

THE CONSTITUTION OF GEORGIA, 1995  
(as Amended to 2004)[\[1\]](#)

**Table of Contents**

[CHAPTER ONE General Provisions](#)

[CHAPTER TWO Georgian Citizenship. Basic Rights and Freedoms of \[the\] Individual](#)

[CHAPTER THREE The Parliament of Georgia](#)

[CHAPTER FOUR The President of Georgia](#)

[CHAPTER FOUR<sup>1</sup> The Government of Georgia](#)

[CHAPTER FIVE Judicial Power](#)

[CHAPTER SIX State Finances and Control](#)

[CHAPTER SEVEN State Defense](#)

[CHAPTER EIGHT Revision of the Constitution](#)

[CHAPTER NINE Transitional Provisions](#)

---

The citizens of Georgia,

whose firm will is to establish a democratic public order, economic freedom and a social state based on the Rule of Law,

to guarantee universally recognized human rights and freedoms,

to strengthen State independence and the peaceful relations with other peoples,

based on the centuries-old traditions of the Georgian Statehood and the basic principles of the *Constitution of Georgia of 1921*,

proclaim the present Constitution.

CHAPTER ONE  
General Provisions

Article 1

1. Georgia is an independent, unified and indivisible State, as confirmed by the Referendum of March 31, 1991, held throughout the territory of the country, including the Autonomous Soviet Socialist Republic of Abkhazia and the Former Autonomous Region of South Ossetia, and by the *Act of Restoration of the State Independence of Georgia of April 9, 1991*.

2. The political structure of the State of Georgia is that of a democratic republic.
3. The name of the State of Georgia is “Georgia.”

## Article 2

1. The territory of the State of Georgia is determined as of December 21, 1991. The territorial integrity of Georgia and the inviolability of the State borders, being recognized by the world community of nations and international organizations, are confirmed by the Constitution and the laws of Georgia.
2. The alienation of the territory of Georgia is prohibited. The State borders shall be changed only by a bilateral agreement concluded with the neighboring State.
3. The territorial State structure of Georgia is determined by a constitutional law on the basis of the principle of division of authority after the complete restoration of the jurisdiction of Georgia over the entire territory of the country.
4. *The citizens of Georgia regulate matters of local importance through local self-government without encroachment of national sovereignty. The boards of the executive bodies and a representative office of local self-government shall be elected. The procedure for the creation of the bodies of local self-government, their powers and [their] relationship with State bodies are determined by organic law.*[\[2\]](#)

## Article 3

1. The following shall fall within the exclusive competence of [the] higher State bodies of Georgia:
  - a) legislation on Georgian citizenship, human rights and freedoms, emigration and immigration, entrance and leaving the country, temporary or permanent residence of citizens of foreign states and stateless persons in Georgia;
  - b) the status, regime and defense of the State borders; the status and defense of territorial waters, airspace, the continental shelf and the Exclusive Economic Zone;
  - c) State defense and security, armed forces, military industry and trade in arms;
  - d) the issues of war and peace, the establishment and the determination of a legal regime for the state of emergency and martial law;
  - e) foreign policy and international relations;
  - f) foreign trade, customs and tariff regimes;
  - g) State finances and State loans; issuing money; legislation on banking, credit, insurance and taxes;
  - h) standards and models; geodesy and cartography; determination of the exact time; State statistics;

i) a unified energy system and regime; communications; merchant fleet; ensigns; harbors of general State importance; airports and airfields; control of airspace, transit and air transportation, registration of air transportation; meteorological services; environmental observation systems;

j) railways and automobile roads of State importance;

k) piscary in ocean and high seas;

l) the frontier-sanitary cordon;

m) legislation on pharmaceutical medicines;

n) certification and accreditation of secondary schools and institutes of higher education; legislation on academic, scientific and professional titles and grades;

o) legislation on intellectual property;

p) legislation on trade, criminal law, civil law, administrative law and labor law, penitentiary and procedures legislation;

q) criminal police and investigation;

r) legislation on land, subsoil and natural resources;

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

3. The status of the Autonomous Republic of Ajara is determined by the *Constitutional Law of Georgia, On the Status of the Autonomous Republic of Ajara*.[\[3\]](#)

4. The status of the Autonomous Republic of Abkhaz is determined by the *Constitutional Law of Georgia, On the Status of the Autonomous Republic of Abkhazia*.[\[4\]](#)

#### Article 4

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

2. The Council of the Republic consists of members elected on the basis of a proportional system.

3. The Senate consists of members elected from Abkhazia, the Autonomous Republic of Ajara and other territorial units of Georgia, and five (5) members appointed by the President of Georgia.[\[5\]](#)

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

#### Article 5

1. The people are the source of State sovereignty in Georgia. The State sovereignty is exercised within the framework established by the Constitution.
2. The people exercise their sovereignty through referendum, other forms of direct democracy and their representatives.
3. No one has the right to seize or usurp the sovereign [authority].
4. State sovereignty is exercised on the basis of the principle of separation of powers.

#### Article 6

1. The Constitution of Georgia is the supreme law of the State. All other legal acts must conform to the Constitution.
2. The legislation of Georgia shall conform to the universally recognized principles and rules of international law. An international treaty or agreement of Georgia takes precedence over domestic normative acts unless it contradicts the Constitution of Georgia or the Constitutional Agreement.[\[6\]](#)

#### Article 7

The State recognizes and protects universally recognized human rights and freedoms as inalienable and supreme human values. In the exercise of their sovereign powers, the people and the State are bound by these rights and freedoms as directly applicable law.

#### Article 8

The State language of Georgia shall be Georgian, and in the Autonomous Republic of Abkhazia, Abkhazian [shall also be the State language].[\[7\]](#)

#### Article 9[\[8\]](#)

1. The State declares complete freedom of belief and religion, and equally recognizes the special role of the Apostle Autocephalous Orthodox Church of Georgia in the history of Georgia and its independence from the State.
2. The relations between the State of Georgia and the Apostle Autocephalous Orthodox Church of Georgia shall be determined by the Constitutional Agreement. The Constitutional Agreement shall fully correspond to universally recognized principles and norms of international law, in particular in the field of human rights and fundamental freedoms.

#### Article 10

Tbilisi is the capital of Georgia.

#### Article 11

The State symbols of Georgia are determined by organic law.

## CHAPTER TWO

### Georgian Citizenship.

#### Basic Rights and Freedoms of [the] Individual

##### Article 12

1. Georgian citizenship shall be acquired by birth and naturalization.
2. *A citizen of Georgia may not simultaneously be a citizen of another country, save in cases established by this paragraph. The citizenship of Georgia shall be granted by the President of Georgia to a citizen of a foreign country for his/her services to Georgia or if the bestowal of the Georgian citizenship is in the State's interest.*[\[9\]](#)
3. The procedure for the acquisition and loss of citizenship shall be determined by organic law.

##### Article 13

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

##### Article 14

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

##### Article 15

1. Everyone has the inviolable right to life and this right shall be protected by law.
2. The death penalty as ultimate punishment shall, until its complete abolition, be imposed by organic law in respect of especially grave crimes committed against a life. Only the Supreme Court of Georgia shall be authorized to impose such a punishment.

##### Article 16

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

##### Article 17

1. The honor and dignity of an individual are inviolable.

2. Torture, inhuman or cruel treatment or punishment, or treatment or punishment infringing upon honor or dignity shall be impermissible.

#### Article 18

1. The liberty of an individual is inviolable.

2. The deprivation of liberty or any other restriction of personal liberty without a court decision shall be impermissible.

3. An arrest of an individual shall be permissible if ordered by a specially authorized official in the cases determined by law. Everyone arrested or otherwise restricted in his/her liberty shall be brought before a competent court no later than 48 hours [after detention]. If, within the next 24 hours, the court fails to adjudicate upon the detention or other type of restriction of liberty, the individual shall immediately be released.

4. Physical or mental coercion of an arrested individual or a person otherwise restricted in his/her liberty shall be impermissible.

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

6. The term of arrest of a person suspected of having committed a crime shall not exceed 72 hours, and the term of detention on remand of an accused [person] shall not exceed 9 months.

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

#### Article 19

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

2. The persecution of a person on account of his/her speech, thought, religion or belief as well as the use of compulsion to make somebody express his or her opinions shall be prohibited.

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

#### Article 20

1. The private life of every person, [his/her] workplace, personal records, correspondence, communications by telephone or other technical means as well as messages received through other technical means shall be inviolable. Restrictions of the aforementioned rights shall be permissible on the basis of a court decision or, without such a decision, in the case of urgent necessity provided for by law.

2. No one shall have the right to enter a house or other premises against the will of the homeowner or to conduct searches without a court decision, save in a case of urgent necessity provided for by law.

#### Article 21

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

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

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

#### Article 22

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

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

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

#### Article 23

1. The freedom of intellectual creation shall be guaranteed. The right to intellectual property shall be inviolable.

2. Interference in the creative process and censorship in the field of creative activity shall be prohibited.

3. The seizure of creative work and prohibition of its dissemination shall be prohibited unless the work infringes upon the legal rights of others.

#### Article 24

1. Everyone has the right to freely receive and impart information, to express and impart his/her opinion orally, in writing or by any other means.

2. The mass media shall be free. Censorship shall be prohibited.

3. Neither the State nor particular individuals shall have the right to acquire a monopoly on mass media or the means of dissemination of information.

4. The exercise of the rights enumerated in the first and second paragraphs of the present Article may be restricted by law to the extent necessary in a democratic society in the interests of national security, territorial integrity or public safety, for the prevention of crime, for the protection of the rights or dignity of others, for the prevention of the disclosure of information acknowledged as confidential, or for maintaining the independence and impartiality of justice.

#### Article 25

1. Everyone except members of the armed forces, the police and the security service has the right to public assembly without arms, either indoors or outdoors, without prior permission.

2. The necessity of prior notification of the authorities may be established by law in the case where a public assembly or demonstration is held on a public thoroughfare.

3. Only the authorities shall have the right to break up a public assembly or demonstration in the event it assumes an illegal character.

#### Article 26

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

2. Citizens of Georgia shall have the right to form a political party or other political association and participate in its activity in accordance with the organic law.

3. The formation and activity of political parties which aim to overthrow or to change by force the constitutional structure of Georgia, to violate the independence or territorial integrity of the country, to propagate war or violence or to incite to national, local, religious or social hatred are prohibited.

4. The creation of armed forces by public and political associations is prohibited.

5. A person who is a member of the armed forces, State security services or the special forces of the home office, or a person appointed or elected as a judge or a prosecutor shall cease his/her membership in any political association(s).

6. Suspension or prohibition of the activity of public or political associations shall be possible only on the basis of a court decision, in the cases determined by organic law and in accordance with a procedure prescribed by law.

#### Article 27

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

#### Article 28



1. Every citizen of Georgia who has attained the age of 18 shall have the right to participate in referenda or elections of State and self-government bodies. The free expression of the will of the electorate is guaranteed.

2. A citizen, who has lost his/her legal capacity by virtue of a court decision or who is detained in a penitentiary institution following a conviction by a court, shall have no right to participate in elections and referenda.

#### Article 29

1. Every citizen of Georgia shall have the right to hold any public office if he/she meets the requirements established by legislation.

2. The requirements for public office shall be determined by law.

#### Article 30

1. Labor shall be free.

2. The State is obliged to promote the development of free entrepreneurial activity and competition. Monopolistic activity shall be prohibited except in the cases permitted by law. The rights of consumers shall be protected by law.

3. On the basis of international agreements concerning labor relations, the State shall protect the labor rights of the citizens of Georgia abroad.

4. The protection of labor rights, fair remuneration of labor, safe and healthy working conditions and the working conditions of minors and women shall be determined by law.

#### Article 31

The State shall take care of the equal social and economic development of the whole territory of the country. With a view to ensuring the social and economic progress of the high mountain regions, special privileges shall be determined by law.

#### Article 32

The State shall promote the employment of the unemployed citizens of Georgia. The conditions of the provision of a minimum standard of living and the status of the unemployed shall be determined by law.

#### Article 33

The right to strike shall be recognized. The manner in which this right is exercised shall be determined by law. The law shall also establish the guarantees for the functioning of services of vital importance.

#### Article 34

1. The State shall promote the development of culture, the unrestricted participation of citizens in cultural life, the expression and enrichment of cultural originality, the recognition of national and common values and the deepening of international cultural relations.

2. Every citizen of Georgia shall be obliged to care for the protection and preservation of the cultural heritage. The State shall protect the cultural heritage by law.

#### Article 35

1. Everyone shall have the right to receive education and the right to freely choose the form of education.

2. The State shall ensure the compatibility of educational programs with international rules and standards.

3. Pre-school education shall be guaranteed by the State. Primary education shall be compulsory. The State shall provide basic education at its own expense. Citizens shall have the right to receive free secondary, professional and higher education at State educational institutions in accordance with the procedure and within the framework established by law.[\[10\]](#)

4. The State shall support educational institutions in accordance with the procedure established by law.

#### Article 36

1. Marriage shall be based upon the equality of rights and the free will of spouses.

2. The State shall promote the prosperity of the family.

3. The rights of the mother and of the child shall be protected by law.

#### Article 37

1. Everyone shall have the right to health insurance as a means to secure access to medical aid. In the cases determined in accordance with a procedure prescribed by law, free medical aid shall be provided.

2. The State shall control all institutions of health protection and the production and trade of pharmaceutical drugs.

3. Everyone shall have the right to live in a healthy environment and to enjoy natural and cultural surroundings. Everyone shall be obliged to care for the natural and cultural environment.

4. With a view to ensuring a safe environment, in accordance with the ecological and economic interests of society and with due regard to the interests of the current and future generations, the State shall guarantee the protection of the environment and the rational use of natural resources.

5. A person shall have the right to receive complete, objective and timely information on the state of his/her working and living environment.

#### Article 38

1. Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or [regional] linguistic origins. In accordance with universally recognized principles and rules of international law, they shall have the right, without any discrimination or interference, to freely develop their culture and to use their native language in private and in public.

2. In accordance with universally recognized principles and rules of international law, the exercise of minority rights shall not undermine the sovereignty or structure of the State, the territorial integrity or political independence of Georgia.

#### Article 39

The Constitution of Georgia shall not be interpreted as denying other universally recognized rights, freedoms and guarantees of the individual or the citizen, which are not explicitly referred to herein but derive from the inherent principles of the Constitution.

#### Article 40

1. An individual shall be presumed innocent until proven guilty of the commission of an offense in accordance with the procedure prescribed by law and by virtue of a final conviction of the court.

2. No one shall be obliged to prove his/her innocence. The burden of proof shall rest with the prosecutor.

3. A resolution on the prosecution of a person, a bill of indictment and a judgment of conviction shall be based only on evidence beyond a reasonable doubt. An accused shall be given the benefit of doubt in any event.

#### Article 41

1. Every citizen of Georgia shall have a right of access, in accordance with a procedure prescribed by law, to the information about him/her stored in State institutions as well as in official documents, unless they contain State, professional or commercial secrets.

2. The information contained in official papers pertaining to an individual's health, his/her finances or other private matters, shall not be accessible to anyone without the consent of the individual concerned, except in the cases determined by law where it is necessary for safeguarding national security or public safety, or for the protection of the health, rights or freedoms of others.

#### Article 42

1. Everyone has the right to apply to a court for the protection of his/her rights and freedoms.

2. Everyone shall be tried only by a court which has jurisdiction for his/her case.
3. The right to a defense shall be guaranteed.
4. No one shall be convicted twice for the same crime.
5. No one shall be held responsible for an act which did not constitute a criminal offense at the time it was committed. The law shall have no retroactive effect, except insofar as it mitigates or extinguishes criminal responsibility.
6. The accused shall have the right to request the summoning and the interrogation of his/her witnesses in the same conditions as the witnesses of the prosecution.
7. Evidence obtained in contravention of the law shall have no legal value.
8. No one shall be obliged to testify against himself/herself or those relatives who are determined by law.
9. Everyone having sustained an unlawful damage caused by the State, self-government bodies or State officials shall be guaranteed full compensation from State funds through the appropriate court proceedings.

#### Article 43

1. The protection of human rights and fundamental freedoms within the territory of Georgia shall be supervised by the Ombudsman of Georgia who shall be elected for a term of five (5) years by the absolute majority of the members of the Parliament of Georgia.
2. The Ombudsman shall be authorized to investigate the facts of the violations of human rights and freedoms and to report on them to the competent bodies and officials. The obstruction of the investigations of the Ombudsman shall be punishable by law.
3. The powers of the Ombudsman shall be determined by organic law.

#### Article 44

1. Everyone residing in Georgia shall be obliged to act in compliance with the Constitution and the laws of Georgia.
2. The exercise of the rights and freedoms of an individual shall not infringe upon the rights and freedoms of others.

#### Article 45

The basic rights and freedoms enshrined in the Constitution shall apply to legal persons to the extent that the nature of such rights permits.

#### Article 46

1. In case of a state of emergency or martial law, the President of Georgia shall be authorized to restrict the rights and freedoms enumerated in Articles 18, 20, 21, 22, 24, 25, 30, 33 and 41 of the Constitution either throughout the whole country or in a certain part thereof. The President shall be obliged to submit the decision to Parliament for approval within 48 hours.

*2. In case of the introduction of a state of emergency or martial law throughout the whole territory of the country, elections for the President of Georgia, the Parliament of Georgia or other representative bodies of Georgia may only be held once the state of emergency or martial law has been terminated. In case of the introduction of a state of emergency in a certain part of the country, the Parliament of Georgia shall adopt a decision on the holding of the elections in the other territories of the country.*[\[11\]](#)

#### Article 47

1. Foreign citizens and stateless persons residing in Georgia shall have the same rights and obligations as the citizens of Georgia, with the exceptions provided for by the Constitution and the law.

2. In accordance with universally recognized rules of international law and the procedure established by law, Georgia shall grant asylum to foreign citizens and stateless persons.

3. It shall be prohibited to extradite or to transfer an asylum seeker who is being persecuted for political his/her political convictions or for an act which is not regarded as a crime under the legislation of Georgia.

### CHAPTER THREE

#### The Parliament of Georgia

#### Article 48

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

#### Article 49

1. The Parliament of Georgia shall consist of 150 members of Parliament elected by a proportional system and 85 members elected by a majority system for a term of four (4) years on the basis of universal, equal and direct suffrage by secret ballot.

2. A citizen who has attained the age of 25 years and possesses the right to vote may be elected a member of Parliament.

3. The internal structure of Parliament and the rules for its decision-making process shall be established by its rules of procedure.

*4. The current expenditure for the Parliament of Georgia in the State budget may only be reduced in relation to the amount provided in the previous year with the prior consent of*

*Parliament. Parliament shall itself adopt the decision on the distribution of the budgetary means of Parliament in the State budget.*[\[12\]](#)

## Article 50

1. A political association of citizens registered in accordance with a procedure determined by law, which is supported by the signatures of no fewer than 50,000 voters or which has a representative in Parliament at the time elections are scheduled, shall have the right to stand for the elections; whereas, in the elections by the majority system an individual whose nomination is supported by at least 1,000 signatures or an individual who was a member of Parliament as a result of the previous elections shall have the right to stand for the elections.

2. The mandates of the members of Parliament shall be distributed only among those political associations and electoral blocks which in the elections held under the proportional system have obtained at least seven per cent (7%) of the total votes cast.[\[13\]](#)

*3. The regular parliamentary elections shall be held at least fifteen (15) days before the expiration of the term of the current Parliament. If the date of the elections coincides with a state of emergency or martial law, the elections shall be held no later than 60 days after the termination of the state of emergency or martial law. The President of Georgia shall schedule the elections no later than 60 days before the relevant date. In the case of dissolution of Parliament, the President shall schedule extraordinary elections, which shall be held no earlier than 45 days and no later than 60 days before the dissolution order becomes effective.*

*3<sup>1</sup>. Parliament shall terminate its activities once the dissolution order of the President becomes effective. From this time until the first convocation of the newly elected Parliament, the dissolved Parliament shall assemble only in the case of the declaration of a state of emergency or martial law by the President in order to decide on the issues of prolongation and/or approval of the state of emergency or martial law. If Parliament is not assembled within 5 days or does not approve (prolong) the order of the President on the declaration (prolongation) of a state of emergency, the announced state of emergency shall be terminated. In case Parliament does not approve the order of the President on the declaration (prolongation) of a state of martial law within 48 hours, the state of martial law shall be terminated. The convocation of Parliament shall not entail the restoration of the functions and salaries of the members of Parliament. Parliament shall terminate its activities upon the adoption of a decision on the above-mentioned issues.*[\[14\]](#)

4. The powers of Parliament shall cease to be effective upon the first convocation of the newly elected Parliament.

5. The election procedure for the members of Parliament as well as the inadmissibility of a candidate to participate in elections are determined by the Constitution and by organic law.

## Article 51

The first session of the newly elected Parliament of Georgia shall be convened within 20 days after the elections. The day of the first session shall be scheduled by the President of Georgia. Parliament shall begin its work if the authority of no less than two-thirds (2/3) of the members of Parliament are confirmed.

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

*Parliament may be dissolved by the President in the cases determined by the Constitution, but not:*

- a. within six (6) months from the holding of parliamentary elections;*
- b. when discharging its powers under Article 63 of the Constitution;*
- c. during a state of emergency or martial law;*
- d. within the last 6 months of the term of office of the President of Georgia.* [\[15\]](#)

## Article 52

1. A member of the Parliament of Georgia is the representative of all of Georgia. He/She has a free mandate, and his/her recall is not permitted.

2. *Arrest or detention of a member of Parliament, the search of his/her apartment, car, workplace or his/her person shall be permissible only with the consent of Parliament, except where the member of Parliament is caught in flagrante delicto, which shall immediately be notified to Parliament. Unless Parliament gives its consent, the arrested or detained member of Parliament shall immediately be released.* [\[16\]](#)

3. A member of Parliament has the right to refuse to give evidence on facts disclosed to him/her as a member of Parliament. The seizure of written material in connection with this matter is prohibited. This right may also be invoked by a member of Parliament after the termination of his/her functions.

4. A member of Parliament shall not be subject to court proceedings with regard to the ideas and opinions expressed by him/her in and outside of Parliament in the performance of his/her duties.

5. The conditions for the unimpeded exercise of the functions of a member of Parliament are guaranteed. Upon request, the State bodies shall ensure his/her personal security.

6. The creation of obstacles to the discharge of their duties by members of Parliament shall be punishable by law.

## Article 53

1. A member of Parliament shall not be entitled to hold any public office or to engage in an entrepreneurial activity. The inadmissibility of a candidate to participate in an election is determined by law.

2. In the event of a violation of the requirements set out in the preceding paragraph, the functions of a member of Parliament shall be terminated.

3. A member of Parliament shall receive remuneration as determined by law.

## Article 54

1. Parliament is competent to decide upon the validity of the election of a member of Parliament and upon the termination of his/her office. The decision of Parliament may be appealed in the Constitutional Court.
2. The functions of a member of Parliament shall be terminated before the expiry of his/her office in the following cases:
  - a. in the event of a resignation from office on the basis of a personal declaration;
  - b. in the event of a criminal conviction of the member of Parliament by a court decision which cannot be appealed;
  - c. in the event a court declares the member of Parliament to lack legal capacity, to be missing or dead;
  - d. if the member holds an office or engages in an activity incompatible with the status of a member of Parliament;
  - e. in the case of loss of Georgian citizenship;
  - f. if the member fails to take part in the work of Parliament for a period exceeding four (4) months without good reason;
  - g. in the case of death.

## Article 55

1. For the duration of the parliamentary term, the Parliament of Georgia elects, in accordance with the procedure established by its internal rules, the President and the Vice-Presidents of Parliament by secret ballot, including one Vice-President from the ranks of the members elected in the Autonomous Republic of Abkhazia and in the Autonomous Republic of Ajara, respectively, upon nomination by the respective group.[\[17\]](#)
2. The President of Parliament shall direct the work of Parliament, ensure the free expression of opinions, sign the acts adopted by Parliament and perform the other duties assigned to him/her by the rules of procedure of Parliament.
3. The Vice-President shall perform the duties of the President in accordance with his/her instructions if the latter is temporarily unable to discharge his/her functions, as well as in the case of the President's removal from office.
4. The President of Parliament exercises all administrative functions in the buildings of Parliament in accordance with the rules of procedure of Parliament.

## Article 56



1. To prepare the legislative agenda, facilitate the implementation of decisions adopted by Parliament and to control the activities of the bodies accountable to Parliament and the Government, committees shall be set up for the duration of the term of Parliament.
2. In the cases defined in the Constitution and in the rules of procedure of Parliament, as well as upon the request of no fewer than one fourth (1/4) of the members of Parliament, investigative or other temporary committees are established by Parliament. The representation of the parliamentary majority in such a committee shall not exceed half (1/2) of the total number of its members.
3. At the request of the investigative committee, attendance at its meetings as well as the submission of documents required for the investigation of the matter under consideration are obligatory.

#### Article 57

1. With the view to organizing the work of Parliament, an executive committee of Parliament is set up. It consists of the President of the Parliament of Georgia, the Vice-Presidents and the presidents of the parliamentary committees and parliamentary groups.
2. Issues concerning the appointment of the officials provided for by the Constitution are discussed in the executive committee upon the basis of the conclusion of the respective committees and in accordance with a procedure determined by the rules of procedure of Parliament. The conclusions are submitted to the President and Parliament. The executive committee shall adopt decisions on matters relating to the organization of the work of Parliament.

#### Article 58

1. The members of Parliament shall be entitled to form parliamentary groups. The number of the members of a parliamentary group shall not be less than ten.
2. The formation and the functioning of the parliamentary groups and their powers are determined by law and by the rules of procedure of Parliament.

#### Article 59

1. A member of Parliament has the right to address questions to the bodies which are accountable to Parliament, to Government members, to city mayors, to the heads of the executive bodies of the territorial units at any level and to public institutions, and to receive their answers.
2. A group of at least ten members of Parliament or a parliamentary group are entitled to address questions to any body accountable to Parliament, to the Government or to any of its members, who are obliged to respond to these questions at a parliamentary meeting. The answer may be the subject of a parliamentary debate.
3. *Parliament is authorized to raise the issue of the official responsibility of a particular member of the Government before the Prime Minister. In case the Prime Minister does not*

*dismiss the member of Government, he/she shall submit his/her motivated decision to Parliament within two weeks.*[\[18\]](#)

#### Article 60

1. Meetings of Parliament are open to the public. Upon the decision of the majority of the members of Parliament present, Parliament is entitled to declare a meeting or a part thereof closed to the public while discussing a particular issue.

*2. Members of Government and officials elected, appointed or approved by Parliament are entitled and, upon the request of Parliament, obliged to attend the meetings of Parliament or its committees, to respond to the questions raised and to give an account of their activities. Upon their request, their statements must be heard by Parliament or its committees.*[\[19\]](#)

3. Voting is always public and personal, except in the cases defined by the Constitution or by law.

4. The minutes of the meetings of Parliament, except those of secret meetings, are published in the *Official Gazette* of Parliament.

#### Article 61

1. The Parliament of Georgia assembles by law 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. Upon the request of the President of Parliament, of no fewer than one fourth (1/4) of the members of Parliament or on his/her own initiative, the President of the Republic may convene an extraordinary session in the period between two session periods or a special meeting in the course of an ordinary session period. If within 48 hours after such a written request was made, the President fails to issue the act of convocation, Parliament is obliged to start its work within the next 48 hours in accordance with its rules of procedures.

3. A special meeting of Parliament shall discuss a specific agenda and shall close upon the exhaustion of the agenda.

4. Parliament shall assemble within 48 hours of the declaration of a state of emergency or martial law by the President. It shall be in session until the state of emergency or martial law is terminated.

#### Article 62

Decisions of Parliament on the issues of war and peace, the state of emergency or martial law as well as on other issues provided for by Article 46 of the Constitution are adopted by the absolute majority of the members of Parliament.

#### Article 63

1. In the circumstances defined in the second paragraph of Article 75, no less than one third (1/3) of the total number of the members of Parliament has the right to raise the issue of removal of the President of Georgia from office in the impeachment procedure. The case [for impeachment] shall be decided by the Supreme Court or the Constitutional Court.

2. If in its decision the Supreme Court confirms that the President has committed a crime or if the Constitutional Court confirms a violation of the Constitution, Parliament, after a discussion of the decision, shall decide with the absolute majority of its members whether the issue of impeachment of the President is put to a vote.

3. The President shall be deemed to have been removed from office in the impeachment procedure if no less than two-thirds (2/3) of the total number of the members of Parliament support the decision.

4. If Parliament fails to adopt the decision within a term of 30 days, the issue is removed from the agenda. Parliament is barred from impeaching the President on the same charges during the following year.

5. The discussion of charges brought against the President and the adoption of a decision in Parliament are not permitted during the times of war, the state of emergency or martial law.

#### Article 64

1. In case of a violation of the Constitution, the commission of high treason or other criminal offenses, no less than one third (1/3) of the total number of the members of Parliament are entitled to raise the issue of removal from office by impeachment proceedings of the President of the Supreme Court, the members of the Government, the Prosecutor General, the President of the Chamber of Control and the members of the Council of the National Bank.

2. After having received the findings in accordance with the procedure envisaged in the second paragraph of Article 63, Parliament is authorized to remove the officials listed in the first paragraph of the present Article from office with a vote of the absolute majority of its members. The requirements of the fourth paragraph of Article 63 shall also apply to such cases.

#### Article 65

1. The Parliament of Georgia, by an absolute majority of its members, ratifies, denounces and terminates international treaties and agreements.

2. Apart from the international treaties and agreements which provide for ratification, an international treaty and agreement is also compulsorily subject to ratification if it:

a. provides for the accession of Georgia to an international organization or intergovernmental union;

b. is of a military character;

c. concerns the territorial integrity of the State or alters State borders;

- d. is related to the taking or making of loans by the State;
  - e. requires a change of domestic legislation, the adoption of laws or legal acts which are necessary for the fulfillment of the international obligations.
3. Parliament shall be notified about the conclusion of other international treaties and agreements.
4. If a complaint or application is lodged with the Constitutional Court [with regard to the constitutionality of a treaty or agreement], the ratification of the respective international treaty or agreement is not permitted before a decision is made [on the complaint or application] by the Constitutional Court.

#### Article 66

1. A draft law or a draft resolution shall be deemed to be adopted if it is supported by the majority of the members of Parliament present, but no less than one third (1/3) of the total number of the members of Parliament, unless the Constitution determines another procedure for the adoption of the draft law or draft resolution.
- 1<sup>1</sup>. A Constitutional Agreement shall be deemed approved if it is supported by no less than three-fifths (3/5) of the total number of the members of Parliament.[\[20\]](#)
2. A draft organic law shall be deemed adopted if it is supported by more than half of the number of the members of Parliament on the current nominal list.
3. The consent of Parliament shall be adopted in the form of a resolution unless another procedure is defined by the Constitution.
4. The procedure for the adoption of other decisions shall be defined by the parliamentary rules of procedure.

#### Article 67

1. The right of legislative initiative belongs to: the President of Georgia in the enumerated cases; the Government; a member of Parliament; a parliamentary group; a parliamentary committee; the higher representative bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara; and no fewer than 30,000 voters.[\[21\]](#)
2. Upon the request of the President of Georgia, draft laws submitted by him are discussed by Parliament on a priority basis.
3. *In case the Government does not submit its amendments to a draft law considered by Parliament within a term provided for by the law, the draft law shall be deemed approved [in its unamended version].*[\[22\]](#)

#### Article 68

1. *A draft law adopted by Parliament shall be submitted to the President of Georgia within a period of seven (7) days.*[\[23\]](#)

2. The President shall sign and promulgate the law within a term of ten (10) days or return it to Parliament with suggested amendments.

3. If the President returns the draft law to Parliament, the latter shall put the amendments suggested by the President to a vote. For the adoption of the amendments, the same number of votes shall suffice which is prescribed for the adoption of the relevant type of draft law by Article 66 of the Constitution. If the amendments are adopted, the final version of the draft law shall be submitted to the President who shall sign and promulgate it within a term of seven (7) days.

4. If Parliament rejects the amendments suggested by the President, the initial version of the draft law shall be put to a vote. A law or an organic law shall be deemed to be adopted if it is supported by no less than three-fifths (3/5) of the number of the members of Parliament on the basis of the current nominal list. A constitutional amendment shall be deemed to be passed if it is supported by no less than two-thirds (2/3) of the total number of the members of Parliament.

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

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

## CHAPTER FOUR

### The President of Georgia

#### Article 69

1. The President of Georgia is the Head of State of Georgia.
2. The President of Georgia directs and determines the domestic and foreign policy of the State. He/She guarantees the unity and integrity of the country and the functioning of the State institutions in accordance with the Constitution.
3. The President of Georgia is the supreme representative of Georgia in foreign relations.

#### Article 70

1. The President of Georgia is elected on the basis of universal, equal and direct suffrage by secret ballot for a term of five (5) years. The same person may only be elected President for two consecutive terms.
2. Every person who is a native-born citizen of Georgia, has the right to vote and has attained the age of 35, has lived in Georgia for at least fifteen (15) years and is living there on election day, can be elected President.
3. The right to nominate a candidate for the office of President belongs to political associations and citizens' initiatives. The nomination must be supported by the signatures of no fewer than 50,000 voters.

4. *A candidate is deemed elected if he/she has obtained more than half of the votes cast.*[\[24\]](#)

5. If the election is deemed to have been held, but none of the candidates have obtained the necessary number of votes, a second round of elections shall be held in two weeks.

6. *The two candidates with the highest numbers of votes in the first ballot shall be put to the vote in the second round. The candidate who receives more votes shall be deemed elected.*[\[25\]](#)

7. If the election is declared to have not been validly held, or if only one candidate has taken part in the first round and has not received the necessary number of votes, or if a President fails to be elected in the second round, new elections shall be held within two months.

8. No elections shall be held during a state of emergency or martial law.

9. The first round of regular elections for the Presidency shall be held on the second Sunday of April of the fifth year after holding the previous election.

10. The procedure and conditions for the election of the President as well as the inadmissibility of a candidate to participate in the elections are determined by the Constitution and organic law.[\[26\]](#)

#### Article 71

1. Before assuming office, the new President outlines his/her political program and takes the following oath:

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

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

#### Article 72

*The President of Georgia shall not have the right to hold any other public office except a position in a political party, to engage in entrepreneurial activity, to receive a salary or other permanent remuneration for any other activity.*[\[27\]](#)

#### Article 73

1. The President of Georgia:

a. concludes international agreements and treaties, negotiates with foreign states; appoints and dismisses ambassadors and other diplomatic representatives of Georgia with the consent of Parliament; accredits ambassadors and other diplomatic representatives of foreign states and international organizations;

a<sup>1</sup>. concludes the Constitutional Agreement with the Apostle Autocephalous Orthodox Church of Georgia on behalf of the State of Georgia;[\[28\]](#)

*b. appoints the Prime Minister and approves the appointments of the other members of Government, such as ministers, by the Prime Minister;*

*c. is authorized to dismiss the Government, the Ministers of Domestic Affairs, Defense and State Security of Georgia on his/her own initiative or in other cases as determined by the Constitution;*

*d. accepts the resignation of the Government, of a member of the Government and of other officials as determined by law and is authorized to ask the Government or a member of the Government to perform their official duties until the appointment of a new Government or a new member of the Government;*

*e. approves the submission of the State budget of Georgia by the Government to Parliament;*[\[29\]](#)

f. presents to Parliament, appoints and dismisses the public officials in accordance with the procedure defined in the Constitution and the law;

g. declares a state of martial law in the case of an armed attack on Georgia, makes peace when appropriate conditions exist and submits these decisions to Parliament for approval within 48 hours;

h. in the case of war or mass disorder, infringement of the territorial integrity of the country, *coup d'état*, armed insurrection, ecological disasters, epidemics or in other cases when the institutions of the State are unable to normally discharge their constitutional functions, declares a state of emergency throughout the whole territory of the country or a certain part thereof and submits this decision to Parliament within 48 hours for approval. In the case of a state of emergency, the President issues decrees having the force of law which shall remain in force until the end of the state of emergency; and implements the emergency measures. The decrees shall be submitted to Parliament when it is assembled. Emergency powers shall apply only to the territories where the state of emergency is declared for the reasons mentioned in the present paragraph;

i. is authorized, with the consent of Parliament, to suspend the activity of the institutions of self-government or other representative bodies of the territorial units or to dismiss them if their activity creates a threat to the sovereignty or territorial integrity of the country or to the exercise of the constitutional powers by the State institutions;

j. issues decrees and orders on the basis of the Constitution and the law;

k. signs and promulgates laws in accordance with the procedure prescribed by the Constitution;

l. decides about the matters of citizenship and grants asylum;

m. awards State honors, higher military ranks, special and honorary titles and higher diplomatic ranks;

n. grants pardon to convicted persons;

*o. dissolves Parliament in accordance with the procedure and in the conditions established by the Constitution;*

*p. presides over the Superior Council of the Judiciary for Georgia, appoints and dismisses the judges in accordance with the Constitution and the procedure proscribed by organic law;*

*q. is authorized in the enumerated cases, in the period between the dissolution of Parliament and the first convocation of the newly elected Parliament, to issue a decree having the force of law on tax and budgetary issues, which shall be invalid if it is not approved by the newly elected Parliament within a month from its first convocation;*

*r. is authorized to appoint the Prime Minister and give his/her consent for the appointment of the ministers in the circumstances defined in subparagraphs a. – d. of Article 51<sup>1</sup> in case of a vote of no confidence by Parliament on the composition of the Government within a time period established by the Constitution. After the end of the above mentioned circumstances, the President shall re-submit the list of Government members to Parliament for a vote of confidence within a month.*[\[30\]](#)

2. The President determines the date of the elections of Parliament and of the representative bodies in accordance with the procedure prescribed by law.

*3. The President of Georgia is authorized to suspend or abolish acts of the Government and of the executive bodies if they are in contradiction to the Constitution of Georgia, to international treaties or agreements, to laws or to the normative acts of the President.*

*4. The President is the Commander-in-Chief of the armed forces of Georgia. He/She appoints the members of the National Security Council, appoints and dismisses the Chief of Staff of the armed forces of Georgia and other commanders.*[\[31\]](#)

5. The President is authorized to address the Nation and Parliament. Once a year he/she submits a report to Parliament on the most important matters of State.

6. The President exercises the other powers assigned to him by the Constitution and the law.

#### Article 74

1. At the request of the Parliament of Georgia, of no fewer than 200,000 voters or on his/her own initiative, the President of Georgia organizes a referendum upon the issues determined by the Constitution and the organic law within a period of 30 days after receiving the request.

2. The referendum shall not be held on the adoption or abolition of laws, the granting of amnesty or pardon, the ratification or denunciation of international treaties and agreements or on other matters implying the restriction of basic constitutional rights and freedoms of individuals.

3. Issues related to the scheduling and holding of a referendum are determined by organic law.

#### Article 75



1. The President of Georgia enjoys personal immunity. During the President's term in office his/her detention or prosecution is prohibited.

2. In case of a violation of the Constitution, the commission of high treason or other criminal offense, Parliament is authorized to remove the President from office in accordance with the procedure established by Article 63 of the Constitution and by organic law, if:

a. the violation of the Constitution is confirmed by a judgment of the Constitutional Court;

b. the commission of high treason or other criminal offense is confirmed by a verdict of the Supreme Court.

#### Article 76

*1. In the case of the inability of the President of Georgia to discharge his/her official duties or the early termination of his/her term in office, the President of Parliament shall exercise the responsibilities of the President of Georgia; whereas in the case of the inability of the President of Parliament to perform these functions or of a dissolution of Parliament, the Prime Minister shall exercise the responsibilities of the President of Georgia. During the discharge of the functions of the President of Georgia by the President of Parliament, one of the Vice-Presidents shall perform the duties of the President of Parliament. During the discharge of the functions of the President of Georgia by the Prime Minister, a member of the Government who possesses the powers of the Vice-Prime Minister shall perform the duties of the Prime Minister.*

*2. A person acting as the President is barred from using the powers defined in subparagraphs c) and i) of the first paragraph of Article 73 and the powers defined in the first paragraph of Article 74, as well as from dissolving Parliament.*[\[32\]](#)

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

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

*The President of Georgia shall nominate before Parliament a candidate for the post of the Prosecutor General of Georgia. The authority and procedure of activity of the Prosecutor's office shall be determined by organic law.*[\[33\]](#)

#### Article 77

*The administration of the President of Georgia shall be established with the purpose to promote and assist the exercise of the authority of the President of Georgia. The President of Georgia appoints and dismisses the head of the administration of the President of Georgia, determines its structure and its rules of operation.*[\[34\]](#)

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

The Government of Georgia[\[35\]](#)

#### Article 78

*1. The Government ensures the exercise of the executive power and conducts the domestic and foreign policy of the State in accordance with the legislation of Georgia. The Government is responsible to the President and to the Parliament of Georgia.*

*2. The Government is composed of the Prime Minister and the Ministers. The State Minister (the State Ministers) may also be part of the Government. The Prime Minister shall charge one of the members of the Government with the exercise of the responsibilities of the Vice-Prime Minister. The Government and the members of the Government abdicate their responsibility before the President of Georgia.*

*3. The Government adopts decrees and resolutions signed by the Prime Minister, on the basis of the Constitution, the laws and the normative acts of the President and for the implementation thereof.*

*4. The President of Georgia is authorized to convene and preside over meetings of the Government on important matters of the State. The decisions adopted at the meetings shall take the form of presidential acts.*

*5. The structure, powers, and rules of operation of the Government are determined by the Constitution and the laws, the draft of which is submitted to Parliament by the Government with the consent of the President.*

*6. The Government is authorized to resign on its own initiative.*

*7. The Government begins its work upon the appointment of the members of the Government in accordance with the procedure and the rules established by the Constitution.*

## **Article 79**

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

*2. The Prime Minister directs and organizes the work of the Government, ensures the co-ordination and control of the work of the members of the Government, submits reports on the work of the Government to the President and assumes responsibility for the activities of the Government before the President and the Parliament of Georgia.*

*3. Upon its request, the Prime Minister submits a report on the implementation of the governmental program to Parliament.*

*4. Within his/her authority, the Prime Minister may issue individual legal acts and orders. In addition, he/she exercises all administrative powers within the Government premises.*

*5. The Prime Minister appoints other members of the Government with the consent of the President, and is authorized to dismiss them.*

*6. The Prime Minister appoints and dismisses other officials in accordance with the procedure and the rules determined by law.*

*7. The resignation of the Prime Minister or the termination of his/her functions entails the termination of the powers of the other members of Government. In case of resignation or*

*dismissal of a member of Government, the Prime Minister appoints a new member of the Government within two weeks by the consent of the President of Georgia.*

## Article 80

*1. After taking the oath by the President of Georgia, the Government abdicates its responsibility before the President of Georgia. The President confirms the abdication and is entitled to charge the Government with the exercise of the governmental responsibilities until the appointment of a new Government.*

*2. Within 7 days from the resignation, dismissal or abdication [of the Government], the President of Georgia, after consultation with the parliamentary groups, chooses a candidate for the office of Prime Minister; the candidate for the office of Prime Minister chooses the candidates for the other ministerial offices with the consent of the President within 10 days thereafter. Within 3 days after the completion of the nomination procedure referred to in the first sentence of this paragraph, the President of Georgia submits the composition of the new Government to Parliament for a vote of confidence.*

*3. Within a week after the submission of the Cabinet list, Parliament considers and votes on the composition of the new Government and its governmental program. Confidence is granted by an absolute majority of the members of Parliament. Parliament may refuse confidence to the new Government and raise the issue of exclusion of a particular member of the new Government in the same decision. If the rejection [of a particular member] is accepted by the President, the rejected person may not figure in the composition of the new Government or replace a resigned or dismissed member of the Government.*

*4. In the case where Parliament does not grant confidence to the composition of the new Government and its governmental program, the President of Georgia submits the same or a new composition of the Government to Parliament within one week. Parliament follows the procedure provided for by paragraph 3 of this Article.*

*5. In the case where the composition of the Government and its governmental program fail to obtain the confidence of Parliament after three consecutive submissions, the President of Georgia, within five (5) days, appoints a new Prime Minister without the approval of Parliament. The new Prime Minister appoints the other members of Government with the consent of the President within a 5 day term as well. In such a case, the President of Georgia dissolves Parliament and fixes the date for a new election.*

*6. It is prohibited to start an impeachment procedure of the President while the procedures of this Article are undertaken.*

## Article 81

*1. Parliament may withdraw its support from the Government by an absolute majority of its members. At least one third (1/3) of the total number of members of Parliament are required to raise a motion of no confidence. After Parliament has adopted the motion of no confidence, the President either dismisses the Government or rejects the decision of Parliament. If Parliament adopts another motion of no confidence not earlier than 90 and not later than 100 days [after the first vote], the President of Georgia either dismisses the Government or dissolves Parliament and fixes the date for new parliamentary elections. In case of the*

*existence of circumstances provided for by subparagraphs a–d of Article 51<sup>1</sup>, the second vote on the motion of no confidence is held within 15 days after the end of these circumstances.*

*2. Parliament is entitled to raise the issue of an unconditional withdrawal of confidence from the Government by way of resolution. In case Parliament adopts a motion of no confidence by a majority of three-fifths (3/5) of the total number of its members not earlier than 15 days and not later than 20 days after the adoption of the resolution, the President must dismiss the Government. If the motion is not adopted, it shall be prohibited to request another vote on the withdrawal of confidence from the Government within the next 6 months.*

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

*4. The Prime Minister is authorized to raise the issue of confidence in connection with the discussion of draft laws on the State budget, the Tax Code or the structure, powers and rules of operation of the Government by Parliament. Parliament grants confidence to the Government by an absolute majority of its members. In case Parliament does not grant confidence to the Government, the President of Georgia either dismisses the Government or dissolves Parliament within a week and fixes the date for new elections.*

*5. The vote on the question of confidence is held within 15 days after the presentation of the motion. If the vote does take place within this period, confidence is deemed to have been granted.*

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

*7. It is prohibited to start an impeachment procedure of the President while the procedures of this Article are undertaken.*

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

*1. Once confidence has been granted by Parliament to the Government and its program, the President of Georgia has to submit a new composition of the Government to Parliament for a vote of confidence within one week, if a Cabinet reshuffle affecting one third (1/3), but no fewer than 5 members of Government, is carried out.*

*2. Parliament grants the confidence to the Government in accordance with the procedure established by Article 80.*

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

*1. Ministries are created in order to ensure the governance in a particular field of State and public life.*

*2. Ministries are headed by a Minister who is independent in adopting decisions on matters falling within his/her competence. Ministers issue orders on the basis of the laws, the*

*normative acts of the President or Government resolutions and for the implementation thereof.*

*3. The State Minister is appointed in accordance with the procedure established by the Constitution for the execution of tasks of fundamental importance for the State.*

*4. A member of the Government may not hold any office other than a position in a political party, establish an enterprise, engage in entrepreneurial activity or receive a salary for any other activity, with the exception of scientific and educational work.*

*5. A member of the Government has the right to resign.*

## CHAPTER FIVE

### Judicial Power

#### Article 82

1. Judicial power shall be exercised by the means of constitutional control, justice and other forms determined by law.

2. Court decisions shall be binding for all State bodies and individual persons throughout the whole territory of the country.

3. The judicial power is independent and exercised exclusively by the courts.

4. A court adopts its judgments in the name of Georgia.

*5. Before the courts of general jurisdiction, the cases shall be considered by juries in accordance with the procedure and in the conditions prescribed by law.*[\[36\]](#)

#### Article 83

1. The Constitutional Court of Georgia shall be the judicial body of constitutional control. Its powers, its composition and its activities are governed by the Constitution and the organic law.

2. Justice is administered by the courts of general jurisdiction. Their system and legal procedures are determined by law.

3. The creation of military courts is admissible only in times of war and only within the system of courts of general jurisdiction.

4. Creation of either extraordinary or special courts is prohibited.

#### Article 84

1. Judges are independent in the discharge of their functions and subject only to the Constitution and law. Any pressure upon the judge or interference with his/her activity with a view to influencing his/her decision is prohibited and punishable by law.

2. The removal of a judge from hearing a case, his/her early dismissal or transfer to another position is permitted only in the conditions determined by law.
3. No one has the right to demand from a judge an account concerning a particular case.
4. All acts restricting the independence of judges are void.
5. Only a court is authorized to repeal, change or suspend a court judgment in accordance with the procedure determined by law.

#### Article 85

1. Cases before a court shall be tried in public. The consideration of a case in closed session is permitted only in the circumstances provided for by law. The court judgment shall be delivered in public.
2. Legal proceedings shall be conducted in the official language of the State. Persons who do not have a command of the official language shall be provided with an interpreter. In the districts where the population does not have a command of the State language, the teaching of the State language and the solution of the issues related to the conduct of legal proceedings are guaranteed.
3. Legal proceedings are conducted on the basis of the equality of the parties and the adversarial nature of the proceedings.

#### Article 86

1. A judge must be a citizen of Georgia, have attained the age of 30, have a higher legal education and no less than 5 years experience in the practice of law.
2. Judges are appointed for a term of office of no less than ten (10) years. The procedures for the selection, appointment and dismissal of judges are determined by law.
3. The position of a judge is incompatible with any other occupation and remunerative activity, except educational activities. A judge may not be a member of a political party or participate in a political activity.

#### Article 87

1. A judge enjoys personal immunity. Criminal proceedings against a judge, his/her arrest or detention, the search of his/her apartment, car, workplace or of his/her person are permitted only with the consent of the President of the Supreme Court of Georgia, except in cases where he/she is caught in *flagrante delicto*, which shall immediately be notified to the President of the Supreme Court of Georgia. Unless the President of the Supreme Court gives his/her consent to the arrest or detention, the arrested or detained judge must immediately be released.
2. The State guarantees the security of a judge and of his/her family.

#### Article 88

1. The Constitutional Court of Georgia exercises judicial power by virtue of constitutional law proceedings.

2. The Constitutional Court of Georgia consists of nine (9) judges—the members of the Constitutional Court. Three (3) members of the Constitutional Court are appointed by the President of Georgia, three (3) members are elected by Parliament with a majority of no fewer than three-fifths (3/5) of its members, and three (3) members are appointed by the Supreme Court. The term of office of the members of the Constitutional Court is ten (10) years. The Constitutional Court elects the President of the Constitutional Court from among its members for a term of 5 years. The President cannot be re-elected.

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

4. A member of the Constitutional Court must be a citizen of Georgia who has attained the age of 35 and has a higher legal education. Questions of selection, appointment, election and termination of office of the members of the Constitutional Court as well as other issues concerning constitutional legal proceedings and the activity of the Constitutional Court are determined by law.

5. A member of the Constitutional Court enjoys personal immunity. Criminal proceedings against a member of the Constitutional Court, his/her arrest or detention, the search of his/her apartment, car, workplace or of his/her person are not permitted without the consent of the Constitutional Court, except when he/she is caught in *flagrante delicto*, which shall immediately be notified to the Constitutional Court. Unless the Constitutional Court gives its consent to the arrest or detention, an arrested or detained member must immediately be released.

#### Article 89

1. The Constitutional Court of Georgia on the basis of a constitutional application or a submission of the President of Georgia, the Government, no fewer than one-fifth (1/5) of the members of Parliament, a court, the higher representative bodies the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara, the Ombudsman or of a citizen in accordance with the procedure established by the Organic Law shall be competent to:[\[37\]](#)

*a. adjudicate upon the constitutionality of Constitutional Agreements, the laws, the normative acts of the President and the Government, the normative acts of the higher State bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara;*[\[38\]](#)

b. consider disputes on the delimitation of competences between State bodies;

c. consider the constitutionality of the creation and activities of political associations of citizens;

d. consider disputes related to the constitutionality of referenda and elections;

e. consider the constitutionality of international treaties and agreements;

*e<sup>1</sup>. consider disputes concerning the violation of the constitutional law “On the Status of the Autonomous Republic of Ajara”;*[\[39\]](#)

f. consider on the basis of a constitutional complaint by citizens the constitutionality of normative acts in the terms defined in Chapter Two of the Constitution;

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

2. The decisions of the Constitutional Court are final. A normative act or a part thereof recognized as unconstitutional shall cease to have legal effect from the moment of the promulgation of the respective judgment of the Constitutional Court.

#### Article 90

1. The Supreme Court of Georgia supervises the administration of justice in the courts of general jurisdiction of Georgia and considers cases as a court of first instance in accordance with the procedures and conditions established by law.

2. The President and the judges of the Supreme Court of Georgia are elected for a period of not less than ten (10) years by the majority of the members of Parliament upon nomination by the President of Georgia.

3. The powers, the organization and the rules of procedure of the Supreme Court of Georgia as well as the procedure for early dismissal of the judges of the Supreme Court, are determined by law.

4. The President and the members of the Supreme Court of Georgia enjoy personal immunity. Criminal proceedings against the President or a judge of the Supreme Court, their arrest or detention, the search of their apartment, car, workplace or person are permitted only with the consent of Parliament, except when the President or a judge is caught in *flagrante delicto*, which shall immediately be notified to Parliament. Unless Parliament gives its consent, the arrested or detained must immediately be released.

#### Article 91

*Repealed.*[\[40\]](#)

### CHAPTER SIX

#### State Finances and Control

#### Article 92

1. The Parliament of Georgia annually adopts with the majority of its members the law on the State budget of Georgia, which is signed by the President of Georgia.

2. The procedure of the drafting and adoption of the State budget is determined by law.

#### Article 93[\[41\]](#)



*1. Only the Government of Georgia, after prior agreement with the parliamentary committees on the basic data and principles and upon approval by the President of Georgia, is authorized to submit the draft budget to Parliament.*

*2. The Government submits the draft budget of the following year to Parliament no later than three months before the end of the budget year. Together with the draft budget, the Government submits a report on the execution of the State budget of the current year. The Government submits the report on the execution of the State budget to Parliament for approval no later than three months after the close of the budget year. If Parliament does not approve the report on the execution of the State budget, the President of Georgia considers the issue of the liability of the Government and informs Parliament of his/her reasoned decision within a month.*

*3. The President approves the State budget by decree if it is not approved by Parliament within a term established by the Constitution in the cases defined by subparagraphs a–d of Article 51<sup>1</sup> of the Constitution.*

*4. The introduction of changes in the draft budget without the consent of the Government is not permitted. The Government is authorized to request the approval of Parliament for additional State expenditures only if it indicates how the latter are to be financed.*

*5. Parliament is authorized to control the legality of expenditure under the State budget and, if it discovers a violation, to request the President of Georgia to suspend the further expenditure of budgetary means. If the illegal expenditure is confirmed, the President must adopt a decision pursuant to the request.*

*6. If Parliament fails to adopt the budget submitted in accordance with the procedure established by paragraph 2 of this Article within 3 months, the President of Georgia is authorized to dismiss the Government or to dissolve Parliament and to fix the date for new elections.*

*7. In case Parliament has been dissolved due to its failure to approve the State budget, the President approves the State budget by decree and submits it to Parliament within one month after the powers of the newly elected Parliament have been validated.*

*8. A draft law which results in an increase of the expenditure provided for by the State budget of the current year, the reduction of revenues or the incurrence of new financial obligations by the State may be adopted by Parliament only after prior approval by the Government, whereas the above mentioned laws with regard to the next financial year may be enacted within the scope of the basic parameters of the State budget agreed to by the Government with Parliament.*

#### Article 94

*1. The payment of taxes and duties in the amount and in the manner determined by law is obligatory.*

*2. The structure of taxes and duties and the procedure for their introduction are exclusively determined by law.*

3. Exemptions from taxation as well as payments from the Treasury are permitted only in accordance with the law.

#### Article 95

1. The functioning of the monetary and credit system of Georgia is guaranteed by the National Bank of Georgia.

2. The National Bank of Georgia develops and implements monetary and credit policies in accordance with the general directives established by Parliament.

3. The National Bank is the bank of banks and the banking and fiscal agent of the Government of Georgia.

4. The National Bank is independent in its activities. The rights and duties, the rules of operation and the guarantee of independence of the National Bank are established by organic law.

5. The title of the currency and the currency units are determined by law. Only the National Bank is authorized to issue money.

#### Article 96

1. The highest body of the National Bank of Georgia is the Board of the National Bank. The members of the Board of the National Bank shall be elected for a term of 7 years upon nomination by the President of Georgia by Parliament by an absolute majority of its members. The dismissal of the members of the Board of the National Bank is permitted only by decision of Parliament in accordance with Article 64.

2. The President of Georgia appoints, upon nomination by the Board of the National Bank, the President of the National Bank from among the Board's members and relieves him/her of his/her post.

3. The National Bank is responsible to Parliament and annually submits a report on its activity.

#### Article 97

1. The Chamber of Control of Georgia supervises the use and expenditure of State funds and of other material valuables of the State. It is equally authorized to examine the activities of other State bodies of fiscal and economic control and to submit to Parliament proposals concerning the improvement of tax legislation.

2. *The Chamber of Control is independent in its activities. It is accountable to Parliament. The President of the Chamber of Control is elected for a term of 5 years by the Parliament of Georgia by a majority of its members upon nomination by the President of Georgia. The grounds and the procedure for his/her dismissal are regulated by the Constitution and the law.* [\[42\]](#)

3. The Chamber of Control submits a report twice a year to Parliament regarding Government expenditure in connection with the adoption of the preliminary and final decisions by Parliament on the execution of the budget, and a report once a year on its activities.

4. The powers, organization, rules of operation and the guarantee of the independence of the Chamber of Control are determined by law.

5. Other bodies of State control are set up in accordance with the law.

## CHAPTER SEVEN

### State Defense

#### Article 98

1. Defensive war is a sovereign right of Georgia.

2. Georgia has armed forces for the defense of the independence, sovereignty and territorial integrity of the country, as well as for the honoring of its international commitments.

3. The types and the composition of the armed forces are determined by law. The structure of the armed forces is approved by the President of Georgia, while the strength thereof is approved by Parliament by a majority of its members upon the suggestion of the National Security Council.

#### Article 99

1. A National Security Council, headed by the President of Georgia, is established for the organization of military construction and defense of the country.

2. The composition, powers and rules of operation of the National Security Council are determined by organic law.

#### Article 100

*1. The President of Georgia makes the decision on the use of the armed forces and submits it to Parliament within 48 hours for approval. In addition, the use of the armed forces for the honoring of international commitments is inadmissible without the consent of the Parliament of Georgia.*[\[43\]](#)

2. In order to defend the State in the cases specified by law, the President of Georgia makes the decisions on the entrance, deployment and use of the armed forces of another State in the territory of Georgia. The decisions are immediately submitted to Parliament for approval and are enforceable upon its consent.

#### Article 101

1. The defense of Georgia is an obligation of every citizen of Georgia.

2. The defense of the country and the discharge of military service is a duty of all able-bodied citizens of Georgia. The form of the discharge of military service is determined by law.

## CHAPTER EIGHT

### Revision of the Constitution

#### Article 102

1. The right to submit a draft law on the total or partial revision of the Constitution belongs to:
  - a. the President of Georgia;
  - b. more than half of the total members of Parliament;
  - c. no fewer than 200,000 voters.
2. A draft law on the revision of the Constitution is submitted to Parliament, which publishes it for nation-wide discussion. Parliament begins the discussion of the draft law one month after its publication.
3. The draft law on the revision of the Constitution is deemed to be adopted if it is supported by at least two-thirds (2/3) of the total number of members of the Parliament of Georgia.
4. The law on the revision of the Constitution is signed and promulgated by the President of Georgia in accordance with the procedure provided for by Article 68 of the Constitution.

#### Article 103

The announcement of a state of emergency or martial law suspends a revision of the Constitution until the termination of the state of emergency or martial law.

## CHAPTER NINE

### Transitional Provisions

#### Article 104

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

#### Article 105

1. Political associations of citizens registered in accordance with the procedure established by law which are supported by at least 50,000 signatures or have a representative in Parliament on the day of the adoption of the present Constitution have the right to stand for the election of 1995.
2. Elections under the proportional system shall be conducted on the basis of a single party list.

3. A political association or an electoral block is entitled to nominate a candidate for the parliamentary elections in a majority voting district who is simultaneously on its party list as well.
4. The candidate having obtained the highest number of votes but no less than one third (1/3) of the total votes cast is deemed to be elected in the majority voting district.
5. If none of the candidates has obtained the required number of votes in the first round, a second round is held. The two candidates with the best results in the first round participate in the second round. The candidate who obtains the highest number of votes [in the second round] is deemed to be elected.
6. The present Article enters into force upon the promulgation of the Constitution and shall remain in force until the validation of the powers of the newly elected Parliament.

#### Article 106

1. After the enforcement of the Constitution, only legal acts or those parts of legal acts which do not contradict the Constitution continue to have legal effect.
2. Within two years after the entry into force of the Constitution, the President of Georgia and the Parliament of Georgia ensure the public registration of normative acts adopted before the Constitution came into force and their compatibility with the Constitution and the laws.
3. Within two years after the entry into force of the Constitution, Parliament shall adopt the organic laws referred to by the Constitution or confirms the lawfulness of normative acts existing in the field.

#### Article 107

1. Until the adoption of the organic laws on the judiciary in accordance with the Constitution, the current legislation on the judiciary will remain in force.
2. The second and third paragraphs of Article 18 of the Constitution will enter into force after the adoption of the respective legislative acts on criminal procedure.
3. The organic law on the Constitutional Court must be adopted before February 1, 1996.

#### Article 108

In the course of full restoration of the jurisdiction of the State of Georgia in all of its territories, entry of suitable revisions or additions to the second paragraph of Article 102 of the Constitution are, by way of exception, permitted without publication of the draft law on the revision of the Constitution for nation-wide discussion.

#### Article 109

1. The Constitution adopted in accordance with the established procedure is signed and promulgated by the Head of State of Georgia.

2. The members of Parliament of Georgia and the members of the Constitutional Commission sign the text of the Constitution. Within at least one year after the entry into force of the Constitution, the text of the Constitution must be publicly displayed in the buildings of all local bodies of Georgia in order to enable the population to become familiar with its contents.

---

## EDITOR'S NOTES

[1] This is the *Constitution of Georgia, 1995*, as amended to changes of July 1, 2004. Notably, changes made in 2004 are in *italics* for easy reference.

[2] As amended by the *Constitutional Law of February 6, 2004*.

[3] As inserted by the *Constitutional Law of April 20, 2000*.

[4] As inserted by the *Constitutional Law of October 10, 2002*.

[5] As inserted by the *Constitutional Law of April 20, 2000* and amended by the *Constitutional Law of October 10, 2002*.

[6] As amended by the *Constitutional Law of April 20, 2000*.

[7] As amended by the *Constitutional Law of October 10, 2002*.

[8] As amended by the *Constitutional Law of March 30, 2001*.

[9] As amended by the *Constitutional Law of February 6, 2004*.

[10] As amended by the *Constitutional Law of July 23, 2003*.

[11] As amended by the *Constitutional Law of February 6, 2004*.

[12] *Id.*

[13] As amended by the *Constitutional Law of July 20, 1999*.

[14] Paragraph 3 was amended and paragraph 3<sup>1</sup> was inserted by the *Constitutional Law of February 6, 2004*.

[15] As inserted by the *Constitutional Law of February 6, 2004*.

[16] As amended by the *Constitutional Law of April 23, 2004*.

[17] As amended by the *Constitutional Law of April 20, 2000* and *October 10, 2002*.

[18] As inserted by the *Constitutional Law of February 6, 2004*.

[19] As amended by the *Constitutional Law of February 6, 2004*.

- [20] As inserted by the *Constitutional Law of March 30, 2001*.
- [21] As amended by the *Constitutional Laws of April 20, 2000 and October 10, 2002*.
- [22] As inserted by the *Constitutional Law of February 6, 2004*.
- [23] As amended by the *Constitutional Law of February 6, 2004*.
- [24] *Id.*
- [25] *Id.*
- [26] As amended by the *Constitutional Law of July 20, 1999*.
- [27] As amended by the *Constitutional Law of February 6, 2004*.
- [28] As inserted by the *Constitutional Law of March 30, 2001*.
- [29] Subparagraphs b, c, d and e were amended by the *Constitutional Law of February 6, 2004*.
- [30] Subparagraphs o, p, q and r were inserted by the *Constitutional Law of February 6, 2004*.
- [31] Paragraphs 3 and 4 were amended by the *Constitutional Law of February 6, 2004*.
- [32] Paragraphs 1 and 2 were amended by the *Constitutional Law of February 6, 2004*.
- [33] As inserted by the *Constitutional Law of February 6, 2004*.
- [34] As amended by the *Constitutional Law of February 6, 2004*.
- [35] Chapter Four<sup>1</sup> was inserted in its entirety by the *Constitutional Law of February 6, 2004*.
- [36] As inserted by the *Constitutional Law of February 6, 2004*.
- [37] As amended by the *Constitutional Laws of April 20, 2000 and October 10, 2002*.
- [38] As amended by the *Constitutional Laws of March 30, 2001 and February 6, 2004*.
- [39] As inserted by the *Constitutional Law of July 1, 2004*.
- [40] Repealed by the *Constitutional Law of February 6, 2004*.
- [41] Article 93 was amended almost in its entirety by the *Constitutional Law of February 6, 2004*.
- [42] As amended by the *Constitutional Law of February 6, 2004*.
- [43] *Id.*

