout the country or certain part thereof in the cases of war or mass disorder, infringement upon the territorial integrity of the country, *coup d'etat* and armed insurrection, ecological disasters and outbreak of epidemics, or in other cases, when state bodies are unable to normally exercise their constitutional powers, and submit the decision to Parliament for approval within 48 hours; emergency powers shall apply only to the territory where the state of emergency is declared for the reasons mentioned in this paragraph;
- i) issue decrees having the force of law during a state of emergency or martial law that shall be valid until the end of the state of emergency or martial law, take emergency measures; the decrees shall be submitted to Parliament when it is assembled;
- j) have the right to suspend, on the recommendation of the Government and with the consent of Parliament, the activity of self-government bodies or other representative institutions of territorial units or dismiss them if their activities jeopardize the sovereignty, territorial integrity of the country, or the exercise of constitutional powers by state bodies;
- k) issue decrees, edicts, and ordinances, also orders as the Supreme Commander-in-Chief of the Armed Forces of Georgia, to exercise constitutional powers;
- l) sign and promulgate laws as determined by the Constitution;
- m) make decisions on granting citizenship, asylum;
- n) give state awards, high military, special and honorary titles, and high diplomatic ranks;
- o) grant pardons to convicts;
- p) dissolve Parliament in the cases and as determined by the Constitution;

2. The President of Georgia shall schedule the date of elections for the President of Georgia, Parliament, and representative bodies as determined by the Constitution and law.

3. The President of Georgia shall appoint members of the National Security Council, also appoint and dismiss, in agreement with the Government, the Chief of the General Staff of the Armed Forces of Georgia and other commanders.

4. The President of Georgia shall have the right to address the people and Parliament. The President shall annually submit a report of crucial state-related issues to Parliament.

5. The President of Georgia shall exercise other powers defined in the Constitution and law.

*Constitutional Law of Georgia No 826 of 30 March 2001 - LHG I, No 9, 10.4.2001, Art. 33*

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 2494 of 23 December 2005 - LHG I, No 1, 4.1.2006, Art. 1*

*Constitutional Law of Georgia No 4133 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 44*





*Constitutional Law of Georgia No 4136 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 47*

*Constitutional Law of Georgia No 344 of 10 October 2008 - LHG I, No 27, 27.10.2008, Art. 168*

*Constitutional Law of Georgia No 496 of 25 March 2013 – website, 27.3.2013*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 73<sup>1</sup>**

1. The Prime Minister shall countersign legal acts of the President of Georgia, other than the acts issued during martial law and except as provided for by paragraphs 2-4 of this article.

2. Order of the President shall not require countersignature, except as directly provided for by the Constitution.

3. Countersignature shall not be required for the legal acts of the President of Georgia that, under the Constitution, have been issued on the recommendation of the Government or that have been preliminarily approved by the Government.

4. Countersignature shall not be required for the legal acts of the President of Georgia that relate to:

a) scheduling of elections and dissolution of Parliament on the basis of Article 80 of the Constitution, convocation of first meeting of the newly elected Parliament, also of a special meeting or session of Parliament;

b) signing and promulgation of laws, also return of draft laws with comments to Parliament;

c) nomination, appointment, and dismissal of officials defined by the Constitution unless otherwise provided for by the Constitution;

d) appealing to the court or the Constitutional Court;

e) nomination of a candidate for Prime Minister and appointment of the Prime Minister;

f) imposition of temporary obligations on the Government under Article 80(1) of the Constitution;

g) granting of state awards and special ranks;

h) granting and termination of citizenship;

i) requesting to consider an issue at the meeting of the Government as determined by Article 78(6);

j) activities of the Administration of President and the National Security Council;

k) declaration or revocation of martial law;

l) granting pardons to convicts.

5. Any legal act of the President that requires countersigning shall be promulgated and shall give rise to legal consequences only in the case of countersignature.

6. In the case of countersignature, the responsibility for legal acts shall rest with the Government.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 74**

1. The President of Georgia shall have the right to appoint a referendum for issues defined in the Constitution and law, at the request of the Parliament of Georgia, the Government of Georgia, not less than 200 000 voters, within 30 days after such a request is received.

2. A referendum shall not be held in order to adopt or repeal a law, to grant amnesty or pardon, to ratify or denounce treaties and international agreements, and for issues restricting the basic constitutional rights and freedoms of individuals.

3. Issues related to scheduling and holding a referendum shall be defined in organic law.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 75**

1. The President of Georgia shall enjoy personal immunity. No one shall have the right to arrest or bring criminal proceeding against the President of Georgia while holding the post.

2. Parliament may dismiss the President according to Article 63 of the Constitution and law if he/she violates the Constitution or if his/her actions are



criminal.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 76**

1. If the President of Georgia is unable to discharge his/her powers or his/her powers are terminated early, the Chairperson of the Parliament of Georgia shall perform the duties of the President of Georgia. If the Chairperson of the Parliament of Georgia is unable to discharge the duties of the President of Georgia or if Parliament has been dissolved, the Prime Minister shall perform the duties of the President of Georgia. While the Chairperson of the Parliament of Georgia is discharging the duties of the President of Georgia, one of the Deputy Chairpersons of the Parliament of Georgia shall perform the duties of the Chairperson of the Parliament of Georgia by order of the Chairperson of the Parliament of Georgia. While the Prime Minister is discharging the duties of the President of Georgia, a member of the Government equipped with powers of First Vice-Prime Minister shall discharge the duties of the Prime Minister.

2. The Acting President shall not be authorised to exercise the rights under Article 73(1)(j)(p) and the rights under Article 74(1).

3. Presidential elections shall be held within 45 days the President's term of office terminates. Parliament shall ensure that the elections are held.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 5833 of 11 March 2008 - LHG I, No 3, 13.3.2008, Art. 7*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 76<sup>1</sup>** (Deleted)

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 344 of 10 October 2008 - LHG I, No 27, 27.10.2008, Art. 168*

## **Article 77**

Administration of the President of Georgia shall be established in order to promote the exercise of powers of the President of Georgia. The President of Georgia shall appoint and dismiss the Head of the Administration. The President of Georgia shall determine the structure and rules of operation of the Administration.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

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

### **Government of Georgia**

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

## **Article 78**

1. The Government of Georgia shall be the supreme body of executive power to implement the internal and foreign policy of the country. The Government shall be accountable to the Parliament of Georgia.

2. The Government shall consist of a Prime Minister and ministers. One or several State Ministers may also be represented in the composition of the Government.

3. The Prime Minister shall have the right to assign one of the members of the Government to exercise the duties of the first Vice Prime Minister and to assign one or more members to exercise the duties of the Vice Prime Minister. The procedure for assigning responsibilities of the first Vice Prime Minister and the Vice Prime Minister and their powers shall be laid down in law.

4. The Prime Minister and ministers shall represent Georgia in foreign relations within their competence.

5. The Government shall adopt ordinances and decrees on the basis of and for the fulfillment of the Constitution and other legislative acts. The ordinances and decrees shall be signed by the Prime Minister.

6. The President of Georgia shall have the right to request the particular matters to be discussed at the Government meeting and participate in the discussion. The Secretary and other members of the National Security Council shall also attend the discussion.

7. The structure, powers, and rules of operation of the Government shall be provided for by law. The Government shall submit a draft of the law to the Parliament of Georgia.



8. The Government's term of office shall commence in the cases defined by the Constitution and upon the appointment of the members of the Government under the determined procedure.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 5833 of 11 March 2008 - LHG I, No 3, 13.3.2008, Art. 7*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 79**

1. The Prime Minister is the head of the Government.

2. The Prime Minister shall determine the directions of Government activity, organise Government activity, provide the coordination of and the control over the activity of Government members.

3. The Prime Minister shall present a report to Parliament, upon request, about the progress of the Government Programme.

4. The Prime Minister shall issue individual legal acts - orders, and exercise full administrative duties in the Government building within the scope of his/her powers.

5. The Prime Minister shall appoint and remove from office other members of the Government.

6. The Prime Minister shall appoint and remove from office other officials under the procedure and to the extent as provided for by law. 7. If the Prime Minister resigns or his/her term of office otherwise ceases, the term of office of other Government members shall also cease. If any other Government member resigns or is removed from office, the Prime Minister shall appoint a new member of the Government within two weeks.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 80**

1. Once the authority of the newly elected Parliament is recognised, the Government shall be deemed dismissed, and the President of Georgia shall impose duties on the Government until a new composition of the Government is formed.

2. The President of Georgia shall, within seven days after the Government's authority is revoked, nominate a candidate for Prime Minister proposed by the electoral subject having the best results in parliamentary elections.

3. Any candidate for Prime Minister shall, within seven days, nominate candidates for ministers and propose a composition of the Government to the Parliament of Georgia to gain a vote of confidence. A Government Programme shall be proposed together with a composition of the Government.

4. The Parliament of Georgia shall, within seven days after a composition of the Government has been proposed, consider and put to a vote the confidence in the Government. The confidence of Parliament shall be gained by a majority of the full list of MPs.

5. If a composition of the Government has not gained a vote of confidence, the issue of passing a vote of confidence in the composition proposed initially or in a new composition of the Government shall be put to a vote within 30 days after a composition of the Government has been proposed to Parliament.

6. If a candidate for Prime Minister is not proposed or Parliament does not pass a vote of confidence in the composition of the Government in accordance with and within the timeframe provided for by the fifth paragraph of this article, the President shall, within seven days, nominate a candidate for Prime Minister proposed by at least two fifths of the full list of MPs. If different compositions of MPs nominate 2 candidates, the President shall nominate the candidate proposed by a majority of MPs. If candidates are nominated by equal number of MPs, the President shall nominate one of the candidates proposed.

7. In the case provided for by the sixth paragraph of this article, Government members shall be selected and a vote of confidence shall be given in a composition of the Government according to the third and fourth paragraphs of this article. If Parliament fails to give a vote of confidence in a composition of the Government, the President of Georgia shall, within three days, dissolve Parliament and schedule extraordinary elections.

8. The President of Georgia shall appoint the Prime Minister within two days after giving a vote of confidence in a composition of the Government. The Prime Minister shall also appoint the other members of the Government within two days. Unless the President issues a legal act on the appointment of Prime Minister within the defined timeframe, the Prime Minister shall be deemed appointed.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 496 of 25 March 2013 – website, 27.3.2013*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 80<sup>1</sup>**



1. If the Government ceases to exercise its authority, the President of Georgia shall, within seven days, nominate a candidate for Prime Minister proposed by the parliamentary majority, and unless such a majority is formed, shall nominate a candidate proposed by the parliamentary faction where the most members of the Parliament are represented.

2. Government members shall be selected and a vote of confidence shall be given in a composition of the Government in accordance with paragraphs 3-8 of Article 80 of the Constitution of Georgia.

3. In the circumstances defined in the first paragraph of this article, the President of Georgia shall impose duties on the same composition of the Government until a new Government is formed.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 81**

1. Parliament shall have the right to give a vote of no confidence in the Government. Not less than two fifths of the full list of MPs shall have the right to call for a vote of no confidence. A vote of no confidence shall be called for within not earlier than 20 and not later than 25 days. A vote of no confidence shall be deemed called for if the decision is supported by a majority of the full list of MPs. Unless Parliament adopts a decision on calling for a vote of no confidence, the same MPs shall not apply to Parliament for calling for a vote of no confidence within six months upon holding a vote.

2. Parliament shall, not earlier than 20 days and not later than 25 days after calling for a vote of no confidence, vote for the nomination of the candidate for Prime Minister proposed by at least two fifths of the full list of MPs to the President. If 2 candidates are nominated under this paragraph, both of them shall be put to a vote. A candidate for Prime Minister shall be presented to the President if a majority of the full list of MPs has voted for him/her. Failure to put up a candidate for Prime Minister as determined by this paragraph shall mean the termination of the procedure for giving a vote of no confidence.

3. The President shall have the right to put up a nominated candidate for Prime Minister or refuse to put up the same candidate within five days after the nomination. If the President puts up the candidate nominated by Parliament, a vote of confidence shall be given in a new composition of the Government under the procedure determined by Article 80(3) and (4) of the Constitution.

4. If the President refuses to put up a candidate for Prime Minister proposed by Parliament under the third paragraph of this article, Parliament shall vote for the nomination of the same candidate for Prime Minister to the President within not earlier than 15 and not later than 20 days after the nomination. If nomination is supported by three fifths of the total number of MPs, the President shall be obliged to put up, within three days, the candidate for Prime Minister proposed to him. A vote of confidence shall be given to a new composition of the Government as determined by Article 80(3) and (4).

5. Giving Parliament's vote of confidence in a new composition of the Government as determined by the third or fourth paragraphs of this article shall be deemed as giving a vote of no confidence in the Government. This shall lead to the termination of term of office of the Government. A new Prime Minister and members of the Government shall be appointed as determined by Article 80(8).

6. If Parliament gives a vote of no confidence in a new composition of the Government as determined by the third or fourth paragraphs of this article, the President shall have the right to dissolve Parliament and schedule extraordinary elections within three days.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

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

1. After Parliament gives a vote of confidence in the Government and the Government Programme, if the initial composition of the Government is renewed by one third but not less than 5 members of the Government, the President of Georgia shall present a composition of the Government to Parliament for giving a vote of confidence within one week.

2. Parliament shall give a vote of confidence in a composition of the Government as determined by Article 80 of the Constitution.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

*Constitutional Law of Georgia No 1456 of 4 October 2013 – website, 16.10.2013*

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

1. Ministries shall be established in order to ensure the implementation of state governance and state policy in specific areas of state and public life.

2. A ministry shall be headed by a minister who adopts decisions independently on the matters falling within his/her competence. A minister shall issue orders on the basis and for the fulfillment of law, a normative act of the President, or an ordinance of the Government.

3. The State Minister shall be appointed as determined by the Constitution in order to fulfil state objectives of particular importance.

4. A member of the Government shall have no right to hold any other office except in a party, establish a company, engage in entrepreneurial activity,



or receive a salary from any other activity except from scientific, pedagogical, and creative work.

5. A member of the Government shall be authorised to resign.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

### **Article 81<sup>3</sup>**

1. Executive authority in the administrative-territorial units of Georgia shall be represented by State Trustees – Governors.

2. The powers of a State Trustee - Governor shall be defined by law.

3. The Government shall appoint and dismiss a State Trustee - Governor.

*Constitutional Law of Georgia No 5833 of 11 March 2008 - LHG I, No 3, 13.3.2008, Art. 7*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

### **Article 81<sup>4</sup>**

Bodies of the Prosecutor's Office are under the system of the Ministry for Justice and the Minister for Justice shall provide general management of their operations. The powers and activities of the Prosecutor's Office shall be defined by law.

*Constitutional Law of Georgia No 344 of 10 October 2008 - LHG I, No 27, 27.10.2008, Art. 168*

## **CHAPTER FIVE**

### **Judicial Authority**

#### **Article 82**

1. Judicial authority shall be exercised through constitutional control, justice, and other forms determined by law.

2. Judicial acts shall be binding upon all state bodies and persons throughout the territory of the country.

3. Judicial authority shall be independent and be exercised exclusively by the courts.

4. A court shall award a judgement on behalf of Georgia.

5. Cases in the courts of general jurisdiction shall be heard by juries in the cases and as provided for by law.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

#### **Article 83**

1. The Constitutional Court of Georgia shall be a judicial body of constitutional control. Its powers, the procedure for its creation and activity shall be laid down in the Constitution and organic law.

2. Justice shall be administered by the courts of general jurisdiction. Their system shall be determined in organic law.

3. Military courts may be established under martial law and exclusively within the courts of general jurisdiction.

4. Establishment of either extraordinary or special courts shall be inadmissible.

*Constitutional Law of Georgia No 4133 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 44*

#### **Article 84**

1. A judge shall be independent in his/her activity and shall comply with the Constitution and law only. Any pressure upon a judge or any interference in his/her activity in order to influence his/her decision making shall be prohibited and punishable by law.

2. A judge may be removed from consideration of a case or dismissed from office early or moved to another position only in the cases defined by law.

3. No one shall have the right to claim a report of any particular case from a judge.

4. All acts restricting the independence of any judge shall be null and void.



5. Only a court may quash, change, or suspend a court decision as determined by law.

#### **Article 85**

1. A court shall consider a case at an open hearing. Consideration of cases at a closed hearing shall be permitted only in the cases provided for by law. A court decision shall be published.

2. Legal proceedings shall be conducted in the official language. An individual not having a command of the official language shall be provided with an interpreter service. Teaching of the official language and solution of the issues related to legal proceedings shall be guaranteed in the regions where the population does not have a command of the official language.

3. Legal proceedings shall be conducted on the basis of equality and competition of parties.

#### **Article 86**

1. A judge shall be a citizen of Georgia who is thirty years old and over, and who has relevant higher legal education with at least a five-year experience in the practice of law.

2. Judges shall be appointed for life unless they reach the age determined by law. Before the lifetime appointment of a judge, the appointment of a judge for a definite period but not more than three years may be envisaged by law. The selection, appointment, or dismissal procedure for judges shall be laid down in the Constitution and organic law.

3. The position of a judge shall be incompatible with any other occupation and remunerative activity, except for pedagogical and scientific activities. A judge may not be a member of a political party or participate in a political activity.

*Constitutional Law of Georgia No 2496 of 27 December 2005 - LHG I, No 1, 4.1.2006, Art. 2*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 86<sup>1</sup>**

1. The High Council of Justice of Georgia shall be established in order to appoint and dismiss judges to/from office and to perform other tasks.

2. More than half of the High Council of Justice of Georgia shall be composed of the members elected by a self-government body of judges of the courts of Georgia of general jurisdiction. Chairperson of the Supreme Court of Georgia shall chair the High Council of Justice of Georgia.

3. The powers and the procedures for establishment of the High Council of Justice of Georgia shall be defined by organic law.

*Constitutional Law of Georgia No 4133 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 44*

#### **Article 87**

1. A judge shall enjoy personal immunity. No one has the right to arrest, detain, or bring criminal proceedings against a judge, search his/her apartment, car, workplace, or conduct a personal search without the consent of the Chairperson of the Supreme Court of Georgia, except when he/she is caught at the scene of crime, in which case the Chairperson of the Supreme Court of Georgia shall immediately be notified. Unless the Chairperson of the Supreme Court of Georgia gives his/her consent, the arrested or detained judge shall immediately be released.

2. The State shall ensure the security of any judge and their family.

#### **Article 88**

1. The Constitutional Court of Georgia shall exercise judicial power by virtue of constitutional litigation.

2. The Constitutional Court of Georgia consists of 9 judges who are members of the Constitutional Court. Three members of the Court shall be appointed by the President of Georgia, three members shall be elected by more than half of the full list of MPs, and three members shall be appointed by the Supreme Court. Members of the Constitutional Court shall be appointed for 10 years. The Constitutional Court shall elect its chairperson among its composition for a period of five years.

3. No person shall be a member of the Constitutional Court if they have held this office before.

4. Any citizen of Georgia having a higher legal education who is thirty years old may be a member of the Constitutional Court. The recruitment, appointment, and election procedure, and the issue of termination of office for members of the Constitutional Court, as well as other issues of the constitutional litigation and activity of the Constitutional Court shall be laid down in law.

5. A member of the Constitutional Court shall enjoy personal immunity. No one has the right to arrest, detain, or bring criminal proceeding against a member of the Constitutional Court, search his/her apartment, car, workplace, or conduct a personal search without the consent of the Constitutional Court, except when he/she is caught at the scene of crime, in which case the Constitutional Court of Georgia shall immediately be notified. Unless the



Constitutional Court gives its consent, the arrested or detained member of the Constitutional Court shall immediately be released.

*Constitutional Law of Georgia No 2496 of 27 December 2005 - LHG I, No 1, 4.1.2006, Art. 2*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 89**

1. Based on an action brought or a nomination made by the President of Georgia, the Government of Georgia, not less than one fifth of MPs, the court, supreme representative bodies of the Autonomous Republics of Abkhazia and Ajara, self-government representative bodies - Sakrebulo, the High Council of Justice, the Public Defender or a citizen, under the procedure determined by an organic law, the Constitutional Court of Georgia shall:

a) adjudicate the constitutionality of a Constitutional Agreement, law, normative acts of the President and the Government, normative acts of supreme state bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara;

b) consider disputes on competence between the state bodies;

c) consider the constitutionality of formation and activity of political unions of citizens;

d) consider disputes on the constitutionality of regulations governing referenda and elections, as well as disputes on the constitutionality of elections (referenda) held or to be held on the basis of the regulations;

e) consider the constitutionality of treaties and international agreements;

f) consider the constitutionality of normative acts in terms of fundamental human rights and freedoms enshrined in Chapter Two of the Constitution on the basis of an individual's lawsuit;

f<sup>1</sup>) consider disputes on violations of the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara;

f<sup>2</sup>) consider disputes on the constitutionality of normative acts in terms of the provisions defined by Chapter Seven<sup>1</sup> of the Constitution on the basis of a lawsuit brought by a self-government representative body - Sakrebulo;

f<sup>3</sup>) consider the compatibility of normative acts with Articles 82, 84, 86, 86<sup>1</sup>, 87 and 90 of the Constitution based on the submission by the High Council of Justice;

g) exercise other powers defined by the Constitution and organic law of Georgia.

2. A judgement of the Constitutional Court shall be final. A normative act or part of it recognised as unconstitutional shall cease to have legal effect as soon as the respective judgement of the Constitutional Court is published.

*Constitutional Law of Georgia No 260 of 20 April 2000 - LHG I, No 15, 25.4.2000, Art. 36*

*Constitutional Law of Georgia No 826 of 30 March 2001 - LHG I, No 9, 10.4.2001, Art. 33*

*Constitutional Law of Georgia No 1689 of 10 October 2002 - LHG I, No 28, 28.10.2002, Art. 128*

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 306 of 1 July 2004 - LHG I, No 16, 4.7.2004, Art. 54*

*Constitutional Law of Georgia No 2496 of 27 December 2005 - LHG I, No 1, 4.1.2006, Art. 2*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **Article 90**

1. The Court of Cassation shall be the Supreme Court of Georgia.

2. The chairperson and judges of the Supreme Court of Georgia shall be elected for a period of not less than 10 years by Parliament, by a majority of the full list of MPs, on the recommendation of the President of Georgia.

3. The powers, structure, rules of operation and procedure for early termination of the office of the Supreme Court judges shall be defined by organic law.

4. The chairperson and members of the Supreme Court of Georgia shall enjoy personal immunity. No one has the right to arrest, detain, or bring criminal proceeding against the chairperson and members of the Supreme Court, search his/her apartment, car, workplace, or conduct a personal search without the consent of Parliament, except when he/she is caught at the scene of crime, in which case the Parliament of Georgia shall immediately be notified. Unless the Parliament of Georgia gives its consent, the arrested or detained person shall immediately be released.

*Constitutional Law of Georgia No 2496 of 27 December 2005 - LHG I, No 1, 4.1.2006, Art. 2*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*



**Article 91.** (Deleted)

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

**CHAPTER SIX**

**State Finances and Control**

**Article 92**

1. The Parliament of Georgia shall annually adopt the Law on State Budget by a majority of the full list of MPs and the President of Georgia shall sign it.
2. The procedure for drafting and adopting the State Budget of Georgia shall be determined by law.

**Article 93**

1. Only the Government of Georgia shall have the right to present a draft State Budget to Parliament after it has examined the Basic Data and Directions with the committees of Parliament.
2. The Government shall submit a draft State Budget for the next year to Parliament not later than three months before the end of a budget year. Along with a draft State Budget, the Government shall submit a report of the progress of the execution of the State Budget for the current year. The Government shall submit a report of execution of the State Budget to Parliament for approval not later than five months from the end of a budget year.
3. Amendments may be made to a draft State Budget only by the consent of the Government. The Government may demand that Parliament incur additional state expenditure only if it indicates the source for covering the expenditure.
4. If Parliament fails to adopt the presented State Budget within three months, the expenditure shall be covered according to the State Budget for the previous year.
- 4<sup>1</sup>. If Parliament fails to adopt State Budget within two months after the beginning of a new budget year, this shall be regarded as raising a question of giving a vote of no confidence and the procedures under Article 81(2-5) of the Constitution shall continue. If Parliament fails to give the Government a vote of no confidence within the timeframe prescribed by paragraphs 2-4 of the same article, the President shall dismiss Parliament within three days after the above term expires and shall call extraordinary elections.
5. Parliament may adopt a draft law that increases expenditure of the State Budget for the current year, reduces income, or places the State under new financial obligations only by the consent of the Government, whereas, a draft law associated with the following financial year may be adopted by the consent of the Government or within the scope of a document of Basic Data and Directions of the country presented by the Government to Parliament.
6. Parliament shall control public expenditure through the State Audit Office.
7. The fundamental principles of economic policy with a view to ensure long-term, sustainable economic growth shall be defined by organic law. Cases of violation of thresholds set by macroeconomic parameters and deviation from prescribed thresholds in case of urgent necessity, also measures to be taken for returning to the parameter thresholds shall be determined by organic law.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

*Constitutional Law of Georgia No 4033 of 15 December 2010 - website, 3.1.2011*

*Constitutional Law of Georgia No 6240 of 22 May 2012 - website, 29.5.2012*

*Constitutional Law of Georgia No 1456 of 4 October 2013 - website, 16.10.2013*

**Article 94**

1. Taxes and fees shall be paid in the amount and under the procedure determined by law.
2. Only law shall determine the structure of taxes and fees and the procedure for introduction thereof.
3. Exemption from taxes shall be permitted only by law.
4. A new type of common-state tax, except for excise tax, may be adopted or the upper limit of the current rate may be increased by a type of common-state tax only through a referendum, except for the cases provided for by organic law. Only the Government of Georgia shall have the right to initiate a referendum.
5. Introduction or change of a tax shall not be deemed an introduction of a new type of common-state tax or an increase in the marginal rate if the introduced or changed tax represents an alternative to the current tax or replaces the current tax and at the same time does not increase the tax burden.





Furthermore, tax rate changes by the type of taxes within the current marginal rate shall not be deemed an introduction of a new type of common-state tax or an increase in the marginal rate.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

*Constitutional Law of Georgia No 4033 of 15 December 2010 - website, 3.1.2011*

#### **Article 95**

1. The National Bank of Georgia shall conduct monetary policy to ensure price stability, as well as shall maintain the stable operation of the financial sector.
2. (Deleted – 15.10.2010, No 3710).
3. The National Bank shall be the principal bank of Georgia, the banker and fiscal agent of the Government of Georgia.
4. The National Bank shall be independent in its activity. The rights and duties, the procedure of activity shall be determined and the independence of the National Bank shall be guaranteed by organic law.
5. The name and unit of money shall be determined by law. Only the National Bank shall have the right to money emission.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 96**

1. The Council of the National Bank shall be the supreme body of the National Bank of Georgia. On the recommendation of the President of Georgia a majority of MPs shall elect the members of the Council of the National Bank for a term of seven years. Members of the Council of the National Bank may be dismissed only by a Parliament decision in accordance with Article 64.
2. The President of Georgia shall appoint the President of the National Bank from among the members of the Council of the National Bank and dismiss him/her from office.
3. The National Bank shall be accountable to Parliament and shall present to it a report of its activity annually.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 97**

1. The State Audit Office shall supervise the use and expenditure of public funds and other material values. It shall also have the right to examine the activities of other state bodies of fiscal and economic control and to submit proposals for improving tax legislation to Parliament.
2. The State Audit Office shall be independent in its activity. It shall be accountable to the Parliament of Georgia. The Parliament of Georgia shall elect the General Auditor of State Audit Office for a term of five years by a majority of the full list of MPs on the recommendation of the Chairperson of Parliament. The grounds and procedure for dismissal of General Auditor from office shall be determined by the Constitution and law.
3. The State Audit Office shall submit a report regarding the Government report to Parliament biannually while submitting the preliminary and final reports of budget execution, and it shall submit a report of its activity annually.
4. The powers, structure, and rules of operation of the State Audit Office shall be defined and its independence shall be guaranteed by law.
5. Other bodies of state control shall be set up in accordance with law.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

*Constitutional Law of Georgia No 6239 of 22 May 2012 - website, 29.5.2012*

### **CHAPTER SEVEN**

#### **State Defense**

#### **Article 98**

1. Defensive war shall be a sovereign right of Georgia.
2. Georgia shall have the Armed Forces to protect the independence, sovereignty, and territorial integrity of the country, also to fulfill its international obligations.
3. The types and composition of the Armed Forces shall be determined by law. The President of Georgia shall approve the structure of the Armed Forces, while the Parliament of Georgia shall approve the number of the Armed Forces by a majority of the full list of MPs on the recommendation of



#### **Article 99**

1. The National Security Council shall be set up to organise the military development and defence of the country. The President of Georgia shall head the National Security Council.
2. The composition, powers, and rules of operation of the National Security Council shall be determined by organic law.

#### **Article 100**

1. The President of Georgia shall make a decision on activation of the Armed Forces and present the decision to Parliament for approval within 48 hours after it is made. In addition, the Armed Forces shall not be used for the fulfillment of international obligations without the consent of the Parliament of Georgia.
2. The President of Georgia shall make a decision on the entry, use, and dislocation of the military forces of another state in the territory of Georgia in special cases and in the cases provided for by law for the purposes of state defence. The decision shall immediately be submitted to Parliament for approval and shall enter into force by consent of Parliament.

*Constitutional Law of Georgia No 3272 of 6 February 2004 - LHG I, No 2, 7.2.2004, Art. 5*

#### **Article 101**

1. The defence of Georgia shall be an obligation of every citizen of Georgia.
2. It is the duty of every citizen to defend the country and serve time in the army. The form of serving in the army shall be determined by law.

### **CHAPTER SEVEN<sup>1</sup>**

#### **Local Self-Government**

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 101<sup>1</sup>**

1. The establishment procedure and activity of representative and executive bodies of local self-government shall be defined by organic law. Executive bodies of local self-government shall be accountable to representative bodies of local self-government.
2. Citizens of Georgia registered within the self-governing unit area shall elect a local self-government representative body Sakrebulo by direct, universal, equal suffrage through secret ballot.
3. The procedure for establishment and revocation of a local self-governing unit, also the procedure for revising its administrative frontiers shall be determined by organic law. Consultations with a local self-governing unit shall precede the revocation of a self-governing unit or revision of its administrative frontiers.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

#### **Article 101<sup>2</sup>**

1. Powers of local self-government shall be delimited from those of state bodies. A self-governing unit shall have its own and delegated powers. The powers and the basic principles of how to define powers of local self-government shall be determined by organic law.
2. A self-governing unit shall exercise its powers independently and by its own responsibility as determined by the legislation of Georgia. The powers defined by organic law shall be exclusive.
3. A self-governing unit shall have the right to take any decision on its own initiative, provided that the decision does not fall within the competence of any other government agency or is not prohibited by law.
4. State bodies may delegate rights and powers to a self-governing unit on the basis of legislative acts and agreements only by transfer of relevant material and financial resources. The Procedure for calculation of the amount of such resources shall be defined by law.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*



### **Article 101<sup>3</sup>**

1. Local self-government shall have its property and finances.
2. Decisions made by self-government bodies within the scope of their competence shall be binding in the territory of self-governing units.
3. State supervision over the activities of local self-government bodies shall be carried out as determined by law. State supervision provides compliance of normative acts of local self-government with the legislation of Georgia and proper implementation of delegated powers. State supervision shall be exercised in proportion to its goals.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

## **CHAPTER EIGHT**

### **Revision of the Constitution**

#### **Article 102**

1. A draft law on general or partial revision of the Constitution may be submitted by:
  - a) (deleted – 15.10.2010, No 3710)
  - b) more than half of the total number of MPs
  - c) not less than 200 000 voters.
2. A draft law revising the Constitution shall be submitted to the Parliament of Georgia. Parliament shall promulgate the draft law for open discussion. Parliament shall start to consider the draft law in a month from its promulgation.
3. A draft law revising the Constitution shall be deemed adopted if it is supported by not less than three fourths of the total number of MPs of Georgia at two successive sessions of the Parliament of Georgia after an interval of at least three months.
4. The President of Georgia shall sign and promulgate the law on revision of the Constitution as provided for by Article 68 of the Constitution.

*Constitutional Law of Georgia No 3710 of 15 October 2010 - LHG I, No 62, 5.11.2010, Art. 379*

*Constitutional Law of Georgia No 5630 of 27 December 2011 - website, 9.1.2012*

*Constitutional Law of Georgia No 1456 of 4 October 2013 - website, 16.10.2013*

#### **Article 103**

Announcement of a state of emergency or martial law shall lead to the suspension of the revision of the Constitution until the state of emergency or martial law has been cancelled.

## **CHAPTER NINE**

### **Transitional Provisions**

#### **Article 104**

1. The Constitution of Georgia shall enter into force upon the date of recognising the powers of the newly elected President and the Parliament of Georgia.
2. Articles 49, 50 and 70 of the Constitution shall enter into force after the Constitution is promulgated.

#### **Article 104<sup>1</sup>**

1. Article 49(1) and Article 58(1) of the Constitution shall enter into force as soon as appropriate amendments and additions are made to the organic law Election Code of Georgia.
2. The composition of the Parliament of Georgia elected in 2004, before termination of its office, and the number of the MPs required for the establishment of a faction shall be determined by the legislation applicable at the time of parliamentary elections.
3. Regular elections of the Parliament of Georgia for 2008 shall take place in May. The President of Georgia shall schedule the date of elections not later than 60 days before elections.

*Constitutional Law of Georgia No 1010 of 23 February 2005 - LHG I, No 8, 10.3.2005, Art. 57*

*Constitutional Law of Georgia No 4133 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 44*



#### **Article 104<sup>2</sup>**

Powers of an MP of Georgia shall be restored for the MPs who were elected on 21 May 2008 under proportional electoral system but their term of office was terminated early by Resolution of Parliament in accordance with Article 54(2)(a) of the Constitution of Georgia, provided that the powers of their substitutes have not been acknowledged and if they give their consent to such restoration before 1 January 2010.

*Constitutional Law of Georgia No 1675 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 158*

#### **Article 104<sup>3</sup>**

1. Extraordinary elections of local self-government bodies shall be held not later than 1 June 2010.
2. Elections for Tbilisi Mayor shall be held by fair, universal, equal, and direct suffrage through secret ballot within the timeframe defined in the first paragraph of this article.
3. The President of Georgia shall schedule the date for the elections set forth in the first and second paragraphs of this article not later than 60 days before the election.
4. The Parliament of Georgia shall ensure the compliance of other legislative acts of Georgia with this article within one month after it is enacted.

*Constitutional Law of Georgia No 2565 of 12 February 2010 - LHG I, No 6, 22.2.2010, Art. 20*

#### **Article 104<sup>4</sup>**

1. Individuals of appropriate age, also citizens of Georgia shall have the right to participate and cast votes in parliamentary and presidential elections held before 1 January 2014 if they were born in Georgia and have been living in Georgia for the last five years, and if they are the citizens of a member state of the European Union at the time of enactment of this article.
2. Limitations set forth in Article 29(1<sup>1</sup>) of the Constitution shall not apply to the case in the first paragraph of this article.

*Constitutional Law of Georgia No 6238 of 22 May 2012 - website, 29.5.2012*

#### **Article 105**

1. A political union of citizens registered as determined by law, the initiative of which is supported by at least 50 000 signatures or which had a representative in Parliament on the day when this Constitution was adopted, shall have the right to stand for elections in 1995.
2. Elections shall be held under the proportional electoral system with a unified party list.
3. A political union or an electoral block shall have the right to nominate a candidate for MP in a majoritarian electoral district who is at the same time on its party list.
4. A candidate having obtained the most number of votes but not less than one third of votes shall be deemed elected in a majoritarian electoral district.
5. If none of the candidates received the required number of votes in the first round, the second round shall be held. Two candidates with the best results shall take part in the second round. The candidate having received the most number of votes shall be deemed elected.
6. This article shall enter into force upon the promulgation of the Constitution and shall be valid until the tenure of a newly elected Parliament is recognised.

#### **Article 106**

1. After the Constitution comes into force, only the legal act or part thereof that does not contradict the Constitution shall have legal force.
2. During two years after the Constitution enters into force, the President of Georgia and the Parliament of Georgia shall ensure the public registration of normative acts adopted before the entry into force of the Constitution, and shall guarantee the compliance thereof with the Constitution and laws.
3. The Parliament of Georgia shall, within two years after the Constitution enters into force, adopt organic laws envisaged by the Constitution or confirm the lawfulness of normative acts applicable in the field.

#### **Article 107**



1. Current legislation on the judiciary shall remain in force before the adoption of organic laws on the judiciary according to the Constitution.
2. Article 18(2) and (3) of the Constitution shall enter into force after the respective criminal procedural legislative acts are adopted.
3. The Organic Law on Constitutional Court shall be adopted before 1 February 1996.

#### **Article 108**

If Georgian jurisdiction in the whole territory of Georgia is restored, appropriate amendments and additions to Article 102(2) of the Constitution may be made as an exception, without promulgation of a draft law revising the Constitution for open discussion.

#### **Article 109**

1. The duly adopted Constitution shall be signed and promulgated by the Head of State of Georgia.
2. Members of the Parliament of Georgia and members of the Constitutional Commission shall sign the text of the Constitution. The text of the Constitution shall be kept publicly in the premises of all local authorities of Georgia within at least one year after the Constitution enters into force so as to let the population get familiar with the Constitution.

**Head of State of Georgia**

**Eduard Shevardnadze**

**Tbilisi**

**24 August 1995**

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