

CONSTITUTION OF GEORGIA

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

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

CHAPTER ONE

General Provisions

Article 1

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

Article 2

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

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

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

Article 3

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



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

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

3. The Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara shall determine the status of the Autonomous Republic of Ajara.

4. The Constitutional Law of Georgia on the Status of the Autonomous Republic of Abkhazia shall determine the status of the Autonomous Republic of Abkhazia.

5. An organic law of Georgia shall define the status and powers of Lazika city.

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

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

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

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

Article 4

1. After appropriate conditions have been created and local self-government bodies have been formed throughout the territory of Georgia, two chambers shall be set up within the Parliament of Georgia; the Council of Republic and the Senate.

2. The Council of Republic shall consist of members elected under the principle of proportionality.

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

4. An organic law shall define the composition, powers, and election procedure of the chambers.

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

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

Article 5

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

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

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

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

Article 6

1. The Constitution of Georgia shall be the supreme law of the State. All other legal acts shall comply with the Constitution.

2. The legislation of Georgia shall comply with the universally recognized principles and rules of international law. An international treaty or an agreement of Georgia, unless it comes into conflict with the Constitution or the Constitutional Agreement of Georgia, shall prevail over domestic normative acts.

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

Article 7



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

Article 8

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

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

Article 9

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

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

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

Article 10

Tbilisi shall be the capital of Georgia.

Article 11

An organic law shall define the state symbols of Georgia.

CHAPTER TWO

Citizenship of Georgia; Fundamental Human Rights and Freedoms

Article 12

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

2. A citizen of Georgia may not have dual citizenship as a citizen of another state except as provided for by this paragraph. The President of Georgia may grant Georgian citizenship to a foreign citizen who has special merits before Georgia or when Georgian citizenship is granted to him/her in the interests of the State.

3. An organic law shall define the procedure for acquisition and loss of Georgian citizenship.

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

Article 13

1. Georgia shall protect its citizens regardless of his/her whereabouts.

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

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

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

Article 14

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



Article 15

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

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

Article 16

Everyone has the freedom to develop their own personality.

Article 17

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

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

Article 18

1. Human liberty shall be inviolable.
2. Without a court decision, imprisonment or other restrictions of personal liberty shall be prohibited.
3. A specially authorized official may arrest a person in cases provided for by law. A detainee or a person whose liberty has been otherwise restricted shall be brought before a competent court not later than 48 hours. If the court does not adjudicate upon detention or any other kind of liberty restriction within the following 24 hours, the person shall be released forthwith.
4. Deleted.
5. An arrestee or a detainee shall be made aware of his/her rights and the grounds for liberty restriction upon his/her arrest or detention. An arrestee or detainee may request the assistance of an advocate upon his/her arrest or detention and the request shall be satisfied.
6. Pre-trial detention period shall not exceed nine months.
7. Violation of the provisions of this Article shall be punishable by law. A person arrested or detained unlawfully shall have the right to compensation.

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

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

Article 19

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

Article 20

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

Article 21



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

2. The rights laid down in the first paragraph of this Article may be restricted for pressing social needs in the case and in the manner prescribed by law so that the nature of property right is not infringed.

3. Property may be deprived for pressing social needs as prescribed by law, by court decision, or in case of urgent necessity determined by an organic law, provided that preliminary, full, and fair compensation is made. Compensation shall be exempted from any taxes and fees.

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

Article 22

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

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

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

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

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

Article 23

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

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

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

Article 24

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

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

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

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

Article 25

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

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

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

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

Article 26

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

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

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



animosity, shall be prohibited.

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

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

6. Activity of public or political associations may be suspended or prohibited only by a court decision in the cases and in the manner prescribed by organic law.

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

Article 27

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

Article 28

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

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

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

Article 29

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

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

2. Law shall define the requirements for public office.

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

Article 30

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

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

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

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

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

Article 31

The State shall guarantee equal socio-economic development for all regions of the country. The law shall establish special privileges to ensure the socio-economic progress of high mountain regions.

Article 32

The State shall promote helping the unemployed find work. Law shall determine conditions for ensuring some minimum standard of living and status for the unemployed.

Article 33



The right to strike shall be recognized. Law shall determine the procedure for exercising this right. Law shall also establish the guarantees for the activity of offices of vital importance.

Article 34

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

Article 34¹

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

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

Article 35

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

Constitutional Law of Georgia No 2597 of 23 July 2003 - LHG I, No 23, 12.08.2003, Art. 168

Constitutional Law of Georgia No 4135 of 27 December 2006 - LHG I, No 3, 11.01.2007, Art. 46

Article 36

1. Marriage shall be based upon the equality of rights and free will of spouses.
2. The State shall promote family welfare.
3. Law shall safeguard the rights of mothers and children.

Article 37

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

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

Article 38

1. Citizens of Georgia shall be equal in their social, economic, cultural, and political lives; irrespective of national, ethnic, religious, or language origin. According to universally recognized principles and rules of international law, they shall have the right to develop their culture freely, use their mother tongue in private and in public without any discrimination and interference whatsoever.



2. According to universally recognized principles and rules of international law, minority rights shall be exercised so as not to contradict the sovereignty, state system, territorial integrity, and political independence of Georgia.

Article 39

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

Article 40

1. An individual shall be presumed innocent until proved guilty as prescribed by law and by an enacted verdict of guilty.
2. No one is obliged to prove his/her innocence. Burden of proof shall rest with the prosecutor.
3. An order committing an accused for trial, bill of indictment, and verdict of guilty shall be based only on incontrovertible evidence. Any suspicion that cannot be proved as prescribed by law shall be solved in favour of the accused.

Article 41

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

Article 42

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

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

Article 43

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

Article 44

1. Everyone who lives in Georgia is obliged to observe the Constitution and legislation of Georgia.



2. The exercise of human rights and freedoms shall not infringe upon the rights and freedoms of others.

Article 45

The fundamental human rights and freedoms laid down in the Constitution, giving due consideration to the context thereof, shall apply to legal entities as well.

Article 46

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

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

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

Article 47

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

2. Georgia shall grant asylum to foreign citizens and stateless persons in accordance with universally recognized rules of international law, in the manner prescribed by law.

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

CHAPTER THREE

Parliament of Georgia

Article 48

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

Article 48¹

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

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

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

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

Article 49

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

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

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

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

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



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

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

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

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

Article 50

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

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

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

3. If the date for holding elections coincides with a state of emergency or martial law, the elections shall be held not later than the 60th day after that state of emergency has been lifted. The President of Georgia shall fix the date of elections upon lifting the state of emergency or martial law. In case of the early dissolution of Parliament, extraordinary elections shall be held on the 60th day after the ordinance of dissolution for Parliament comes into force. The date for extraordinary elections shall be fixed by the President of Georgia upon the enactment of the ordinance of dissolution for Parliament.

3¹. Parliament shall terminate its activity upon the enactment of a presidential decree for the dissolution of Parliament. During the period from enactment of the presidential decree for dissolution to the first meeting of the newly elected Parliament, the dissolved Parliament shall convene only to make a decision on approval and/or extension of a state of emergency or martial law, but only if President has declared a state of emergency or martial law. If Parliament does not convene within five days or does not approve (extend) the presidential decree for a declaration (extension) of a state of emergency, the declared state of emergency shall be canceled. Martial law shall be canceled if Parliament does not approve the presidential decree for a declaration (extension) of martial law within 48 hours after it has convened. Convening Parliament shall not lead to the restoration of parliamentary posts and salaries of MPs. Parliament shall cease its activities upon making decisions on these issues.

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

5. The Constitution and organic law shall define the procedure for an MP election as well as shall determine his/her eligibility to stand for an election.

Constitutional Law of Georgia No 2221 of 20 July 1999 - LHG I, No 35(42), 28.7.1999, Art. 169

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

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

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

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

Article 51

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

Article 51¹

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

a. within six months after holding parliamentary elections;

[a. within six months after holding parliamentary elections unless Parliament is dissolved on the basis of Article 80 of the Constitution; **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)**]

b. while Parliament exercises the powers set forth in Article 63 of the Constitution;

c. during a state of emergency or martial law;



d. during the period from May of the calendar year of the expiration of the tenure of the President to taking the oath of office by the newly elected president.

[d. within the last six months of the tenure of the President of Georgia unless he/she is dismissed on the basis of Article 80 (to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]

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

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

Constitutional Law of Georgia No 49 6 of 25 March 2013 – website, 27.3.2013

Article 52

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

Article 53

1. An MP shall not hold state service or engage in entrepreneurial activity. Law shall determine conflict of interests.
2. An MP shall cease to hold office if he/she violates any requirement of Article 53(1).
3. MPs shall receive a salary as provided for by law.

Article 54

1. The recognition or early termination of office of an MP shall be settled by Parliament. The decision of Parliament may be appealed to the Constitutional Court.
2. The office of an MP may be terminated early in the following cases:
 - a. resignation by personal application;
 - b. enactment of a verdict of guilty against an MP;
 - c. recognition by the court that an MP is incapable, missing, or dead;
 - d. an MP holds a position or engages in an activity incompatible with the status of an MP;
 - e. loss of citizenship of Georgia;
 - f. unreasonable failure to participate in the work of Parliament for a period of four months without good reason;
 - g. death.

Article 55

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



from office.

4. The chairperson of Parliament shall perform all administrative functions in the House of Parliament in the manner prescribed by Parliamentary Rules.

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

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

Article 56

1. Various committees shall be set up in Parliament for the term of its authority. These committees will prepare legislative issues in advance, facilitate implementing decisions, and exercise control over activities of the entities accountable to Parliament and of Government.

2. Investigative or other temporary commissions shall be established in Parliament in cases envisaged by the Constitution and Parliamentary Rules as well as if requested by at least one fifth of MPs. The decision to establish a temporary commission shall be made by Parliament in accordance with Parliamentary Rules. In a temporary commission the parliamentary majority shall not represent more than half of the total number of members of the commission.

3. At the request of an investigative commission, everyone shall be required to come to the meetings and submit all documents required for examination of the issues.

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

Article 57

1. Parliament shall establish a Parliamentary Bureau to organize its work. Its members shall consist of the Chairperson and Deputy Chairpersons of the Parliament of Georgia, and the chairpersons of parliamentary committees and parliamentary factions.

2. Deleted.

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

Article 58

1. MPs shall be entitled to join a parliamentary faction. The number of the members in a parliamentary faction shall not be less than six.

2. Parliamentary Rules and laws shall determine the powers of and the procedure for the establishment and operation of a parliamentary faction.

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

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

Article 59

1. An MP shall be entitled to pose questions to and get answers from the bodies accountable to Parliament as well as pose questions to and get answers from Government, Government members, mayors of cities, heads of executive bodies of territorial units at any level, state institutions.

[1. An MP shall be entitled to pose questions to and get answers from the bodies accountable to Parliament as well as pose questions to and get answers from Government, Government members, heads of executive bodies of territorial units at any level, state institutions. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)**]

2. A parliamentary faction consisting of at least ten MPs shall be entitled to pose questions to the bodies accountable to Parliament, Government, and particular members of Government whose obligation is to answer questions at the meeting of Parliament. The answer may become the subject of discussion by Parliament.

3. Parliament may bring the Prime Minister's attention to the official responsibilities of specific members of Government by an absolute majority of MPs. If the Prime Minister does not remove the member of Government, he/she shall present his/her reasoned decision to Parliament within two weeks.

[3. Parliament may bring the Prime Minister's attention to the official responsibilities of specific members of Government by an absolute majority of MPs. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)**]

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

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



Article 60

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

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

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

Article 61

1. The Parliament of Georgia shall assemble in its official capacity for a regular session twice a year. The autumn session shall open on the first Tuesday of September and close on the third Friday of December, and spring session shall open on the first Tuesday of February and close on the last Friday of June.
2. The President of Georgia shall convene a special session of Parliament at the request of the Chairperson of Parliament, or that of not less than one fourth of deputies, or on his/her own initiative during the period between regular sessions. In the course of a regular session, the President shall convene a special meeting of Parliament under the same procedure. Unless an act of summoning Parliament is issued within 48 hours after a written request, Parliament shall start its work within the following 48 hours in accordance with Parliamentary Rules.

[2. The President of Georgia shall convene a special session of Parliament at the request of the Chairperson of Parliament, or that of not less than one fourth of MPs, or upon the nomination of Government during the period between regular sessions. In the course of a regular session, the President shall convene a special meeting under same procedure. Unless an act of summoning Parliament is issued within 48 hours after a written request, Parliament shall assemble within the following 48 hours in accordance with Parliamentary Rules. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]**

3. A special meeting of Parliament shall be held only with a defined agenda and shall close once the agenda has been completed.
4. Parliament shall assemble within 48 hours after President declares a state of emergency or martial law. Parliament shall work until the end of the state of emergency or martial law.

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

Article 62

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

Article 63

1. In cases prescribed by Article 75(2), Parliament acting with at least one third of the total number of MPs shall have the right to raise the question to remove the President from office via the impeachment process. The issue shall be referred to the Supreme Court or Constitutional Court of Georgia for a decision.
2. If the Supreme Court decides that the actions of the President are criminal or if the Constitutional Court by its decision confirms that the President has violated the Constitution by his actions then after reviewing the Court's decision, Parliament shall adopt a resolution to vote to remove the President from office via the impeachment process. A majority of the total number of MPs has to vote in favor of this removal via the impeachment process.
3. The President shall be deemed impeached if at least two thirds of the total number of MPs supports the resolution.
4. Unless Parliament makes a resolution with respect to impeachment within 30 days, the issue shall be removed from the agenda and the same charge shall not be brought during the following year.
5. No charge brought against the President shall be considered and no decision on this issue shall be adopted in Parliament during war, state of emergency, or martial law.

Article 63

1. In cases prescribed by Article 75(2) of the Constitution, Parliament acting with at least one third of the total number of MPs shall have the right to raise a question to remove the President of Georgia from office via the impeachment process. The issue shall be referred to the Constitutional Court of



Georgia for decision.

2. If the Constitutional Court by its decision confirms the components of a crime in the actions of the President or confirms that the President has violated the Constitution by his/her actions, after reviewing the Court's decision, Parliament shall consider and vote for the removal of President from office via the impeachment process within not later than 15 days after the Court decision has been submitted.

3. The President shall be deemed removed from office via the impeachment process if at least two thirds of the total number of MPs supports the decision.

4. Unless Parliament makes a resolution with respect to the removal of the President from office via the impeachment process within the term set out in the second paragraph of this Article, the impeachment procedure for the same issue shall not be initiated.

5. No impeachment procedure shall be implemented during war, state of emergency or martial law. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]**

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

Article 64

1. At least one third of the total number of MPs shall have the right to raise the question of removing the chairperson of the Supreme Court, members of Government, auditor general of the State Audit Service and members of the Council of National Bank from office via the impeachment process if they have violated the Constitution and/or committed an offence.

2. After having received the decision in the manner prescribed by Article 63(2), Parliament shall be entitled to remove the officials laid down in the first paragraph of this Article by a majority of the total number of MPs. Article 63(4) shall also apply to such cases.

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

Constitutional Law of Georgia No 6239 of 22 May 2012– website, 29.05.2012

Article 65

1. The Parliament of Georgia, acting by a majority of its members, shall ratify, denounce, and annul international treaties and agreements.

[1¹. The Government of Georgia shall apply to the Parliament of Georgia for ratification, denunciation, and annulment of international treaties and agreements. In cases provided for by paragraph 2(a – c) of this Article, and also if the agreement (treaty) is signed by the President of Georgia, the President of Georgia shall apply to the Parliament of Georgia for ratification, denunciation, and annulment of international treaties and agreements that require a countersignature by the Prime Minister **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]**

2. Beside international treaties and agreements requiring ratification, it shall also be obligatory to ratify an international treaty and agreement which:

a. envisages Georgia joining an international organization or interstate alliance;

b. is of a military nature;

c. concerns the territorial integrity or change of the state borders;

d. concerns the borrowing or lending of money by the State;

e. requires change of domestic legislation or adoption of laws and statutory acts necessary for the fulfillment of international obligations undertaken.

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

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

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

Article 66

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

1¹. A constitutional agreement shall be deemed approved if supported by not less than three fifths of the total number of MPs.

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

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

4. The procedure for adopting other decisions shall be laid down in Parliamentary Rules.



Article 67

1. The right to legislative initiative shall be granted, only in exclusive cases, to the President of Georgia, to the Government, MPs, parliamentary factions, parliamentary committees, and supreme representative bodies of the Autonomous Republic of Abkhazia, the Autonomous Republic of Ajara, and not less than 30,000 voters.
2. Parliament shall give priority for considering the draft law submitted by the President or the Government of Georgia upon request.
3. If the Government fails to submit its comments on the draft law to be considered in Parliament within the term prescribed by law, the draft law shall be deemed approved by Government.

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

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

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

Article 67

1. The right of legislative initiative shall be granted to Government, MPs, parliamentary factions, parliamentary committees, supreme representative bodies of the Autonomous Republic of Abkhazia, the Autonomous Republic of Ajara, and not less than 30,000 voters.
2. Parliament shall give priority for considering the draft law submitted by the Government of Georgia upon request. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]**

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

Article 68

1. A draft law passed by Parliament shall be submitted to the President of Georgia within seven days.
2. The President shall sign and promulgate the law within ten days or return it to Parliament with justified comments.
3. If the President returns the draft law to Parliament, the latter shall put the President's comments to a vote. For the adoption of the comments, the same number of votes shall suffice as determined by Article 66 of the Constitution. If the comments are adopted, the final version of the draft law shall be submitted to President to sign and promulgate within seven days.
4. If Parliament rejects the President's comments, the initial version of the draft law shall be put to a vote. A law or an organic law shall be deemed adopted if it is supported by at least three-fifths of the full list of MPs. Constitutional amendment shall be deemed passed if it is supported by at least two-thirds of the total number of MPs.

[4. If Parliament rejects the President's comments, the initial version of the draft law shall be put to the vote. A draft law shall be deemed adopted if it is supported by a majority of the full list of MPs. A draft organic law shall be deemed adopted if it is supported by a majority of the total number of MPs. A constitutional draft law shall be deemed adopted if it is supported by at least three-fourths of the total number of MPs. (to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]

5. If President fails to promulgate a law within the specified timeframe, the Chairperson of Parliament shall sign and promulgate it.
6. A law shall enter into force on the 15th day from its official promulgation unless another date is defined.

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

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

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

CHAPTER FOUR

The President of Georgia

Article 69

1. The President of Georgia is the Head of the State of Georgia.
2. The President of Georgia shall lead and implement the internal and foreign policy of the State. He/she shall guarantee the unity and integrity of the country and coordinate the activities of state bodies in accordance with the Constitution.



3. The President of Georgia shall be the high representative of Georgia on foreign relations.

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

Article 69

1. The President of Georgia is the Head of the State of Georgia, the guarantor of national independence and unity of the country. The President of Georgia shall ensure the functioning of state bodies within his/her powers granted by the Constitution.

2. The President of Georgia shall be the Supreme Commander-in-Chief of the armed forces of Georgia.

3. The President of Georgia shall represent Georgia on foreign relations. *(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)*

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

Article 70

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

2. Any citizen of Georgia, who is eligible to vote, may be elected as the President of Georgia if he/she is thirty-five years old, has lived in Georgia for at least five years, and has been living in Georgia for the last three years prior to the election.

3. The right to nominate a candidate for the Presidency shall be vested with a political association of citizens or an initiative group. The nomination shall be supported by the signatures of voters as prescribed by organic law of Georgia. The number of signatures of voters set forth in organic law shall not exceed 1% of the total number of voters.

4. A candidate having received more than half of the votes of those taking part in elections shall be deemed elected.

5. If no candidate has received the required number of votes in the first round, a second round of elections shall be held within two weeks after official announcement of the first round results.

6. The second round of elections shall be held between two candidates with the best results in the first round. Candidate having received a majority of votes shall be deemed elected.

7. If only one candidate took part in the first round and did not receive the necessary number of votes, new elections shall be held within two months from the date of elections.

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

9. Regular presidential elections shall be held in the month of October of a calendar year when the President's powers expire. The President of Georgia shall fix the date of elections not later than 60 days before the elections.

10. Deleted.

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

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

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

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

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

Article 71

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

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

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

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



Article 72

The President of Georgia may neither hold any other position, except in a political party, nor conduct entrepreneurial activities and get a salary or other permanent remuneration for any other activity.

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

[Article 72]

The President of Georgia may neither hold any other position, including in a political party, nor conduct entrepreneurial activities and get a salary or other permanent remuneration for any other activity. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]**

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

Article 73

1. The President of Georgia shall:

a) conclude international agreements and treaties, conduct negotiations with foreign states, appoint and dismiss ambassadors and other diplomatic representatives of Georgia with the consent of Parliament, accredit ambassadors and other diplomatic representatives of foreign states and international organizations;

a¹) conclude a constitutional agreement with the Apostolic Autocephalous Orthodox Church of Georgia on behalf of the State of Georgia;

b) appoint the Prime Minister, give his/her consent to the Prime Minister to appoint a member of Government – a minister;

c) dissolve the Government, dismiss the Minister of Internal Affairs, the Minister of Defense, and the Minister of Justice of Georgia on his/her own initiative or as provided for by the Constitution;

d) approve the resignation of the Government, the members of the Government and other officials provided for by law as well as assign the Government or the members of Government to perform their official duties until the appointment of a new Government or a new member of Government;

e) give his/her consent to the Government to submit a draft state budget of Georgia to Parliament;

f) nominate to Parliament appoint, and dismiss officials in cases prescribed by the Constitution and law;

g) declare martial law in the case of armed attack on Georgia, conclude a truce in case of appropriate conditions, and submit such decisions to Parliament for approval within not later than 48 hours;

h) declare a state of emergency throughout the country or a certain part thereof in cases of war or mass disorder, infringement upon the territorial integrity of the country, *coup d'etat*, armed insurrection, ecological disasters, outbreak of epidemics or in other cases, when state bodies are unable to normally exercise their Constitutional powers, and submit this decision to Parliament for approval within 48 hours; issue decrees having the force of law during a state of emergency that shall be valid until the end of the state of emergency, take emergency measures. The decrees shall be submitted to Parliament when it is assembled. Emergency powers shall apply only to the area where the state of emergency has been declared for the reasons mentioned in the present paragraph;

i) be entitled to suspend, with the consent of Parliament, the activity of self-government bodies or other representative institutions of territorial units or dismiss them if their activities jeopardize the sovereignty, territorial integrity of the country, or the exercise of constitutional powers by state bodies;

j) issue decrees and edicts on the basis of the Constitution and law;

k) sign and promulgate laws as prescribed by the Constitution;

l) make decisions on granting citizenship, asylum;

m) give state awards, high military, special, and honorary titles and high diplomatic ranks;

n) grant pardons to convicts;

o) dissolve Parliament in the manner and in the cases established by the Constitution;

p) deleted;

q) be entitled to issue a decree having the force of law concerning any tax and budget issues on special occasions, within the period from the dissolution of Parliament to the first assembly of a newly elected Parliament; such decree shall cease to be effective unless the newly elected Parliament has approved it within one month from its first assembly;

r) deleted – 25.03.2013, No 496;

2. The President shall schedule the date of elections of Parliament and representative bodies as prescribed by law.



3. The President of Georgia may suspend or abrogate acts of Government and executive agencies if they come into conflict with the Constitution of Georgia, international treaties and agreements, laws and normative acts of the President.

4. The President is the Supreme Commander-in-Chief of the armed forces of Georgia. He/she shall appoint members of the National Security Council as well as appoint and dismiss the Chief of General Staff of the armed forces of Georgia and other commanders.

5. President is entitled to address the people and Parliament. He/she shall annually submit a report of crucial state-related issues to Parliament.

6. President exercises other powers laid down in the Constitution and law.

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

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

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

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

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

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

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

Article 73

1. The President of Georgia shall:

a) conduct negotiations with other countries and international organizations in agreement with Government, conclude international agreements and treaties, appoint and dismiss ambassadors and other diplomatic representatives of Georgia upon the nomination of Government, accredit ambassadors and other diplomatic representatives of foreign states and international organizations in agreement with Government;

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

c) nominate a candidate for the office of Prime Minister and appoint a Prime Minister in accordance with the Constitution;

d) assign the acting Government to perform their official duties until the appointment of the new Government in accordance with the Constitution;

e) nominate before Parliament, appoint, release and dismiss officials in accordance with the Constitution, appoint a member of the High Council of Justice as prescribed by law, participate in the appointment of the Chairperson and members of the Central Election Commission in the manner and in the cases prescribed by organic law, nominate candidates for the members of the National Regulatory Authorities in agreement with Government;

f) nominate a candidate for the Chairperson of the Government of the Autonomous Republic of Ajara for approval by the Supreme Council within 10 days after the recognition of powers of the newly elected Supreme Council of the Autonomous Republic of Ajara, after having consulted with the political entities represented in the Supreme Council, by prior consent of the Government of Georgia;

g) declare martial law in the case of armed attack on Georgia, conclude a truce in case of appropriate conditions, and submit such decisions to Parliament for approval within not later than 48 hours;

h) declare a state of emergency throughout the country or a certain part thereof in cases of war or mass disorder, infringement upon the territorial integrity of the country, *coup d'etat* and armed insurrection, ecological disasters and outbreak of epidemics or in other cases, when state bodies are unable to normally exercise their Constitutional powers, and submit this decision to Parliament for approval within 48 hours; issue decrees having the force of law during a state of emergency that shall be valid until the end of the state of emergency, take emergency measures; the decrees shall be submitted to Parliament when it is assembled; emergency powers shall apply only to the territory where the state of emergency is declared for the reasons mentioned in the present paragraph;

i) issue decrees having the force of law during a state of emergency or martial law that shall be valid until the end of the state of emergency or martial law, take emergency measures; the decrees shall be submitted to Parliament when it is assembled;

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

k) issue decrees, ordinances, and edicts as well as orders as the Supreme Commander-in-Chief of the armed forces of Georgia on the basis of the Constitution and law;

l) sign and promulgate laws as prescribed by the Constitution;

m) make decisions on granting citizenship, asylum;

n) give state awards, high military, special and honorary titles and high diplomatic ranks;

o) grant pardons to convicts;

p) dissolve Parliament in cases and as prescribed by the Constitution;



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

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

4. The President of Georgia is entitled to address the people and Parliament. He/she shall annually submit a report of crucial state-related issues to Parliament.

5. The President of Georgia shall exercise other powers laid down in the Constitution and law. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]**

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

[Article 73¹

1. The Prime Minister shall countersign legal acts of the President of Georgia, apart from the acts issued during martial law and except as laid down in paragraphs 2-4 of this Article.

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

3. Countersignature shall not be required for those legal acts of the President of Georgia that, according to the Constitution, have been promulgated by the submission of the Government or that have been preliminarily approved by the Government.

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

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

b) signing and promulgation of laws as well as return of a draft law with comments to Parliament;

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

d) appealing to the court or the Constitutional Court;

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

f) imposition of temporary obligations on the Government in accordance with Article 80(1) of the Constitution;

g) granting of state awards and special ranks;

h) granting and termination of citizenship;

i) claiming discussion of an issue at the meeting of the Government as prescribed by Article 78(6);

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

k) declaration or revocation of martial law;

l) granting pardons to convicts.

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

6. In case of countersignature, the responsibility for legal acts shall rest with Government. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]**

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

Article 74

1. At the request of the Parliament of Georgia, of not less than 200,000 voters or on his/her own initiative, the President of Georgia shall schedule a referendum on issues laid down in the Constitution and organic law within 30 days after receiving such a request.

[1. The President of Georgia shall be entitled to appoint a referendum for issues laid down in the Constitution and law, at the request of the Government of Georgia, of not less than 200 000 voters, within the period of 30 days after receiving such a request. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]**

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

3. Issues related to the scheduling and holding a referendum shall be laid down in organic law.



Article 75

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

2. Parliament shall be entitled to dismiss the President in accordance with Article 63 of the Constitution and organic law if he/she violates the Constitution, commits high treason and any other criminal offence provided that:

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

b. components of high treason and other criminal offence are confirmed by a decision of the Supreme Court.

[2. Parliament shall be entitled to dismiss the President in accordance with Article 63 of the Constitution and law if he/she violates the Constitution or his/her actions are criminal. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)**]

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

Article 76

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

2. The Acting President shall not be entitled to exercise the rights laid down in Article 73(1)(c) (i) and the rights defined in Article 74(1), as well as dissolve Parliament.

[2. The Acting President shall not be entitled to exercise the rights laid down Article 73 (1)(j)(p) and the rights laid down in Article 74(1). **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)**]

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

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

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

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

Article 76¹ Deleted.

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

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

Article 77

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

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

CHAPTER FOUR¹

The Government of Georgia

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



Article 78

1. The Government shall ensure the implementation of executive power, internal and foreign policy of the country, in accordance with the legislation of Georgia. The Government shall be accountable to the President and the Parliament of Georgia.
2. The Government shall be composed of the Prime Minister and ministers. The State Minister(s) may also be in the composition of the Government. The Prime Minister is entitled to assign one of the members of the Government to exercise the duties of the first Vice-Premier, and one or more members in order to exercise the duties of the Vice-Premier. The Government and the members of the Government shall disclaim responsibility vis-à-vis the President of Georgia.
- 2¹. The procedure for assigning responsibilities of the first Vice-Premier and the Vice-Premier as well as their powers shall be laid down in law.
3. The Government shall adopt a resolution and an ordinance on the basis of and for the fulfillment of the Constitution, laws, and normative acts of the President. Such resolutions and ordinances shall be signed by the Prime Minister.
4. The President of Georgia shall be entitled to convene and preside over Government meetings with regard to especially significant state issues. A resolution adopted at the meeting shall be executed by a Presidential Act.
5. The structure, powers, and work procedure of the Government shall be laid down in the Constitution and law. The Government shall submit such draft law to Parliament in agreement with the President.
6. The Government shall be entitled to retire by its own decision.
7. The Government's term of office shall commence upon the appointment of the members of the Government in the manner and in the cases provided for by the Constitution.

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

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

[Article 78

1. The Government of Georgia is the supreme body of executive power that implements the internal and foreign policy of the country. The Government shall be accountable to the Parliament of Georgia.
2. The Government shall consist of the Prime Minister and ministers. One or several State Ministers may also be represented in the composition of the Government.
3. The Prime Minister shall be entitled to assign one of the members of the Government to exercise the duties of the first Vice-Premier and to assign one or more members to exercise the duties of the Vice-Premier. The procedure for assigning responsibilities of the first Vice-Premier and the Vice-Premier and their powers shall be laid down in law.
4. The Prime Minister and ministers shall represent Georgia in foreign relations within their competence.
5. The Government shall adopt a resolution and an ordinance on the basis of and for the fulfillment of the Constitution and other legislative acts. Such resolutions and ordinances shall be signed by the Prime Minister.
6. The President of Georgia shall be entitled to claim the particular matters to be discussed at the Government meeting and participate in the discussion. The Secretary and other members of the National Security Council shall also attend the discussion.
7. The structure, powers, and work procedure of the Government shall be provided for by law. The Government shall submit such draft laws to the Parliament of Georgia.
8. The Government's term of office shall commence in cases prescribed by the Constitution and upon the appointment of the members of the Government in the manner prescribed. ***(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)***

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

Article 79

1. The Prime Minister shall be the chairperson of the Government.

[1. The Prime Minister shall be the head of the Government. (to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]

2. The Prime Minister shall determine the directions of Government activity, organize the Government activity, provide the coordination of and control over the activity of the Government members, report to the President of Georgia on Government activity and be accountable for Government activity vis-à-vis the President and the Parliament of Georgia.

[2. The Prime Minister shall determine the directions of Government activity, organize Government activity, provide the coordination of and control over the activity of Government members. (to be enacted immediately after taking the oath of office by the President elected through the regular



3. The Prime Minister shall present a report about the progress of the Government Program to the Parliament upon request.
4. The Prime Minister shall issue individual legal acts, orders, and exercise full administrative functions in the Government building within the scope of his/her competence.
5. The Prime Minister shall appoint other members of the Government by consent of the President. The Prime Minister shall be entitled to remove them from office.

[5. The Prime Minister shall appoint and remove from office other members of the Government. (to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]

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

[7. If the Prime Minister resigns or his/her term of office has otherwise ceased, the term of office of other Government members shall also cease. If any other Government member resigns or is removed from office, the Prime Minister shall appoint a new member of the Government within two weeks. (to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]

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

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

Article 80

1. After the President of Georgia takes the oath of office, the Government shall withdraw authority vis-à-vis the President of Georgia. The President shall uphold the withdrawal of authority by the Government and assign the Government to exercise its responsibilities until the appointment of a new Government.
2. The President of Georgia shall, within seven days from the Government's resignation, dismissal, and withdrawal of authority, after the consultations with parliamentary factions, choose a candidate for Prime Minister, whereas the candidate for Prime Minister shall choose the candidates for the members of the Government within 10 days in agreement with the President of Georgia. The President of Georgia shall, within three days after the end of the procedure laid down in the first sentence hereof, propose a composition of the Government to gain a vote of confidence.
3. Parliament shall, within one week after the President of Georgia proposes a composition of the Government, consider and put the confidence in the Government and the Government Program to a vote. The confidence of Parliament shall be gained by a majority of the total number of MPs. Members of the Government shall be appointed within three days from passing a vote of confidence. Parliament shall be entitled to give the Government a vote of no confidence and raise a question to challenge a particular member of the Government in the same decision. If the President approves Parliament's decision for challenge, the challenged person shall not be appointed in the same composition of the Government instead of any dismissed or resigned member.
4. If a composition of the Government and a Government Program has not gained Parliament's vote of confidence, the President of Georgia shall propose the same or a new composition of the Government to Parliament within one week. Parliament shall follow the procedure provided for by the third paragraph of this Article.
5. If a composition of the Government and a Government Program has not gained the Parliament's vote of confidence for three consecutive times, the President of Georgia shall dissolve Parliament and schedule extraordinary elections, except when there is one of the circumstances stipulated by Article 51¹ of the Constitution of Georgia. If any of the circumstances stipulated by Article 51¹ (a-c) of the Constitution occurs, the President of Georgia shall dissolve Parliament and schedule extraordinary elections within three days from the expiration of relevant circumstances.
- 5¹. If the Government resigns or the President of Georgia dismisses it, the President shall impose duties on the Government prior to the creation of a new composition. A new composition of the Government shall be proposed and a vote of confidence shall be passed in accordance with paragraphs 2-4 of this Article. If Parliament does not pass a vote for confidence, the procedure laid down in paragraph 5 of this Article shall be applied, provided that the resigned or dismissed Government continues the fulfillment of its duties until a new Parliament, elected as a result of extraordinary elections, gives its vote of confidence in a new composition of the Government.
6. In the course of the procedures laid down in this Article, it shall be prohibited to raise a question to dismiss the President of Georgia via the impeachment process.

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

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

[Article 80

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

2. The President of Georgia shall, within seven days after the revocation of the Government's authority, nominate a candidate for Prime Minister



proposed by the election subject that has obtained the best results in Parliamentary elections.

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

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

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

6. If a candidate for Prime Minister is not proposed or Parliament does not pass a vote of confidence in the composition of the Government in accordance with and within the term provided for by paragraph 5 of this Article, the President shall, within seven days, nominate a candidate for Prime Minister proposed by at least two fifths of the full list of MPs. If different compositions of MPs propose two candidates, the President shall nominate the candidate proposed by a majority of MPs. If candidates are nominated by equal number of the members of Parliament, the President shall nominate one of the candidates proposed.

7. In the case provided for by paragraph 6 hereof, the Government members shall be selected and a vote of confidence shall be given in a composition of the Government according to paragraphs 3 and 4 of this Article. If Parliament fails to give a vote of confidence in a composition of the Government, the President of Georgia shall, within three days, dissolve Parliament and schedule extraordinary elections.

8. The President of Georgia shall, within two days after giving a vote of confidence in a composition of Government, appoint the Prime Minister. The Prime Minister shall, within two days, appoint the other members of the Government. Unless the President issues a legal act on the appointment of the Prime Minister within the defined term, the Prime Minister shall be deemed appointed. ***(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)***

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

[Article 80¹

1. If the Government ceases to exercise its authority, the President of Georgia shall, within seven days, nominate a candidate for Prime Minister proposed by the Parliamentary majority, and if such a majority is not formed, a candidate proposed by the parliamentary faction, where the most members of the Parliament are represented, shall be nominated.

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

3. In the circumstances defined in the first paragraph of this Article, the President of Georgia shall impose duties on the same composition of the Government until a new Government is formed. ***(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)***

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

Article 81

1. Parliament shall be entitled to give a vote of no confidence in the Government by a majority of the total members. Not less than one third of the total number of MPs shall be entitled to call for a vote of no confidence. After giving a vote of no confidence in the Government, the President of Georgia shall either dismiss the Government or reject the Parliament's resolution. If Parliament gives a vote of no confidence in the Government once again within not earlier than 90 days and not later than 100 days, the President of Georgia shall dismiss the Government or dissolve Parliament and schedule extraordinary elections. In the circumstances provided for by Article 51¹ (a-d), a repeated vote of no confidence shall be held within 15 days from the end of the circumstances.

2. Parliament shall be entitled to call for a vote of unconditional no confidence in the Government by a resolution. If Parliament gives a vote of no confidence in the Government by a majority of three fifths of the total number of MPs not earlier than 15 days and not later than 20 days from the adoption of the resolution, the President shall dismiss the Government. If Parliament does not give a vote of no confidence in the Government, it shall be prohibited to call for a vote of no confidence in the Government within the following six months.

3. If the Government is dismissed in accordance with the second paragraph of this Article, the President of Georgia shall not be entitled either to appoint the same person as the Prime Minister in the following composition of the Government or nominate the same candidate for Prime Minister.

4. The Prime Minister shall be entitled to call for a vote of confidence in the Government in terms of draft laws concerning the State Budget, the Tax Code, and the structure, powers, and activity of the Government to be considered in Parliament. Parliament shall give a vote of confidence in the Government by the majority of the total members. If Parliament does not give a vote of confidence in the Government, the President of Georgia shall either dismiss the Government or dissolve the Parliament within one week and schedule extraordinary elections.

5. A vote of confidence shall be passed within 15 days from the calling for a vote of confidence. Failure to hold a vote during this term shall mean the giving of confidence.

6. A relevant draft law shall be deemed adopted after Parliament gives the Government a vote of confidence.

7. It is prohibited to put a question of impeachment of the President of Georgia in the course of the procedures laid down in this Article.



Article 81

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

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

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

4. If the President refuses to put up a candidate for Prime Minister proposed to him by Parliament in the case provided for by paragraph 3 of this Article, Parliament shall be entitled to vote for the nomination of the same candidate for Prime Minister to the President within not earlier than 20 and not later than 25 days after the nomination. If nomination is supported by three fifths of the total number of MPs, the President shall be obliged to put up, within three days, the candidate for Prime Minister proposed to him. A vote of confidence shall be given to a new composition of the Government as prescribed by paragraphs 3 and 4 of Article 80.

5. Giving Parliament's vote of confidence in a new composition of the Government as prescribed by paragraphs 3 or 4 hereof shall be deemed as giving a vote of no confidence in the Government. This will lead to the termination of its term of office. A new Prime Minister and members of the Government shall be appointed as prescribed by paragraph 8 of Article 80.

6. If Parliament gives a vote of no confidence in a new composition of the Government as prescribed by paragraphs 3 or 4 hereof, the President shall be entitled to dissolve Parliament and schedule extraordinary elections within three days. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)**

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

Article 81¹

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

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

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

Article 81¹

1. The Prime Minister shall be entitled to call for a vote of confidence in the Government vis-à-vis Parliament concerning a draft law initiated by the Government.

2. Parliament shall vote for a draft law within 14 days after raising the question set forth in the first paragraph hereof. A draft law shall be adopted through one hearing as prescribed by Article 66 of the Constitution by the quorum determined for the adoption of an appropriate draft law.

3. Unless a draft law is adopted, this shall be deemed a decision to call for a vote of no confidence as provided by the first paragraph of Article 81 of the Constitution and the procedures set forth in paragraphs 3 and 4 of Article 81 shall continue.

4. If Parliament does not give the Government a vote of no confidence within the terms and conditions set forth in paragraphs 3 and 4 of Article 81 of the Constitution, a draft law shall be deemed adopted. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)**

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

Article 81²

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

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



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

4. A member of the Government shall have no right to hold any other office except in a party, establish a company, engage in entrepreneurial activity, or receive a salary from any other activity except from scientific, pedagogical, and creative work.

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

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

Article 81³

1. The President and the Government of Georgia shall be represented by a Government Agent – Governor in administrative-territorial units.

2. A Government Agent - Governor shall exercise state control over the activity of local self-government bodies and shall enjoy other rights provided for by law.

3. The procedure for appointment and dismissal of a Government Agent - Governor shall be prescribed by law.

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

[Article 81³

1. Executive authority shall be represented by a Government Agent – Governor in the administrative-territorial units of Georgia.

2. Law shall define the powers of a Government Agent - Governor.

3. A Government Agent - Governor shall be appointed and dismissed by the Government. *(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)*

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

Article 81⁴

Bodies of the Prosecutor's Office are under the system of the Ministry of Justice and the Minister of Justice shall provide general management for their operations. Law shall define the powers and activities of the Prosecutor's Office.

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

CHAPTER FIVE

Judicial Authority

Article 82

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

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

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

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

5. Cases in the courts of general jurisdiction shall be heard by a jury in cases and as prescribed by law.

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

Article 83

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

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

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

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



Article 84

1. A judge shall be independent in his/her activity and comply with the Constitution and law only. Any pressure upon the judge or any interference in his/her activity in order to influence his/her decision-making shall be prohibited and punishable by law.
2. A judge may be removed from consideration of a case or from office early or moved to another position only in cases provided for by law.
3. No one shall have the right to claim a report of any particular case from a judge.
4. All acts restricting the independence of any judge shall be null and void.
5. Only a court shall be entitled to quash, change, or suspend a court decision as prescribed by law.

Article 85

1. A court shall consider a case at an open hearing. Consideration of cases at a closed hearing shall be permitted only in cases provided for by law. A court decision shall be published.
2. Legal proceedings shall be conducted in the state language. An individual not having a command of the state language shall be provided with an interpreter. Teaching of the state language and solution of the issues related to legal proceedings shall be guaranteed in the regions where the population does not have a command of the state language.
3. Legal proceedings shall be conducted on the basis of equality and competition of parties.

Article 86

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

[1. A judge shall be a citizen of Georgia who is thirty years old and who has relevant higher legal education with at least a 5-year experience in the practice of law. *(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)*]

2. A judge shall be appointed to office for a period of not less than 10 years. The selection, appointment, or dismissal procedure for a judge shall be prescribed by law.

[2. Judges shall be appointed for life unless they reach the age prescribed by law. Before the lifetime appointment of a judge, the law may envisage the appointment of a judge for a definite period but not more than three years. The selection, appointment, or dismissal procedure for judges shall be laid down in organic law. *(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)*]

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

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

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

Article 86¹

1. The High Council of Justice of Georgia shall be established in order to appoint and dismiss judges to/from office and to fulfill other duties.
2. More than half of the High Council of Justice of Georgia shall be composed of the members elected by a self-government body of judges of the courts of Georgia of general jurisdiction. Chairperson of the Supreme Court of Georgia shall chair the High Council of Justice of Georgia.
3. Organic law shall define the powers and the procedures for establishment of the High Council of Justice of Georgia.

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

Article 87

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



Court gives his/her consent, the arrested or detained judge shall be immediately released.

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

Article 88

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

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

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

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

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

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

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

Article 89

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

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

b) consider disputes on competence between the state bodies;

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

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

e) consider the constitutionality of international treaties and agreements;

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

f¹) consider disputes on violations of the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara;

f²) consider disputes on the constitutionality of normative acts in terms of the provisions defined by Chapter 7¹ of the Constitution on the basis of a lawsuit brought by the representative body of self-government unit the City Council (Sakrebulo);

f³) consider the compatibility of normative acts with Articles 82, 84, 86, 86¹, 87 and 90 of the Constitution based on the submission by the High Council of Justice;

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

2. The ruling of the Constitutional Court shall be final. A normative act or a part thereof recognized as unconstitutional shall cease to have legal effect as soon as the respective ruling of the Constitutional Court is promulgated.

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

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

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

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

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



Article 90

1. The Supreme Court of Georgia shall be the Court of Cassation.
2. The chairperson and judges of the Supreme Court of Georgia shall be elected for a period of not less than ten years by Parliament by a majority of the full list of MPs upon the submission by the President of Georgia.
3. Organic law shall define the powers, structure, work procedure, and procedure for early termination of the office of the Supreme Court judges.
4. The chairperson and members of the Supreme Court of Georgia shall enjoy personal immunity. No one has the right to arrest, detain, or bring criminal proceeding against the chairperson and members of the Supreme Court, search his/her apartment, car, workplace, or conduct a personal search without the consent of the Constitutional Court, except when he/she is caught at the scene of crime, in which case the Parliament of Georgia shall immediately be notified. Unless the Parliament of Georgia gives his/her consent, the arrested or detained person shall be immediately released.

Article 91. Deleted

CHAPTER SIX

State Finances and Control

Article 92

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

Article 93

1. Only the Government of Georgia shall be entitled to present a draft State Budget to Parliament after it has agreed on the basic data and trends with the committees of Parliament and has obtained the consent of the President of Georgia.
2. The Government shall submit a draft budget for the next year to Parliament not later than three months before the end of a budget year. Along with the draft budget, the Government shall submit a report of the progress of the execution of the State Budget for the current year. The Government shall submit a report of the execution of the State Budget to Parliament for approval not later than three months from the end of a budget year. Unless Parliament approves a report of execution of the State Budget due to the non-execution of the State Budget, the President of Georgia shall consider the issue of Government liability and inform Parliament of his/her grounded decision within a month.
3. In cases laid down in Article 51¹ (a-d) of the Constitution, if Parliament fails to approve the State Budget within the term prescribed by the Constitution, the President shall approve the State Budget by a decree.
4. No amendment whatsoever may be made to a draft State Budget without the consent of the Government. The Government may demand that Parliament may incur additional state expenditures only if it indicates its source for covering the expenditures.
5. Parliament shall be entitled to control the legality of spending State Budget funds and in case of a violation, apply to the President of Georgia to suspend spending the budgetary funds. If unlawful spending of budgetary funds is proved, the President shall adopt a relevant decision.
6. If Parliament fails to adopt the budget submitted in accordance with the second paragraph of this Article within three months, the President of Georgia shall be entitled to dismiss the Government or dissolve Parliament and schedule extraordinary elections.
7. If Parliament is dissolved for failure to approve the State Budget, the President shall issue a decree to approve the State Budget and present it for approval to the newly elected Parliament within one month upon recognition of its powers.
8. Parliament may adopt a draft law that increases expenditure of the State Budget for the current year, reduces income, or place the State under new financial obligations, only after consent of the Government, whereas the above mentioned draft laws, associated with the following financial year, may be adopted within the scope of the basic parameters of the State Budget agreed by Government with Parliament.



Article 93

1. Only the Government of Georgia shall be entitled to present a draft State Budget to Parliament after it has examined the basic data and trends with the committees of Parliament.
2. The Government shall submit a draft budget for the next year to Parliament not later than three months before the end of a budget year. Along with a draft State Budget, the Government shall submit a report of the progress of the execution of the State Budget for the current year. The Government shall submit a report of execution of the State Budget to Parliament for approval not later than five months from the end of a budget year.
3. No amendment whatsoever may be made to a draft State Budget without the consent of the Government. The Government may demand that Parliament may incur additional state expenditures only if it indicates its source for covering the expenditures.
4. If Parliament fails to adopt the presented State Budget within three months, the expenditure shall be covered by the State budget for the previous year.
5. Parliament may adopt a draft law that increases expenditure of the State Budget for the current year, reduces income, or places the State under new financial obligations only after the consent of the Government, whereas, a draft law, associated with the following financial year, may be adopted by consent of the Government or within the scope of a document of basic data and trends of the country presented by the Government to Parliament.
6. Parliament shall control public expenditure through the State Audit Office.
7. Organic law shall define the fundamental principles of economic policy with a view to ensure long-term, sustainable economic growth. Organic law shall determine cases of violation of thresholds set by macroeconomic parameters and deviation from prescribed thresholds in case of urgent necessity as well as measures to be taken for returning to the parameter thresholds. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)**

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

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

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

Article 94

1. Taxes and fees shall be paid in the amount and manner prescribed by law.
2. Only law shall determine the structure of taxes and fees and the procedure for introduction thereof.
3. Exemption from taxes shall be permitted only by law.

[4. A new type of common-state tax, except for excise tax, may be adopted or the upper limit of the current rate may be increased by a type of common-state tax only through a referendum, except for the cases prescribed by organic law. Only the Government of Georgia has the right to initiate a referendum.

5. Introduction or change of a tax shall not be deemed an introduction of a new type of common-state tax or an increase in the marginal rate if the introduced or changed tax represents an alternative to the current tax or replaces the current tax and at the same time does not increase the tax burden. Tax rate changes by the type of taxes within the current marginal rate shall not be also deemed an introduction of a new type of common-state tax or increase in the marginal rate. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)**

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

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

Article 95

1. The National Bank of Georgia shall conduct monetary policy to ensure price stability as well as shall maintain the stable operation of the financial sector.
2. Deleted.
3. The National Bank shall be the principal bank of Georgia, the banker and fiscal agent of the Government of Georgia.
4. The National Bank shall be independent in its activity. Organic law shall determine the rights and duties, the procedure of activity, and guarantee the independence of the National Bank.
5. Law shall determine the name and unit of money. Only the National Bank shall be entitled to money emission.

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



Article 96

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

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

Article 97

1. The State Audit Office shall supervise the use and expenditure of public funds and other material values. It shall also be entitled to examine the activities of other state bodies of fiscal and economic control and to submit proposals for improving tax laws to Parliament.
2. The State Audit Office shall be independent in its activity. It shall be accountable to the Parliament of Georgia. The Parliament of Georgia shall elect the General Auditor of State Audit Office for a term of five years by a majority of the full list of MPs, upon the nomination of the Chairperson of Parliament. The Constitution and law shall determine the grounds and procedure for dismissal of General Auditor from office.
3. The State Audit Office shall submit a report regarding the Government's report to Parliament biannually while submitting the preliminary and final reports of budget execution and it shall submit a report of its activity annually.
4. Law shall define the powers, structure, and work procedure of the State Audit Office, as well as guarantee its independence.
5. Other bodies of state control shall be set up in accordance with law.

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

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

CHAPTER SEVEN

State Defense

Article 98

1. Defensive war shall be a sovereign right of Georgia.
2. Georgia shall have the armed forces to protect the independence, sovereignty, and territorial integrity of the country as well as to fulfill its international obligations.
3. Law shall determine the types and composition of the armed forces. The President of Georgia shall approve the structure of the armed forces, while the Parliament of Georgia shall approve the number of the armed forces by a majority of the full list of MPs upon the submission of the National Security Council.

Article 99

1. The National Security Council shall be set up to organize the military development and defense of the country. The President of Georgia shall head the National Security Council.
2. Organic law shall determine the composition, powers, and work procedure of National Security Council.

Article 100

1. The President of Georgia shall make the decision to activate the armed forces and present it to Parliament for approval within 48 hours of his/her decision. In addition, the the armed forces may not be used for the fulfillment of international obligations without the consent of the Parliament of Georgia.
2. The President of Georgia shall make the decision on the entry, use, and dislocation of the military forces of another state in the territory of Georgia in special cases and in cases prescribed by law for reasons of state defense. The decision shall be immediately submitted to Parliament for approval and shall be enforced by consent of Parliament.

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



Article 101

1. The defense of Georgia shall be an obligation of every citizen of Georgia.
2. It is the duty of every citizen to defend the country and serve time in the army. Law shall determine the form of serving in the army.

CHAPTER SEVEN1

Local Self-Government

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

Article 101¹

1. Organic law shall define the establishment procedure and activity of the representative and executive bodies of local self-government. Executive bodies of local self-governments shall be accountable to the representative bodies of local self-government.
2. Citizens of Georgia registered within the self-governing unit area shall elect the representative body of local self-government the City Council (Sakrebulo), by direct, universal, equal suffrage through secret ballot.
3. Organic law shall determine the procedure for the establishment and revocation of a local self-governing unit as well as the procedure for revising its administrative frontiers. Consultations with a local self-governing unit shall precede the revocation of a self-governing unit or revision of its administrative frontiers.

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

Article 101²

1. Powers of local self-government shall be limited from those of state bodies. A self-governing unit has its own and delegated powers. Organic law shall determine the basic principles of how to define powers and the powers of self-government.
2. A self-governing unit shall exercise its powers independently and by its own responsibility in the manner prescribed by legislation of Georgia. Their own powers defined by organic law shall be exclusive.
3. A self-governing unit shall be entitled to take any decision on its own initiative, if this decision does not fall within the competence of any other government agency or is not prohibited by law.
4. State bodies may delegate rights and powers to a self-governing unit on the basis of legislative acts and agreements only by transfer of relevant material and financial resources. Law shall define the amount calculation of such resources.

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

Article 101³

1. Local self-government shall have its property and finances.
2. Decisions made by self-government bodies shall be mandatory to be executed within the scope of their competence.
3. State supervision over the activities of self-government bodies shall be carried out in the manner prescribed by law. State supervision provides compliance of local self-government's normative acts within the legislation of Georgia and properly exercises its delegated powers. State supervision shall be exercised in proportion to its goals.

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

CHAPTER EIGHT

Revision of the Constitution

Article 102

1. A draft law on general or partial revision of the Constitution may be revised by:
 - a) president;

[a] deleted; *(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)*



b) more than half of the total number of MPs;

c) not less than 200,000 voters.

2. A draft revision of the Constitution shall be submitted to Parliament. Parliament shall promulgate the draft revision for open discussion. Parliament shall start to consider the draft revision in a month from its promulgation.

3. A draft revision of the Constitution shall be deemed adopted if it is supported by at least two thirds of the total number of the members of the Parliament of Georgia.

[3. A draft revision of the Constitution shall be deemed as adopted if it is supported by not less than three fourths of the full composition of the Parliament of Georgia at two successive sessions of Parliament held within an interval of at least three months. **(to be enacted immediately after taking the oath of office by the President elected through the regular presidential election in October 2013)]**

4. The President of Georgia shall sign and promulgate the law on revision of the Constitution in the manner provided for by Article 68 of the Constitution.

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

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

Article 103

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

CHAPTER NINE

Transitional Provisions

Article 104

1. The Constitution of Georgia shall enter into force upon the date of recognizing the powers of the newly elected President and the Parliament of Georgia.

2. Articles 49, 50 and 70 of the Constitution shall enter into force upon the promulgation of the Constitution.

Article 104¹

1. Article 49(1) and Article 58(1) of the Constitution shall enter into force as soon as appropriate amendments and addenda are made to the organic law Election Code of Georgia.

2. The composition of the Parliament of Georgia elected in 2004, before termination of its office, and the number of the members of the Parliament required for the establishment of a faction shall be determined by laws acting at the time of parliamentary elections.

3. Regular elections of the Parliament of Georgia for 2008 shall take place in May. The President of Georgia shall schedule the date of elections not later than 60 days before elections.

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

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

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

Article 104²

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

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

Article 104³

1. Unscheduled elections of self-government bodies shall be held not later than 1 June 2010.



2. Elections for Tbilisi Mayor shall be held by fair, universal, equal, and direct suffrage through secret ballot within the term defined in the first paragraph of this Article.

3. The President of Georgia shall schedule the date for the election set forth in the second paragraph of this Article not later than 60 days before the election.

4. The Parliament of Georgia shall ensure the compliance of other legislative acts of Georgia with this Article within one month upon enactment hereof.

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

Article 104⁴

1. Individuals of appropriate age as well as citizens of Georgia shall have the right to participate and cast votes in the parliamentary and presidential elections held prior to 1 January 2014 if they were born in Georgia and have been living in Georgia for the last five years, and if they are the citizens of a member state of the European Union at the time of enactment of this Article.

2. Limitations set forth in Article 29(1¹) of the Constitution shall not apply to the case laid down in the first paragraph of this Article.

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

Article 105

1. A political association of citizens registered as prescribed by law, the initiative of which is supported by at least 50,000 signatures or which had a representative in Parliament on the day when this Constitution was adopted, shall have the right to stand for elections in 1995.

2. Elections shall be held through a proportional system with a unified party list.

3. A political association or an electoral block shall be entitled to nominate a candidate for an MP in a majoritarian election district who is at the same time on its party list.

4. Candidate having obtained the most number of votes but not less than one third of voters shall be deemed elected in a majoritarian electoral district.

5. If none of the candidates received the required number of votes in the first round, the second round shall be held. Two candidates with the best results shall take part in the second round. The candidate having received the most number of votes shall be deemed elected.

6. This Article shall enter into force upon the promulgation of the Constitution and be valid until the tenure of a newly elected Parliament is recognized.

Article 106

1. After the Constitution comes into force, only the legal act or a part thereof that does not conflict with the Constitution shall have legal force.

2. During two years from the entry into force of the Constitution, the President of Georgia and the Parliament of Georgia shall ensure the public registration of normative acts adopted before the entry into force of the Constitution, and shall guarantee the compliance thereof with the Constitution and laws.

3. The Parliament of Georgia shall, within two years from the entry into force of the Constitution, adopt organic laws envisaged by the Constitution or confirm the lawfulness of normative acts applicable in the field.

Article 107

1. Current laws on the judiciary shall remain in force before the adoption of organic laws on the judiciary in accordance with the Constitution.

2. Article 18(2) and (3) of the Constitution shall enter into force after the adoption of the respective criminal procedural legislative acts.

3. The Organic Law on Constitutional Court shall be adopted prior to 1 February 1996.

Article 108

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

Article 109

1. The Constitution duly adopted shall be signed and promulgated by the Head of State of Georgia.



2. Members of the Parliament of Georgia and members of the Constitutional Commission shall sign the text of the Constitution. The text of the Constitution shall be kept publicly in the buildings of all local bodies of Georgia within at least one year after the enforcement of the Constitution so as to let the population get familiar with the Constitution.

Head of State of Georgia

Eduard Shevardnadze

Tbilisi,

24 August 1995

No 786-ES

