

**The Constitutional Law of Georgia**  
**On Amendments to the Constitution of Georgia**

**Article 1.** The Constitution of Georgia shall be formulated as following:

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 recognized 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.

**Chapter One. General Provisions**

**Article 1. State sovereignty**

1. Georgia is an independent, unified and indivisible state as confirmed by the Referendum of 31 March 1991 held throughout the whole territory of the country including the Autonomous Soviet Socialist Republic of Abkhazia and the former Autonomous District of South Ossetia and by the Act of Restoration of State Independence of Georgia of 9 April 1991.
2. 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 recognized by the world community of nations and international organizations. Alienation of the territory of Georgia shall be prohibited. The state borders may be changed only by a bilateral agreement with a neighboring state.

**Article 2. State symbols**

1. "Georgia" is the name of the State of Georgia.
2. Tbilisi is the capital of Georgia.
3. The official language of Georgia shall be Georgian and also Abkhazian in the Autonomous Republic of Abkhazia. The official language is protected by Organic Law.
4. The state flag, the coat of arms and the anthem of Georgia is defined by Organic Law, which shall be revised in accordance with the procedure established for the revision of the Constitution.

**Article 3. Democracy**

1. Georgia is a democratic state.
2. The political structure of the State of Georgia is a democratic republic.
3. People shall be the source of state authority. People exercise their power through their representatives, also through a referendum and other forms of direct democracy. Participation in elections and referenda is a duty of every citizen of Georgia.
4. No one has the right to appropriate or illegally seize the power. The current term of the body elected through universal elections shall not be extended or reduced by the Constitution or law.
5. Political parties participate in the formation of political will of people. Activities of political parties are based on principles of their freedom, equality, transparency and inner-party democracy.

#### **Article 4. A rule-of-law state**

1. Georgia is a rule-of-law state.
2. The State recognizes and protects universally recognized human rights and freedoms as eternal and supreme human values. While exercising authority, the people and the State shall be bound by these rights and freedoms as directly applicable law. The Constitution of Georgia shall not deny other universally recognized human rights and freedoms that are not explicitly referred to herein but derive from the principles of the Constitution.
3. State authority shall be exercised based on the principle of separation of powers.
4. State authority shall be exercised within the ambit of the Constitution and the law. The Constitution of Georgia shall be the supreme law of the State. The procedure for adoption and issuance of legislative and other normative acts and their hierarchy shall be determined by the Constitution and the Organic Law.
5. The legislation of Georgia shall comply with the universally recognized principles and rules of international law. An international treaty of Georgia, unless it comes into conflict with the Constitution of Georgia or the Constitutional Agreement, shall prevail over domestic normative acts.

#### **Article 5. A social state**

1. Georgia is a social state.
2. The State shall take care for promoting principles of social justice, social equality and social solidarity within the society.
3. The State shall take care for equal socio-economic development over the whole territory of the country. Law establishes the special conditions for the development of high mountainous regions.
4. The State shall take care for ensuring healthcare and social protection, subsistence minimum and decent housing for citizens. The State shall promote employment of citizens. Conditions of providing subsistence minimum shall be determined by law.
5. The State shall take care for development of education, science, culture and sports, and protection of cultural heritage.

## **Article 6. Economic freedom**

1. Economic freedom is recognized and guaranteed.
2. The State shall take care for development of free and open economy, free entrepreneurship and competition.
3. Abolishment of the universal right to ownership, its acquisition, alienation or inheritance shall be inadmissible.

## **Article 7. Framework of territorial arrangement**

1. The following shall fall within the exclusive competence of supreme state authorities of Georgia:
  - a) Legislation on Georgian citizenship, human rights, emigration and immigration, entering and leaving the country, temporary or permanent stay of aliens and stateless persons in Georgia;
  - b) criminal and penitentiary, civil, intellectual property and trade, administrative and labor, procedural legislation; land, minerals and natural resources legislation; pharmaceutical legislation; legislation on accreditation of educational institutions and academic degrees; the National Academy of Sciences;
  - c) Foreign policy and international relations; foreign trade, custom and tariff regimes;
  - d) state defense, armed forces, military industry and arms trade; issues of war and ceasefire; determination and introduction of legal regime of state of emergency and martial law; courts and prosecution; state security; criminal police and investigation; status, regime, and protection of the state borders; sanitary cordon on borders;
  - e) State finances and state loans; currency issuance; banking, credit, insurance and tax legislation;
  - f) railways and roads of state significance; integrated power system and regime; communications; status and protection of territorial waters, airspace, continental shelf and exclusive economic zone; aviation; merchant fleet; ensigns; harbors of state significance; fishing in oceans and high seas; meteorology; environmental monitoring systems; standards and etalons; geodesy and cartography; determining the exact time; state statistics.
2. The powers and rules of authority of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara shall be defined by constitutional laws of Georgia that constitute an integral part of the Constitution.
3. Constitutional law shall revise 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 shall regulate the affairs of local importance through local self-governance in accordance with the legislation of Georgia. The separation of powers between the state authorities and self-governing units is based on the principle of subsidiarity. The State ensures the compliance of financial resources of self-governing units with its powers defined by Organic Law.

## **Article 8. Relationship between the State and the Georgian Orthodox Church**

Along with freedom of belief and confession, the State shall recognize the outstanding role of the Apostolic Autocephalous Orthodox Church of Georgia in the history of Georgia and its independence from the State. Relations between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia shall be

governed by the Constitutional Agreement that should be in full compliance with the universally recognized principles and norms of international law.

## **Chapter Two. Fundamental Human Rights**

### **Article 9. Right to human dignity**

1. Human dignity shall be inviolable and protected by the State.
2. No one shall be subjected to torture, inhuman or degrading treatment, or cruel, inhuman or degrading punishment.

### **Article 10. Rights to life and physical integrity**

1. Human Life shall be protected. Death penalty shall be prohibited.
2. The physical integrity of a person shall be protected.

### **Article 11. Right to Equality**

1. All persons shall be equal before the law. Any discrimination based on race, color, origin, ethnic belonging, language, sex, religion, political and other opinions, social affiliation, property and social rank, residence or any other ground shall be prohibited.
2. According to universally recognized principles and norms of international law and legislation of Georgia, citizens of Georgia regardless of their ethnic, religious or linguistic origin, shall have the right to maintain and develop their culture without any discrimination and enjoy their mother tongue in private and publicly.
3. The State shall provide equal rights and opportunities for men and women. The State shall take special measures to ensure the essential equality of men and women and eliminate inequality.
4. The State shall create special conditions for exercising rights and interests of persons with disabilities.

### **Article 12. Right to personal identity**

Everyone shall have the right to the free development of their personality.

### **Article 13. Personal Liberty**

1. Personal liberty shall be protected.
2. Imposing imprisonment or otherwise depriving liberty shall be permitted only on the basis of court decision.
3. Arrest of a person shall be permitted by a specially authorized official in cases provided by law. A detainee 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 deprivation of liberty within next 24 hours, the person shall be released immediately.

4. A person shall be informed about his/her rights and grounds for detention immediately upon detention. A person may request an assistance of a lawyer immediately upon detention which must be satisfied.
5. Pre-trial detention period shall not exceed nine months.
6. Violation of requirements of this Article shall be punishable by law. A person whose liberty is unlawfully deprived shall have the right to compensation.

#### **Article 14. Freedom of movement**

1. Everyone lawfully in Georgia shall have the right to move freely within the territory of the country, choose his/her place of residence freely and leave Georgia freely.
2. These rights may be subject only to such restrictions that are prescribed by law and are necessary in a democratic society to ensure national security and public safety, prevent crime, protect public health or administer justice.
3. A citizen of Georgia shall be free to enter Georgia.

#### **Article 15. The rights to privacy, protection of communication and informational self-determination**

1. Personal space and communication shall be respected and protected. No one shall have the right to enter a place of residence or other possessions against the will of a possessor, nor to conduct a search.
2. These rights may be subject only to such restrictions that are prescribed by law and are necessary in a democratic society to ensure national security and public safety, prevent crime or protect rights of others based on a court decision, or without a court decision in cases of urgent necessity. The court shall be notified on restriction of the right not later than 12 hours in order to confirm the legality of restriction not later than 24 hours after its submission.
3. Information contained in official records pertaining to health, finances or other personal matters of an individual shall not be made available to anyone without prior consent of an individual in question, except as determined by law, when it is necessary to ensure national security or public safety, protect public interests, health or rights of others.

#### **Article 16. Freedom of belief and conscience**

1. Everyone has the freedom of belief and conscience.
2. No one shall be persecuted because of his/her belief or conscience, or be compelled to express his/her opinion about belief or conscience.
3. Restriction of freedom of belief and conscience shall be inadmissible unless their manifestation violate the rights of others.

#### **Article 17. Rights to freedom of opinion, information, mass media and the Internet**

1. Freedom of opinion shall be protected. No one shall be persecuted because of his/her opinion or for its expression.
2. Everyone has the right to receive and disseminate information freely.
3. Mass media shall be free. Censorship shall be inadmissible. Neither the State nor particular individuals shall have the right to monopolize mass media or the means of dissemination of information.
4. Everyone has the right to access and freely use Internet..
5. The exercise of these rights may be restricted by law on such conditions which are necessary in a democratic society for ensuring national security, public safety or territorial integrity, for the prevention of crime, for the protection of the rights of others, for preventing the disclosure of information that is deemed confidential or for ensuring the authority and impartiality of the judiciary.
6. The independence of the public broadcaster from state agencies and freedom from political and substantial commercial influence shall be ensured by law.
7. Institutional and financial independence of the national regulatory body that is established for protection of media pluralism, exercise of freedom of expression in mass media or prevention of monopolization of mass media or means of dissemination, as well as protection of rights of consumers and entrepreneurs in the field of broadcasting and electronic communications shall be guaranteed by law.

#### **Article 18. Rights of fair administrative proceedings and access to public information**

1. Everyone has the right to a fair hearing of his/her case by an administrative body within a reasonable time.
2. Everyone has the right to access information and official documents that are kept in public institutions, unless they contain state or commercial secrets.
3. Everyone shall be entitled to full compensation for damages unlawfully caused by state bodies or bodies of the autonomous republics and self-governances and their employees from the state funds or funds of the autonomous republic and local self-governances respectively.

#### **Article 19. Right to property**

1. The right to own and inherit property shall be recognized and guaranteed.
2. In the public interest, this right may be subject to restrictions in cases prescribed by law and according to the established procedure.
3. Property may be deprived for pressing social needs in cases directly prescribed by law, based on a decision of a court, 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.
4. The right to property over the land as a significant resource shall be regulated by Organic Law.

#### **Article 20. Freedom of intellectual creativity**

1. Freedom of art and academic activities shall be guaranteed. Intellectual property rights shall be protected.

2. Interference in the creative process, censorship in the field of creative activities shall be inadmissible.
3. Dissemination of a creative work may only be prohibited on the basis of a court decision if dissemination of the work violates the rights of others.
4. Cultural heritage shall be protected by law.

#### **Article 21. Freedom of assembly**

1. Everyone, except those who are in composition of the armed forces, has the right to assemble publicly without arms, without prior permission.
2. The law may establish the need for prior notification to the state authority if an assembly or a manifestation is to be held on a public thoroughfare.
3. Authorities may terminate a public assembly or a manifestation only if it assumes unlawful character.

#### **Article 22. Freedom of association**

1. Freedom of association shall be guaranteed.
2. Liquidation of an association may only be made by its own decision or a decision of the court in cases prescribed by Organic Law and according to the established procedure.

#### **Article 23. Freedom of parties**

1. Citizens of Georgia have the right to form a political party and participate in its activities as prescribed by Organic Law.
2. A person who will be enrolled in the armed forces, or appointed as a judge or a prosecutor shall cease to be a member of a political party.
3. Creation and activity of a political party that aims to overthrow or forcibly change the constitutional order of Georgia, infringe the independence and territorial integrity of the country, or propagate war or violence, stir up national, ethnic, religious or social strife, shall be inadmissible. Creation of a political party on territorial grounds shall be inadmissible.
4. A political party may be prohibited only on the basis of a decision of the Constitutional Court, in cases prescribed by Organic Law and according to the established procedure.

#### **Article 24. Right to voting**

1. Every citizen of Georgia, who has attained the age of 18, has the right to participate in referendum and elections of state bodies and bodies of the autonomous republics and self-governances. Free expression of the will of voters shall be guaranteed.
2. A citizen who is serving his/her sentence for a particularly grave offense in a penitentiary institution by a court judgment, or has been recognized as a support recipient by a court decision and admitted to inpatient care establishment shall have no right to participate in elections and referendum.

#### **Article 25. Right to hold public office**

1. Every citizen of Georgia has the right to hold any public office if he/she meets requirements established by law. Conditions of civil service shall be determined by law.
2. A citizen of Georgia who at the same time is a citizen of a foreign country may not hold the office of a President, a Prime Minister, and a Chairperson of the Parliament of Georgia.

#### **Article 26. Freedom of labor, freedom of trade unions, right to strike and freedom of enterprise**

1. Freedom of labor shall be guaranteed. Everyone has the right to free choice of employment. Labor rights shall be protected by Organic Law.
2. Everyone has the right to establish and join trade unions in accordance to the organic law.
3. The right to strike shall be recognized. The procedure for exercising this right shall be determined by Organic Law.
4. Free enterprise shall be guaranteed. Monopolistic activity shall be prohibited, except in cases permitted by law. Consumer rights shall be protected by law.

#### **Article 27. Right to education**

1. Everyone has the right to receive education and right to choose the type of education.
2. Preschool education shall be ensured according to the procedure prescribed by law. Elementary and basic education shall be compulsory. General education shall be fully funded by the State according to the procedure prescribed by law. Citizens shall have the right to state-funded vocational and higher education according to the procedure prescribed by law.

#### **Article 28. Right to health**

1. A citizen has the right to state health insurance as a means of affordable and effective medical assistance.
2. The State shall exercise control over all healthcare institutions, as well as over the production and circulation of medicines.

#### **Article 29. Right to environmental protection**

1. Everyone has the right to live in a healthy environment and enjoy the natural surroundings and public space. Everyone has the right to receive full information about state of the environment in a timely manner. The right to participate in the adoption of environmental decisions shall be ensured by law.
2. Environmental protection, rational use of natural resources and sustainable ecologic development shall be ensured by law, taking into account the interests of current and future generations.

### **Article 30. Right to marriage**

1. Marriage as a union between a woman and a man shall be based on the equality of rights and free will of spouses.
2. The State shall protect the family welfare. The rights of mothers and children shall be protected by law.

### **Article 31. Procedural Rights**

1. Everyone has the right to apply to the court to defend his/her rights. The right to fair and timely trial shall be ensured.
2. Everyone shall be tried only by a court that has jurisdiction over a particular case.
3. The right to defense shall be guaranteed. Everyone has the right to defend his/her rights before a court in person or through a lawyer, or a representative in cases prescribed by law. Unrestricted exercise of the rights of a lawyer as well as the right of self-organization of lawyers shall be guaranteed by law.
4. The defendant has the right to call his/her witnesses and interrogate them under the same conditions as the witnesses of prosecution.
5. A person shall be presumed innocent until his/her guilt is proved according to the procedure established by law on the basis of court's judgment of conviction.
6. No one is obliged to prove his/her innocence. The burden of proof shall be placed on prosecution.
7. A decision to commit an accused for trial shall be based on a reasonable doubt while a judgment of conviction shall be based on incontrovertible evidence. Any suspicion that cannot be proved in accordance with the procedure established by law shall be resolved in the defendant's favor.
8. No one shall be subject to repeated conviction for the same crime.
9. No one shall be held responsible for an action that did not constitute an offence at the time when it was committed. No law shall have retroactive force unless it reduces or abrogates responsibility.
10. Evidence obtained unlawfully shall have no legal force.
11. No one shall be obliged to testify against himself/herself or against his/her relatives who are determined by law.

### **Article 32. Citizenship of Georgia; Compatriots living abroad**

1. Georgia shall protect its citizen regardless of his/her whereabouts.
2. Georgian citizenship shall be obtained by birth and naturalization. The procedure for obtaining and losing Georgian citizenship, granting citizenship of Georgia to a foreign citizen and compiling citizenship of another state by a citizen of Georgia shall be determined by Organic Law.
3. Deprivation of citizenship shall be inadmissible.
4. Expulsion of a Georgian citizen from Georgia shall be inadmissible.

5. Transfer of a citizen of Georgia to a foreign state shall be inadmissible except in cases provided by an international treaty. Decision on transfer of a citizen may be appealed to the court.

6. The State cares about preservation and development of relations of compatriots living abroad with their homeland.

### **Article 33. Rights of aliens and stateless persons**

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

2. The State shall be entitled to impose restrictions on political activities of foreign citizens and stateless persons in accordance with law.

3. Georgia shall grant asylum to aliens and stateless persons in compliance with universally recognized rules of international law, according to the established procedure.

### **Article 34. General principles for ensuring fundamental rights**

1. The fundamental rights referred to in the Constitution, in terms of the context thereof, shall also apply to legal persons.

2. Exercise of fundamental human rights should not violate the rights of others.

3. Restriction of a fundamental human right shall not violate the essence of this right.

### **Article 35. Public Defender**

1. Supervision over protection of human rights within the territory of Georgia shall be exercised by the Public Defender who shall be elected for a five-year term by a majority of total members of Parliament. The same person may not be elected as a Public Defender who previously held this position.

2. Hindering activities of the Public Defender shall be punishable by law.

3. Arrest or detention of the Public Defender, search of his/her place of residence and place of work, car, or any personal search may be permitted only by consent of Parliament, except when caught at the scene of crime, which should be immediately informed to the Parliament. Unless the Parliament gives its consent, the Public Defender shall be released immediately.

4. Powers of the Public Defender shall be determined by Organic Law.

## **Chapter Three. Parliament of Georgia**

### **Article 36. Status and authority, the Rules of Procedure of the Parliament**

1. The Parliament of Georgia is the supreme representative body of the country that exercises legislative power, determines main directions of country's domestic and foreign policy, controls activities of the Government within the scope of the Constitution, and exercises other powers.
2. The work of the Parliament shall be determined by the Rules of Procedure of the Parliament which is adopted by a majority of the total members of the Parliament based on the initiative of a member, a faction or a committee of the Parliament. The Rules of Procedure shall have the force of law. It shall be signed and promulgated by a Chairperson of the Parliament.

### **Article 37. Parliamentary Elections**

1. After appropriate conditions have been created throughout the territory of Georgia, two chambers shall be set up within the Parliament: the Council of Republic and the Senate. The Council of Republic shall be composed of members elected under the principle of proportionality. The Senate shall be composed of members elected from the Autonomous Republic of Abkhazia, the Autonomous Republic of Adjara, and other territorial units of Georgia and five members appointed by the President of Georgia. The composition, powers, and procedure for the election of chambers shall be defined by Organic Law.
2. Before the conditions envisaged by Paragraph 1 of this Article have been created, the Parliament shall be composed of 150 members of Parliament elected in a unified multi-mandate election district for a four-year term by a proportional system on the basis of universal, equal and direct suffrage through secret ballot.
3. Regular parliamentary elections shall be held on the last Saturday of October of the calendar year of expiry of powers of the Parliament. In case of dissolution of the Parliament, elections shall be held not earlier than 45<sup>th</sup> and not later than 60<sup>th</sup> day of the Parliament's dissolution. If election date coincides with a state of emergency or martial law, elections shall be held not earlier than 45<sup>th</sup> and not later than 60<sup>th</sup> day after revocation of this situation.
4. Any citizen of Georgia having the right to vote, who has attained the age of 25 and who has lived in Georgia for at least 10 years, may be elected as a member of Parliament. A person may not be elected as a member of Parliament who has been serving a sentence in a penitentiary establishment.
5. A political party registered according to the procedure established by law, having a member of Parliament elected upon its nomination at the time of appointing elections, or its support is approved by the signature of 25,000 voters according to the procedure prescribed by Organic Law shall have the right to participate in the elections.
6. Mandates of a member of Parliament shall be distributed only to those political parties which receive at least 5 percent of votes cast in the elections. With the purpose of determining a number of mandates received by a political party, a number of votes received by this party shall be multiplied by 150 and divided by a total number of votes received by all political parties. The whole part of the received number is the number of mandates received by the political party. If the total number of mandates received by political parties is less than 150, undistributed mandates shall be given to a political party which has received the most votes.
7. The election procedure of the Parliament shall be determined by Organic Law.

### **Article 38. First session of Parliament and termination of powers**

1. The first session of the newly elected Parliament shall be held not later than the tenth day after announcement of official results of parliamentary elections. The President of Georgia shall fix a day for the first session. The Parliament shall be authorized to start work at the first session if the majority of total members of Parliament is present at the session. The Parliament shall acquire full powers from the moment of confirming powers of two thirds of members of Parliament.
2. Powers of the Parliament shall be terminated upon the first gathering of the newly elected Parliament.

### **Article 39. A member of Parliament**

1. A member of Parliament of Georgia is a representative of all Georgia, enjoys a free mandate and cannot be recalled.
2. Arrest or detention of a member of Parliament, search of his/her place of residence and place of work, car or any personal search may be permitted only by prior consent of Parliament, except when caught at the scene of crime, which should be immediately notified to the Parliament. Unless the Parliament gives its consent within 48 hours, the arrested or detained member of Parliament shall be released immediately.
3. A member of Parliament shall have the right not to testify about facts disclosed to him/her in the capacity of a member of Parliament. Seizure of written materials related to this issue shall be inadmissible. This right shall be retained by a member of Parliament after his/her term of office expires. A member of Parliament shall not be held liable for the views expressed inside or outside Parliament while performing his/her duties. A member of Parliament shall be guaranteed unhindered exercise of their powers. A member of Parliament shall receive remuneration prescribed by law. Respective state bodies shall ensure personal safety of a member of Parliament based on his/her application. Hindering exercise of powers of a member of Parliament shall be punishable by law.
4. A member of Parliament shall not hold any public service or be engaged in entrepreneurial activity. A member of Parliament may be engaged in public activities and may also be engaged in scientific, pedagogic and artistic activities if they do not envisage fulfillment of administrative functions. Conflict of interests shall be defined by the Rules of Procedure of Parliament.
5. Issues of recognition or early termination of powers of a member of Parliament shall be decided on by Parliament. Decision of the Parliament may be appealed to the Constitutional Court. The term of office of the member of Parliament shall be terminated if he/she:
  - a) submits a personal application on termination of powers to the Parliament;
  - b) holds a position incompatible with his/her status or is engaged in incompatible activity;
  - c) fails to participate without good reason in more than half of regular sittings during the regular session;
  - d) has been convicted by a court judgement;
  - e) has been recognized as a support recipient and admitted to relevant inpatient care establishment, has been found missing or dead by court;
  - f) dies;
  - g) loses citizenship of Georgia;
  - h) is subject to termination of his/her powers by decision of the Constitutional Court.

#### **Article 40. Chairperson and Deputy Chairpersons of Parliament**

1. The Parliament of Georgia shall elect a Chairperson for its term of office by a majority of total members by secret ballot, under the Rules of Procedure. The Chairperson of Parliament shall chair over the work in the Parliament, ensure free expression of opinion, sign the acts adopted by the Parliament and fulfills other powers prescribed by the Rules of Procedure. The Chairperson of Parliament shall exercise full administrative functions in the House of Parliament as prescribed by the Rules of Procedure.
2. The Parliament of Georgia shall elect a first deputy chairperson and deputy chairpersons for its term of office by a majority of total members, including one deputy each from the autonomous republics of Abkhazia and Adjara, under the Rules of Procedure. The first deputy chairperson and deputy chairpersons of the Parliament shall perform the duties of the Chairperson on his/her behalf, in case the Chairperson is unable to exercise his/her powers or has been removed from office.

#### **Article 41. Parliamentary Bureau, committees and factions**

1. To organize the work of the Parliament, a Parliamentary Bureau shall be established which consists of a Chairperson and deputy chairpersons of Parliament, chairpersons of parliamentary committees and parliamentary fractions.
2. Committees shall be set up in the Parliament to preliminary prepare legislative issues, facilitate implementation of decisions and exercise control over activities of the bodies accountable to the Government and Parliament.
3. Members of Parliament may join a parliamentary faction. The number of faction members should not be less than seven. Members of Parliament elected upon nomination of one political party may join only one faction. The rule of establishment and activity of the faction and its rights shall be determined by the Rule of Procedure of Parliament.

#### **Article 42. Investigative and other temporary commissions of the Parliament**

1. Investigative or other temporary commissions shall be established in the Parliament in cases envisaged by the Constitution and the Rules of Procedure of Parliament, as well as at the request of least one fifth of members of Parliament.
2. Decision on creation of a temporary commission shall be adopted by the Parliament according to the procedure prescribed by the Rules of Procedure. Decision on creation of a temporary investigative commission shall be supported by one third of the total members of Parliament. Parliamentary factions should be presented in a temporary commission by at least one member. Representation of opposition factions in temporary commission should not be less than half of the total number of members of the commission.
3. At the request of an investigative commission, everyone shall be required to come to its meetings and submit all documents and information that are necessary for examination of the case.

#### **Article 43. Question and Interpellation of a Member of Parliament**

1. A member of the Parliament shall be entitled to pose a question to the Government, other body accountable to the Parliament, a member of the Government, state bodies of the territorial units at all levels and state institutions. Providing timely and full response to the question of the Member of Parliament is mandatory.
2. A parliamentary faction, a group of at least seven members of Parliament shall have the right to pose questions through interpellation to the Government, other body accountable to the Parliament, a member of the Government who are obliged to answer questions at the sittings of Parliament. The answer may become a subject of discussion by Parliament.

#### **Article 44. Sessions and sittings of Parliament**

1. The Parliament shall meet 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. The 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 an extraordinary session of Parliament at the request of the Chairperson of Parliament, not less than one fourth of members of Parliament and the Government during the period between the sessions, or convene a special sitting in the course of a regular session. Unless an act of summoning is issued within 48 hours after a written request, the Parliament shall meet within the following 48 hours according to the procedure prescribed by the Rules of Procedure of the Parliament. A special sitting of the Parliament shall be held only according to the agenda defined by an initiator and shall close once the agenda has been completed.
3. The Parliament shall meet upon declaration of a state of emergency or martial law by the President. The Parliament shall work until revocation of this situation.
4. The sittings of the Parliament shall be public. By the decision of the majority of the members, the Parliament may declare a sitting or its part closed while discussing particular issues. The decision to close a sitting or its part shall be taken by secret vote. Records of open plenary sittings of Parliament shall be public.
5. Voting at a plenary sitting of Parliament shall be open or secret. Voting is open, except for the cases envisaged by the Constitution and the law.
6. A member of the Government and an official accountable to the Parliament shall be entitled and may be required to attend sittings of Parliament, its committee or commission, to provide answer to the questions raised during the sitting and submit a report of activities performed. The Parliament, a committee, or a commission shall hear such an official immediately upon request.

#### **Article 45. Lawmaking and rules of decision making**

1. The Government, a member of Parliament, a parliamentary faction, a parliamentary committee, supreme representative bodies of the Autonomous Republics of Abkhazia and Adjara, and not less than 30,000 voters shall have the right of legislative initiative. The Parliament shall discuss a draft law submitted by the Government out-of-order upon its request.
2. A law shall be deemed adopted if supported by a majority of the members present but not less than one third of total members of the Parliament unless otherwise prescribed by the Constitution for adopting laws. An

organic law shall be deemed adopted if supported by a majority of total members of the Parliament unless otherwise prescribed by the Constitution for adopting organic laws.

3. Parliament shall adopt other decisions through a resolution. A resolution shall be deemed adopted if supported by a majority of members present but not less than one third of total members of the Parliament unless otherwise prescribed by the Constitution or the law for adopting resolutions. A resolution on approval of the constitutional agreement shall be deemed approved if supported by not less than three fifths of total members of Parliament.

#### **Article 46. Signature and promulgation of a law**

1. A law passed by Parliament shall be submitted to the President of Georgia within 10 days.
2. The President shall sign and promulgate the law or return it to the Parliament with justified remarks within 2 weeks.
3. If the President returns the law, the Parliament shall put the President's remarks to a vote. For adopting remarks, the same number of votes shall be needed as it is required for initially adopting similar laws. If remarks are adopted, the final version of the law shall be submitted to the President within 5 days who signs and promulgates it within 5 days.
4. If the Parliament rejects the President's remarks, an initial version of the law shall be put to a vote. An organic law or a law shall be deemed adopted if it is supported by a majority of total members of Parliament. A law shall be submitted to the President within 3 days who signs and promulgates it within 5 days.
5. A law on introducing amendments to the Constitution that was adopted by two thirds of total members of Parliament, shall be signed by the President of Georgia within 5 days after submission, without the right to return it to the Parliament with remarks.
6. If the President does not sign the law, nor return it to Parliament with justified remarks within the timeframe defined in Paragraph 2 of this Article, or does not promulgate it within the timeframes defined in Paragraphs 3, 4 or 5 of this Article, the Chairperson of Parliament shall sign and promulgate it within 5 days after this timeframe expires.
7. A law shall enter into force on the 15<sup>th</sup> day from its official promulgation in the Legislative Herald of Georgia unless another date is defined by the same law.

#### **Article 47. International agreements**

1. The Parliament of Georgia shall ratify, denounce and annul international treaties by a majority of its total members. The Parliament shall ratify, deny and annul international treaties referred to in Paragraph 2(c) of this Article by a majority of two thirds of its total members.
2. Besides those international treaties that envisage ratification, it shall also be mandatory to ratify international treaties which:
  - a) envisage Georgia joining an international organization or interstate alliance;
  - b) are of a military nature;

- c) concern the territorial integrity or change of the State borders;
  - d) concern taking and issuing a loan by the State;
  - e) require change of domestic legislation or adoption of laws that are necessary to fulfil its international obligations.
3. Other international treaties shall be submitted to the Parliament.
  4. If a constitutional claim or submission has been lodged with the Constitutional Court, respective international treaty shall not be ratified until the Constitutional Court passes its judgement.

#### **Article 48. Impeachment**

1. Not less than one third of total members of Parliament shall have the right to raise the question of impeachment of the President of Georgia, a member of the Government, a judge of the Supreme Court, a General Prosecutor, an Auditor General and a member of the Board of the National Bank if they have violated the Constitution or committed an offence. The case shall be transferred to the Constitutional Court which will consider it and submit its conclusion to the Parliament within 30 days.
2. If the Constitutional Court based on its conclusion confirms components of crime or violation of the Constitution in the actions of the official, the Parliament shall discuss and vote for the removal of the official from office via impeachment within not later than 15 days after submission of the conclusion.
3. The President of Georgia shall be deemed removed from office via impeachment if this decisions is supported by not less than two thirds of its total members. A member of the Government, a judge of the Supreme Court, a General Prosecutor, an Auditor General and a member of the Board of the National Bank shall be deemed removed from office via impeachment if this decision is supported by majority of its total members.
4. If the Parliament does not decide to remove the official from office via impeachment within the timeframe defined in Paragraph 2 of this Article, initiating an impeachment procedure for the same ground shall not admissible.
5. Officials listed in this Article, except members of the Government, can only be removed from office by impeachment.
6. No impeachment procedure shall be implemented during a state of emergency or martial law.

### **Chapter Four. President of Georgia**

#### **Article 49. Status of the President**

1. President of Georgia is the Head of the State of Georgia, the guarantor of unity and national independence of the country.
2. President of Georgia is the Supreme Commander-in-Chief of the armed forces of Georgia.
3. President of Georgia shall represent Georgia in foreign relations.

## **Article 50. Rule for election of the President**

1. The President of Georgia shall be elected by the Election Board, without debates, through secret ballot for 5 years. The same person may be elected as the President of Georgia only twice.
2. Any citizen of Georgia having the right to vote, who has attained the age of 40 and who has lived in Georgia for at least 15 years, may be elected as a President of Georgia.
3. The Election Board shall consist of 300 voters, including all members of the Parliament of Georgia and the supreme representative bodies of the autonomous republics of Abkhazia and Adjara. Other voters shall be nominated by respective political parties from the composition of the representative bodies of local self-governments in accordance with Organic Law, in compliance with the principle of proportional geographical representation and on the basis of quotas defined by the Central Election Commission of Georgia in accordance with the results of elections of local self-governments held under the proportional system. Composition of the Election Board shall be approved by the Central Election Commission of Georgia.
4. Elections of the President of Georgia shall be held in the House of Parliament. Not less than 30 voters shall have the right to nominate a candidate to become the President of Georgia. One voter shall be authorized to support the nomination of only one candidate. One voter shall be authorized to vote for only one candidate. In the first round of elections, a candidate having received the most votes but not less than majority of total number of voters shall be considered elected. If the President of Georgia have not been elected in the first round, the second round shall be held between two candidates with the most votes in the first round. A candidate who received the most votes shall be considered elected in the second round. The first or second round of the elections shall be considered to have been held if more than half of the total number of the voters have participated. If elections have not been held or the Election Board failed to elect the President of Georgia, new elections of the President of Georgia shall be held within 30 days.
5. The President of Georgia shall be elected in October of the calendar year when the term of office of the President expires. In case of early termination of the term of office of the President of Georgia, the President shall be elected within 45 days from termination of the term of office. If election date coincides with a state of emergency or martial law, the President of Georgia shall be elected within 45 days after revocation of this situation. If the date of election of the President of Georgia coincides with the last two months before the parliamentary elections, the President of Georgia shall be elected within 45 days after holding the first sitting of the newly elected Parliament.
6. The elections of the President of Georgia shall be appointed by the Parliament, except for the re-elections, which shall be appointed by the Chairperson of the Parliament.
7. The rule and conditions of the election of the President shall be determined by the Constitution and the Organic Law.

## **Article 51. President's oath, termination of terms of office, immunity, conflict of interest and succession**

1. Before assuming the office, on the third Sunday after the elections day, the newly elected President of Georgia shall address the people 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 term of office of the President of Georgia shall be terminated and the term of office of the newly elected President of Georgia shall be commenced after taking the oath by the newly elected President.

3. 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.

4. The President of Georgia shall not hold other service, undertake entrepreneurial activities, receive salary or other permanent remuneration for any other activity. The President of Georgia cannot be a member of a political party.

5. If the President of Georgia is unable to exercise his/her powers or his/her powers are terminated early, the Chairperson of the Parliament shall perform the duties of the President of Georgia.

## **Article 52. Powers of the President**

1. The President of Georgia shall:

a) with the consent of the Government carry out representative powers in foreign relations, negotiate with other states and international organizations, conclude international treaties, accredit ambassadors and other diplomatic representatives of other states and international organizations; upon nomination of the Government appoint and dismiss ambassadors of Georgia and other diplomatic representatives;

b) on behalf of the State of Georgia, conclude a constitutional agreement with the Apostolic Autocephalous Orthodox Church of Georgia;

c) appoint the elections of Parliament and local self-governance in accordance with the Constitution and procedure prescribed by law;

d) upon nomination of the Government appoint and dismiss the Commander of the armed forces of Georgia; appoint a member of the High Council of Justice; participate in the appointment of the Chairperson and members of the Central Election Commission in cases defined by Organic Law and in accordance with the prescribed procedure; nominate candidates for the members of the national regulatory authorities to the Parliament;

e) make decisions on granting citizenship in accordance with the procedure prescribed by Organic Law and asylum in accordance with the procedure prescribed by Law;

f) grant pardons to convicts;

g) in accordance with the procedure prescribed by law give state awards, high military, special and honorary titles and higher diplomatic ranks;

h) upon submission of the Government and with the consent of Parliament, is entitled to suspend, the activity of self-government bodies or other representative bodies of territorial units or dissolve them if their activities jeopardize the sovereignty, territorial integrity of the country, or the exercise of constitutional powers by state bodies;

i) exercise other powers as defined by the Constitution.

2. The President of Georgia shall have the right to appoint a referendum on 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. A referendum shall not be held in order to adopt or repeal a law, to grant amnesty or pardon, to ratify or denounce international treaties, as well as concerning the issues that envisage restriction of fundamental constitutional rights of individuals. Issues related to the appointment and conduct of referendum shall be defined by Organic Law.

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

### **Article 53. Countersignature**

1. Legal acts of the President of Georgia shall require the countersignature of the Prime Minister. A legal act that requires a countersignature shall be promulgated and shall entail legal consequences only after its countersignature. In the case of countersignature, the responsibility for legal acts shall be laid on the Government.

2. Countersignature shall not be required for legal acts of the President of Georgia related to:

- a) appointing parliamentary elections, dissolving the Parliament, convoking sessions and sittings of the Parliament;
- b) concluding constitutional agreement;
- c) signing and promulgating a law, returning a draft law to the Parliament with remarks;
- d) appointing the Prime Minister; appointment of a member of the High Council of Justice; appointing a Chairperson and a member of the Central Election Commission; nominating a member of the Board of the National Bank and appointing the President of the National Bank; appointing a judge to the Constitutional Court;
- e) granting state awards and special ranks;
- f) granting and terminating citizenship, granting asylums;
- g) pardon of convicts;
- h) appealing to the Constitutional Court or a court;
- i) organizing the exercise of powers of the President of Georgia.

## **Chapter Five. Government of Georgia**

### **Article 54. Government**

1. The Government of Georgia is the supreme body of executive power which carries out internal and foreign policy of the country.

2. The Government shall be accountable to the Parliament of Georgia.

3. The Government shall consist of a Prime Minister and ministers.

4. A Ministry shall be established to ensure the implementation of state policy and governance in the field of activity of the Government and is headed by a Minister.
5. One or several State Ministers may also be represented in the composition of the Government. The position of a State Minister may be enacted by law with the purpose of accomplishing state objectives of special significance.
6. A member of the Government shall have no right to hold any other office except in a party, be engaged in entrepreneurial activity, or receive remuneration from any other activity except from scientific and pedagogical work.
7. In order to ensure representation of the Government in administrative-territorial units, the Government shall be authorized to designate state trustees. Powers of state trustees shall be determined by law.
8. The structure and rules of activities of the Government shall be defined by the Constitution and the law. The draft of this law shall be submitted to the Parliament by the Government.

#### **Article 55. Prime Minister**

- 1 The Prime Minister is the head of the Government.
2. The Prime Minister shall define the main directions of the Government activities, organize the Government activities, coordinate activities of the ministers and sign the legal acts of the Government.
3. The Prime Minister shall represent Georgia in foreign relations, conclude international treaties on behalf of Georgia.
4. The Prime Minister shall appoint and dismiss ministers and shall be authorized to assign one of the ministers to exercise the duties of the first Vice Prime Minister and to assign one or more ministers to exercise the duties of the Vice Prime Minister.
5. The Prime Minister shall be accountable for the activities of the Government before the Parliament. Annually he/she presents the report on implementation of the Government Program to the Parliament, and also at the request of the Parliament - the report on implementation of particular parts of the Government Program.

#### **Article 56. Vote of Confidence**

1. Upon recognition of powers of the newly elected Parliament, the Government shall dismiss its authority before the Parliament and continue to perform its duties before the appointment of a new Prime Minister.
2. The Parliament, within 2 weeks after dismissing the authority of the Government, resigning the Government, resigning the Prime Minister or otherwise terminating his/her authority, shall put a vote of confidence to the Government proposed by a candidate of the Prime Minister nominated by a political party which wins in the parliamentary elections. Along with the composition of the Government, the Government Programme shall be presented to the Parliament. A vote of confidence shall be passed by a majority of the total members of the Parliament.

3. If the Parliament does not pass a vote of confidence to the Government within the established timeframe, the President of Georgia shall dissolve the Parliament not earlier than two weeks and not later than three weeks after the expiration of respective timeframe and shall appoint extraordinary elections of the Parliament.

4. The President of Georgia shall not dismiss the Parliament and shall not appoint extraordinary elections of the Parliament, if the Parliament within two weeks after expiry of the timeframe set forth in Paragraph 2 of this Article passes a vote of confidence to the Government proposed by a candidate of the Prime Minister nominated by more than one-third of the total members of the Parliament.

5. Within three days after voting confidence to the Government, the President of Georgia shall appoint the Prime Minister, while the Prime Minister shall appoint the ministers within 3 days after his/her appointment. If the President does not appoint the Prime Minister within the defined timeframe the Prime Minister shall be considered appointed.

#### **Article 57. Vote of no confidence**

1. The Parliament shall be entitled to hold a vote of no confidence to the Government.

2. More than one third of the total members of the Parliament shall be entitled to raise a vote of no confidence to the Government. Alongside with raising a vote of no confidence, the initiators shall nominate a candidate for the Prime Minister while the candidate for the Prime Minister shall propose a new composition to the Parliament.

3. If the Parliament passes a vote of confidence to the new Government within not earlier than 7 and not later than 14 days after raising this issue, a vote of no confidence shall be considered as declared. Within three days after voting confidence to the new government, the President of Georgia shall appoint the Prime Minister, while the Prime Minister shall appoint the ministers within 3 days after his/her appointment. If the President of Georgia does not appoint the Prime Minister within the defined timeframe the Prime Minister shall be considered appointed.

4. If after raising a vote of no confidence the Parliament does not declare no confidence to the Government, it shall be inadmissible to raise a vote of no confidence within next 6 months by the same members of the Parliament.

#### **Article 58. Vote of confidence by the initiative of the Prime Minister**

1. The Prime Minister shall be authorized to raise a vote of confidence to the Government before the Parliament.

2. A vote of confidence shall be held not earlier than 7th and not later than 14th day after its initiation. If the Parliament does not vote a confidence to the Government, the President of Georgia, not earlier than 7th and not later than 14th day after not declaring a vote of confidence, shall dissolve the Parliament and appoint extraordinary parliamentary elections.

3. The President of Georgia shall not dissolve the Parliament if, within seven days after not declaring a vote of confidence to the Government it passes a vote of confidence to the Government proposed by a candidate of the

Prime Minister nominated by more than one-third of the total members of Parliament. Within three days after voting confidence in the new Government, the President of Georgia shall appoint the Prime Minister, while the Prime Minister shall appoint the ministers within 3 days after his/her appointment. If the President does not appoint the Prime Minister within the established timeframe the Prime Minister shall be considered appointed. The term of authority of the Government shall be terminated upon appointment of a new prime Minister.

## **Chapter Six. Judiciary and prosecutor's office**

### **Article 59. Judiciary**

1. Judicial authority shall be independent. It shall be exercised by the Constitutional Court of Georgia and common courts of Georgia.
2. The Constitutional Court of Georgia is a judicial body of constitutional control. Its powers, rules for its creation and activities shall be defined by the Constitution and the Organic Law.
3. Justice shall be administered by common courts. Specialized courts may be created only within the system of common courts. Military court may be established under martial law and exclusively within the system of common courts. The creation of extraordinary courts shall be inadmissible. Common courts shall hear cases by juries in cases and according to the procedure prescribed by law. The system of common courts, authority and rules of activities shall be determined by Organic Law.

### **Article 60. Constitutional Court**

1. The Constitutional Court of Georgia shall exercise judicial power by virtue of constitutional legal proceedings.
2. The Constitutional Court shall consist of 9 judges appointed for 10 years, out of which 3 judges shall be appointed by the President of Georgia, 3 judges shall be elected by a majority of the total members of Parliament and 3 judges shall be appointed by the Supreme Court. A judge of the Constitutional Court may be a citizen of Georgia from the age of 35 years who has higher legal education, at least ten-year experience in specialty area and a distinct professional qualification. A judge of the Constitutional Court may not be a person who previously held this position.
3. The Constitutional Court shall elect a chairperson among its composition for a period of five years. The same person may not be elected as a chairperson of the Constitutional Court who previously held this position.
4. The Constitutional Court of Georgia, according to the procedure prescribed by Organic Law shall:
  - a) on the basis of a claim of an individual, legal entity or the Public Defender consider the constitutionality of a normative act with respect to fundamental human rights enshrined in the Chapter Two of the Constitution;
  - b) on the basis of a claim of the President of Georgia, not less than one fifth of the members of the Parliament, or the Government take decision on the compliance of a normative act with the Constitution;
  - c) on the basis of a submission of the common court consider the issue of constitutionality of a normative act which will be used by the common court while hearing a particular case and which the court reasonably assumes that may contravene the Constitution;

d) on the basis of a claim of the President of Georgia, the Parliament, the Government, the High Council of Justice, the General Prosecutor, the Board of National Bank, the General Auditor, the Public Defender, the supreme representative or executive body of the autonomous republics considers dispute over the competence of the authorities;

e) on the basis of a claim of the President of Georgia or the Government of Georgia, as well as on claim or submission of not less than one fifth of members of Parliament consider the constitutionality of international treaties;

f) on the basis of a claim of the President of Georgia, not less than one fifth of the members of the Parliament, the Government or supreme representative bodies of autonomous republics consider the constitutionality of activities of a political party and the termination of powers of the representative body elected by this political party;

g) on the basis of a claim of the President or the Parliament of Georgia, as well as the respective individual consider the constitutionality of the Parliament's decision on recognition or early termination of powers of a member of Parliament;

h) on the basis of a claim of the President of Georgia, not less than one fifth of the members of the Parliament or the Public Defender consider the dispute over the constitutionality of a legal norm on referendum and elections and constitutionality of referendum and elections held on the basis of this norm;

i) on the basis of a claim of the representative body of a self-governing unit, consider the constitutionality of a normative act with respect to the Chapter Nine of the Constitution;

j) exercise other powers defined by the Constitution of Georgia.

5. A judgment of the Constitutional Court shall be final. A normative act or a part thereof recognized as unconstitutional shall cease to have legal effect as soon as the respective judgment of the Constitutional Court is published, unless the relevant decision envisages other timeframe for the loss of legal force of the act or a part thereof.

6. A legal norm on elections shall not be recognized as unconstitutional by the Constitutional Court within the respective elections year unless this norm has been adopted within one year before the respective elections. A subordinate normative act shall not be recognized as unconstitutional within 60 days before the respective elections.

7. Issues on appointment of judges of the Constitutional Court and termination of their terms of authority, as well as other issues on constitutional legal proceedings and other activities of the Constitutional Court shall be determined by Organic Law.

## **Article 61. Supreme Court**

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

2. The Supreme Court consists of at least 28 judges. The judges of the Supreme Court shall be elected for not less than 10 year , by a majority of the total members of the Parliament upon submission of the High Council of Justice.

3. The Parliament shall elect a Chairperson of the Supreme Court among the members of the Supreme Court upon submission of the High Council of Justice for a term of ten years. The same person may not be elected as a Chairperson of the Supreme Court who previously held this position.

#### **Article 62. Judicial proceedings**

1. A court shall award a judgement on behalf of Georgia. Judicial acts shall be binding. Failure to comply with the court decision or interference on its performance shall be punishable by law.
2. Only a court may annul, change, or suspend a court decision according to the procedure established by law.
3. Court hearings shall be open consider a case at an open hearing. Closed hearings shall be permitted only in the cases provided for by law. A court decision shall be published.
4. 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 services.
5. Legal proceedings shall be conducted on the basis of equality of arms and adversarial proceedings.

#### **Article 63. A judge**

1. A judge shall be independent in his/her activity and shall only comply with the Constitution and the law. 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. No one shall have the right to claim a report concerning a particular case from a judge. All acts restricting independence of a judge shall be null and void.
2. Bringing criminal proceedings against a judge, his/her arrest or detention, search of his/her place of residence and place of work, car or any personal search may be permitted only by consent of High Council of Georgia and in case of a judge of the Constitutional Court – by consent of the Constitutional Court, except when caught at the scene of crime, which should be immediately notified to the High Council of Justice or the Constitutional Court respectively. Unless the High Council of Justice or the Constitutional Court gives its consent, the arrested or detained judge shall be released immediately.
3. The State shall ensure the security of a judge and his/her family.
4. 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.
5. A judge of common courts may be removed from consideration of a case, dismissed or moved to another position only in cases defined by law. Irreplaceability of a judge shall be guaranteed by the Organic Law. The reorganization or liquidation of the court may not be the basis for dismissal of judges.
6. A judge of common courts may be a citizen of Georgia from the age of 30 who has relevant higher legal education with at least a five-year experience in specialty area. Judges shall be appointed for life unless they reach the age determined by law. In case of the first appointment, before the lifetime appointment, a judge shall be appointed for a trial period for three years. The judge shall be selected based on conscientiousness and competence. The decision on the appointment of a judge shall be made by a majority of two thirds of the total

members of the High Council of Justice. The procedure of appointment or dismissal of judges shall be defined by the Constitution and the Organic Law.

#### **Article 64. High Council of Justice**

1. A High Council of Justice of Georgia – a body of the common courts system - shall be established with the purpose to ensure independence and effectiveness of common courts, to appoint judges and perform other tasks.
2. The High Council of Justice shall consist of 15 members. More than half of the composition of the High Council of Justice shall constitute members elected by the judicial self-governing body of judges of the common courts of Georgia. Members of the High Council of Justice, who are not elected by the self-governing body of judges of the common courts and who are not appointed by the President of Georgia, shall be elected by a majority of the total members of the Parliament. A High Council of Justice shall be chaired by a Chairperson of the Supreme Court of Georgia.
3. The High Council of Justice shall be accountable to the judicial self-governing body. The rules for reporting shall be defined by Organic Law.
4. The powers and rules for establishment of the High Council of Justice of Georgia shall be defined by Organic Law.

#### **Article 65. Prosecutor's Office**

1. The Prosecutor's Office of Georgia shall be independent in its activities and shall act only in accordance with the law.
2. Prosecutor's Office of Georgia shall be headed by the Prosecutor General, who is elected for a six-year term by a majority of the total members of the Parliament according to the procedure prescribed by Organic Law.
3. The Prosecutor's Office shall be accountable to the Parliament.
4. The powers, organization and rules of activity of the Prosecutor's Office shall be determined by Organic Law.

### **Chapter Seven. Public financing and control**

#### **Article 66. State budget**

1. The Parliament of Georgia shall annually adopt the Law on State Budget by a majority of the total members of Parliament.
2. Only the Government of Georgia shall have the right to present a draft State Budget to the Parliament after it has examined the Basic Data and Directions with the committees of Parliament. The Government shall submit a draft State Budget for the next year to the Parliament not later than 3 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 5 months from the end of a budget year.

3. Amendments to a draft State Budget may only be made with the consent of the Government. The Government may request the Parliament to incur additional state expenditure in cases it indicates the source of expenditures. The Parliament may adopt a draft law that causes increase of expenditure of the State Budget for the current year or reduction of income, or places the State under new financial obligations only with the consent of the Government, whereas, a draft law associated with the following financial year - with the consent of the Government or within the scope of the Basic Data and Directions document of the country submitted by the Government to the Parliament.

4. If the Parliament does not adopt the State Budget within 3 months after completion of the Budget year, the expenditures will be covered by the State Budget of the previous year.

5. Reduction of current resources allocated for the Parliament in the State Budget compared with the amount of budgetary resources of the previous year may be only with the prior consent of the Parliament. Parliaments decides on its own upon distribution of resources allocated for the Parliament in the State Budget.

6. The Law on the State Budget shall be signed and promulgated by the President of Georgia in accordance with Article 46 of the Constitution.

7. The procedure for drafting and adopting the State Budget shall be determined by law.

#### **Article 67. Taxes and fees, economic policy**

1. Payment of taxes and fees shall be mandatory in the amount and manner prescribed by law. Only law shall determine the structure of taxes and fees as well as the procedure for introduction thereof, determination of their rates or the scope of rates. Exemption from taxes shall be permitted only by law.

2. Imposing a new type of common state tax, except for excise tax, or increasing the upper limit of the current rate by the type of common state tax may only possible through a referendum, except for cases provided for by Organic Law. Only the Government of Georgia shall have the right to initiate a referendum. Introduction or change of a tax shall not be deemed as an introduction of a new type of common state tax or an increase in the marginal rate, which 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 tax within the current marginal rate shall not be deemed as an introduction of a new type of common state tax or an increase in the marginal rate.

3. 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.

#### **Article 68. The National Bank**

1. The National Bank of Georgia shall conduct monetary policy to ensure price stability and shall maintain the stable operation of the financial sector. The National Bank shall be the principal bank of Georgia, the banker and fiscal agent of the Government of Georgia.

2. The Board of the National Bank is the supreme body of the National Bank of Georgia. Members of the Board of the National Bank shall be elected by a majority of total members of the Parliament for a term of seven years upon submission of the President of Georgia. The President of Georgia shall appoint the President of the National Bank from among the members of the Board of the National Bank and dismiss him/her from office.
3. The National Bank shall be independent in its activity. The activities of the National Bank shall not subject to supervision of the State Audit Office. The National Bank shall be accountable to the Parliament and shall annually submit it a report of its activities.
4. Only the National Bank shall have the right to money emission. The name and unit of money shall be determined by Organic Law.
5. Powers and rules of activity as well as guarantees for independence of the National Bank shall be defined by Organic Law.

#### **Article 69. State Audit Office**

1. The State Audit Office shall monitor the use and expenditure of public funds and other public resources with the purpose of facilitating the efficiency and accountability of public administration. It shall also have the right to examine the activities of other state bodies of fiscal and economic control and to submit proposals on improvement of tax legislation to the Parliament.
2. The head of the State Audit office is the General Auditor which shall be elected by a majority of the total members of the Parliament of Georgia for a term of five years upon nomination of the Chairperson of the Parliament.
3. The State Audit Office shall be independent in its activity.
4. The State Audit Office shall be accountable to the Parliament. Twice per year, while submitting the preliminary and full reports on the budget execution, the State Audit Office shall submit the Parliament a conclusion on the Government report as well as its annual report.
5. The State Audit Office shall ensure control of public funds by the Parliament.
6. Powers, structure, and rules of activities as well as guarantees for independence of the State Audit Office shall be defined by Organic Law.
7. Other bodies of state control shall be set up in accordance with law.

### **Chapter Eight. State defense and security**

#### **Article 70. Military forces**

1. Defensive war shall be a sovereign right of Georgia.
2. Every citizen of Georgia has a duty to defend Georgia. Rules for military service shall be determined by law.
3. Georgia shall have the military and other armed forces with the purpose to defend the independence, sovereignty and territorial integrity of the country, as well as to fulfill other tasks related to defence and

security and international commitments. The types and composition of the military forces shall be determined by law. The President of Georgia shall approve the general structure of the military forces upon submission of the Government, while the Parliament of Georgia shall approve the number of the military forces by a majority of its total members.

4. The military forces of Georgia shall operate under the order of the Minister of Defense in accordance with the law while in case of a state emergency and martial law - under the order of the Prime Minister.

#### **Article 71. State of emergency and martial law**

1. In case of armed attack on Georgia or its imminent threat, the President of Georgia, upon submission of the Prime Minister shall declare martial law, in case of appropriate conditions conclude cease-fire and submit such decisions to the Parliament for approval immediately.

2. In case of mass unrest, infringement of country's territorial integrity, military coup d'etat and armed insurrection, natural or technogenic disasters or epidemics, or in other cases when the state bodies are unable to normally exercise their constitutional powers, the President of Georgia upon submission of the Government shall declare a state of emergency throughout the whole territory of the country or in any part thereof and submit the decision to the Parliament for approval immediately. Extraordinary powers shall only apply to the territory where the state of emergency is declared.

3. The President of Georgia shall issue decrees having force of law during a state of emergency or martial law that shall be valid until the revocation of the state of emergency or martial law. The decrees shall be submitted to Parliament when it is assembled. The Parliament shall vote on the decree not later than 48 hours after its submission to the Parliament. If the voting has not been held within this timeframe, the decree shall be considered approved. If the voting has been held within this timeframe, but the decree has not been approved, the decree loses its legal force. Decree related to the powers of the National Bank shall be issued with the consent of the National Bank.

4. During a state of emergency or martial law the President of Georgia shall have the right to restrict the rights listed in Articles 13, 14, 15, 17, 18, 19, 21 and 26 of the Constitution by the decree throughout the territory of Georgia or in any part thereof. During a state of emergency or martial law the President of Georgia shall have the right to suspend operation of Paragraphs 2-6 of Article 13, Paragraph 2 of Article 14, Paragraph 2 of Article 15, Paragraphs 3, 5 and 6 of Article 17, Paragraph 2 of Article 18 and Paragraph 3 of Article 19 by the decree. The President of Georgia shall be obliged to immediately submit the decree envisaged by this Paragraph to the Parliament for approval and it shall come into force after upon approval by the Parliament.

5. If a state of emergency or martial law has been introduced throughout the country, universal elections shall be held after revocation of the state of emergency or martial law. If the state of emergency has been introduced in a certain part of the country, a decision for holding elections in the rest of the country shall be made by the Parliament of Georgia.

6. Decision on revocation of a state of emergency or martial law shall be adopted according to the procedure for introduction of relevant condition.

7. The decision of the Parliament on issues envisaged in this Article shall be adopted by the majority of its total members.

## **Article 72. Use of military forces**

1. The President of Georgia shall make a decision on use of the military forces upon submission of the Government and submit the decision to Parliament for approval immediately. Military forces shall not be used for the fulfillment of international obligations without the consent of the Parliament. Prime Minister shall take a decision on the use of military forces during the martial law, as well as the natural or technogenic disasters or epidemics. This decision shall not require approval by the Parliament.
2. For the purposes of state defense, in special cases as well as in cases provided for by law, the President of Georgia upon submission of the Government shall make a decision on the entry, use and deployment of military forces of another state in the territory of Georgia. The decision shall immediately be submitted to Parliament for approval and shall enter into force after consent of Parliament.

## **Article 73. National Defense Council**

1. For the purposes of general coordination of the constitutional bodies during martial law, a National Defense Council shall be established and chaired by the President of Georgia. Permanent members of the National Defense Council are the President of Georgia, the Prime Minister, the Chairperson of Parliament and a commander of the armed forces of Georgia. By the decision of the President of Georgia, individual members of the Parliament and the Government may be invited as members of the Council. The National Defense Council shall act until the revocation of martial law.
2. Powers and rules for activities of the National Defense Council shall be determined by law.

## **Chapter Nine. Local self-governance**

### **Article 74. Self-governing bodies, borders, legal framework**

1. Citizens of Georgia shall arrange local issues through representative and executive self-government bodies. A representative body shall be elected on the basis of universal, equal and direct suffrage, by secret ballot. Executive bodies shall execute decisions of representative bodies and shall be accountable to them.
2. A self-governing unit is a legal entity of public law. The decision to create or abolish a self-governing unit and change its borders shall be adopted by the Parliament of Georgia upon submission of the Government in consultation with relevant self-governing units.
3. Local self-governance shall be carried out according to the procedure prescribed by Organic Law.

### **Article 75. Powers of self-governing units**

1. The powers of the State authority and self-governing units shall be separated.
2. A self-governing unit shall be entitled to take decisions on its own initiative according to law on all matters which do not fall within the exclusive powers of the State or of the autonomous republics and which are not excluded from the powers of the self-governing unit according to law.

3. A self-governing unit shall exercise its own powers independently and by its own responsibility within the framework of the Georgian legislation. Own powers defined by Organic Law shall be full and exclusive.
4. The delegation of powers of a self-governing unit by the State authority shall be carried out on the basis of a legislative act or a contract by transferring relevant material and financial resources.
5. The State authority shall exercise legal supervision over activities of a self-governing unit. With the purpose of ensuring relevance of decisions, supervision of activities of the self-governing unit shall only be permissible with respect to decisions adopted on the basis of delegated powers. State supervision shall be carried out in accordance with the procedure prescribed by Organic Law, based on the principle of proportionality.

#### **Article 76. Guarantees of self-governance**

1. A self-governing unit shall have its property and finances.
2. A self-governing unit shall define its organizational arrangement independently and take decision on personnel-related issues independently, in accordance with Organic Law and legislation on civil service.
3. With the purposes of exercising its powers, a self-governing unit shall be entitled to cooperate with other self-governing unit according to the procedure prescribed by Organic Law. A self-governing unit shall be entitled to join unions of self-governing units in accordance with Organic Law.
4. State authorities shall make decisions on issues related to local self-governance in consultation with self-governing units. The procedure for consultations shall be defined by Organic Law.
5. Decisions adopted by self-government bodies within the scope of their competence shall be binding on the territory of self-governing units.

### **Chapter Ten. Revision of the Constitution**

#### **Article 77. Rules of revision of the Constitution**

1. The Constitution shall be revised by a constitutional law. More than half of the total members of the Parliament or not less than 200,000 voters shall be entitled to submit a draft constitutional law.
2. A draft constitutional law shall be submitted to the Parliament of Georgia which promulgates it for open discussions. The Parliament shall start discussing the draft law after one month from its promulgation.
3. A constitutional law shall be deemed adopted if it is supported by not less than two thirds of the total members of the Parliament.
4. The Constitutional Law shall be submitted to the President of Georgia for his/her signature after its approval without amendment by not less than two-thirds of the total members of the Parliament of the subsequent convocation. The Constitutional Law shall be submitted to the President of Georgia for signature upon its adoption if it is supported by not less than three quarters of the total members of the Parliament. The Constitutional Law related to the restoration of territorial integrity shall be adopted by a majority of two-thirds

of the total members of the Parliament and shall be handed to the President of Georgia for signature upon its adoption.

5. The President of Georgia shall sign and promulgate the Constitutional Law according to the procedure prescribed by Article 46 of the Constitution.

6. Declaration of a state of emergency or martial law shall lead to suspension of discussions of the draft constitutional law until revocation of the state of emergency or martial law.

## **Chapter Eleven. Transitional provisions**

### **Article 78. Integration into European and Euro-Atlantic structures**

Constitutional bodies shall take all measures within the scope of their powers to ensure full integration of Georgia into the European Union and the North Atlantic Treaty Organization.

### **Article 2.**

1. This law shall enter into force upon the oath of the President of Georgia elected after the next presidential elections.
2. Status of organic law shall be granted to the following laws immediately after enactment of this law.
  - a) on Official Language;
  - b) Law of Georgia on Normative Acts;
  - c) Law of Georgia on Agricultural Land Ownership;
  - d) Law of Georgia on Constitutional Proceedings;
  - e) Law on Social Protection Guarantees for the Members of the Constitutional Court of Georgia;
  - f) Law on Remuneration for the Members of the Constitutional Court of Georgia;
  - g) Law on Case Distribution in Common Courts and Rule of Authorization of the other Judges;
  - h) Law of Georgia on Disciplinary Liability of Judges of Common Courts of Georgia and Disciplinary Proceedings;
  - i) Law on Remuneration of the Common Court Judges;
  - j) Law of Georgia on the Procedure for Communication with Judges of Common Courts;
  - k) Law of Georgia on the Prosecutor's Office;
  - l) Law of Georgia on State Audit Office;
3. The new regulations of creating parliamentary factions shall not be enacted until the recognition of authority of the parliament elected in the next parliamentary elections.
4. The life term appointment of the judges shall apply to the judges appointed for a certain term only after expiration of this term.

5. The amendments to the second chapter of the constitution shall not abolish the decision on admissibility of the applications brought to the constitutional court, instead, if needed, changes of admissibility criteria might occur in accordance to the amendments brought in the second chapter of the constitution.

6. The Constitutional Law on Autonomous Republic of Adjara can be adopted with the title different from the title defined by the provision acting before enactment of this law.