

# THE CONSTITUTION OF GEORGIA

## Preamble

The people of Georgia whose strong will is to establish a democratic social order, economic independence, a social and legal state, guarantee universally recognised human rights and freedoms, strengthen state independence and peaceful relations with other countries, universally announce this constitution based upon many centuries of state tradition and the main principles of the Constitution of 1921

## CHAPTER 1

### General Provisions

#### Article 1.

1 Georgia is an independent, unified and indivisible lawbased state, ratified by the referendum carried out on March 31st, 1991 throughout the territory of the country, including the then Autonomous Soviet Socialist Republic of Abkhazia and the former autonomous oblast of South Ossetia and further adduced by the act of April 9th, 1991 restoring the independence of the Georgian state.

2. The form of political order of the Republic of Georgia is a democratic Republic.

3. ¶ Georgian¶ is the name of the Georgian state.

#### Article 2.

1. The territory of the Georgian state is determined by the condition of the country in December 21st, 1991. The territorial integrity of Georgia and the inviolability of state borders is confirmed and recognised by the Constitution and the laws of Georgia and also by the world concord of states and international organisations.

2. The transfer of the territory of Georgia is forbidden. Changes to the state borders are possible only through bilateral agreement with neighbouring states.

3. The internal territorial state arrangement of Georgia is determined by constitutional law on the basis of the authority demarcation principle effective over the whole territory of Georgia at such a time when there is the full restoration of Georgian jurisdiction.

4. Citizens of Georgia regulate matters of local importance through self government as long as this does not encroach upon state sovereignty. The right to create self governing bodies, their powers and their relationship with state bodies, is determined by organic law.

#### Article 3.

1. The special administration of Georgian supreme state bodies are responsible for:

a. legislation on Georgian citizenship, human rights and freedoms, emigration and immigration, entrance to and departure from Georgia, foreign nationals and stateless persons temporarily or permanently residing on the territory of Georgia.

b. the status and protection of boundaries and their protection; the status of territorial waters, airspace, continental shelf and special economic zones .

c. state defence and security; military forces, military industry and the trading of arms.

d. the issue of war and peace; the determination of a legal regime for a state of emergency and a state of war and their introduction.

e. foreign policy and international relations.

f. custom and tariff regimes and foreign trade.

g. state finances and state loans; the minting of money; legislation on banking, credit and insurance.

h. standards and models; geodesy and cartography; time; state statistics.

i. universal system and regime of energy; communications; the merchant fleet; flags of ships; harbours of state importance; airports and airfields; the control of airspace; transit and air transport; registration of air transport; meteorological services and the system of environmental protection.

j. railways and roads of importance to the whole state.

k. fishing in oceans and open seas.

l. boundary-sanitary cordon.

m. legislation on pharmaceutical medicines.

n. certification and accreditation of secondary and high schools, legislation on academic, scientific and professional titles and honours.

o. legislation on intellectual property rights

p. legislation on trade, criminal and civil law.

r. criminal police and investigation.

s. legislation on land, minerals and natural resources

2. Matters relating to joint administration are determined separately.

#### Article 4.

1. Once there are appropriate conditions and when self governing bodies have been created over the whole territory of Georgia, Parliament will be formed with two chambers; namely the Council of the Republic and the Senate.

2. The Council of the Republic will consist of members elected proportionally.

3. The Senate will consist of members elected from Abkhazia, Adjara and other territorial units of Georgia as well as five members appointed by the President.

4. The composition, powers and right of election to the chambers are determined by organic law.

#### Article 5.

1. The people are the only source of state power in Georgia. State power is only exercised within the framework of the Constitution.

2. Power is exercised by the people through referenda, through their representatives and through other forms of direct democracy.

3. No individual or group of individuals has the right to seize or unlawfully take state power.

4. State power is exercised and based upon legal state principles.

#### Article 6.

1. The Constitution is the first law of the state. All other legal acts shall be issued in accordance with the Constitution.

2. The legislation of Georgia corresponds with universally recognised norms and principles of international law. International treaties or agreements concluded with and by Georgia, if they are not in contradiction to the Constitution of Georgia, have prior legal force over internal normative acts.

Article 7.

The state recognises and defends generally recognised rights and freedoms of the individual as everlasting and the most high values. The people and the state are bound by these rights and freedoms as well as by current legislation for the exercise of state power.

Article 8.

The state language of Georgia is Georgian, but in Abkhazia, Abkhazian is also the state language.

Article 9.

The state recognises the special importance of the Georgian Orthodox Church in Georgian history but simultaneously announces complete freedom in religious belief and the independence of the church from the state.

Article 10.

Tbilisi is the capital of Georgia.

Article 11.

State symbols of Georgia are determined by organic law.

## **CHAPTER TWO**

### **Citizenship of Georgia. Rights and Freedoms of the Individual**

Article 12.

1. Citizenship is attained by birth or by naturalisation.
2. A citizen of Georgia may not be a citizen of another country at the same time.
3. The order of naturalisation and loss of citizenship is determined by organic law.

Article 13

1. The state shall protect its citizens irrespective of their location.
2. No person may be deprived of his citizenship.
3. The expulsion of a citizen from the country is prohibited.
4. The extradition of a citizen of Georgia to another country is prohibited, except in cases defined by international agreement. A decision on extradition may be appealed against in court.

#### Article 14

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

#### Article 15

1. A person's life is inviolable and is protected by law.
2. Special forms of punishment - capital punishment before its full abrogation, may be envisaged by organic law for extremely serious crimes directed against a person's life. Only the supreme court has the right to make such a decision.

#### Article 16

Everyone has the right to free personal development.

#### Article 17

1. A person's conscience and dignity are inviolable.
2. Torture, inhumane, brutal or degrading treatment or punishment is inadmissible.

#### Article 18.

1. The freedom of a person is inviolable.
2. Arrest or other kinds of restrictions of personal freedoms are prohibited without the decision of the court.
3. The detention of an individual is permissible in cases determined by law by a designated authorised official. The detained individual or otherwise freedom restricted person must be conveyed to court ( for a hearing ) not later than 48 hours following arrest. If within the next 24 hours the court has not made a decision concerning the arrest or other kind of freedom restriction, the individual must be released forthwith.

4. The physical or moral coercion of a detained or otherwise freedom restricted individual is inadmissible.

5. A detained individual must be immediately made aware of his rights and the basis of his detention. The detained individual may demand the assistance of a lawyer . This right must always be satisfied.

6. The term of detention of a suspected individual should not exceed 72 hours before a charge is made and the accused cannot be held on remand for more than 9 months.

7. Failure to comply with the enactments of this Article is punishable by law. An individual detained or unlawfully arrested has the right to compensation.

#### Article 19.

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

2. The persecution of an individual for their thought, beliefs or religion is prohibited as is also the compulsion to express opinions about them.

3. These rights may not be restricted unless the exercise of these rights infringes upon the rights of other individuals.

#### Article 20.

1. Every individual's private life, place of personal activity, personal papers and correspondence are inviolable, communication by telephone and other kinds of technical means are inviolable. The interference of these rights is permissible only by a court's decision or without such a decision by the necessity determined by law.

#### Article 21.

1. The right to inheritance and property is recognised and guaranteed. The abrogation of the universal right of property, its acquisition, transfer and inheritance is prohibited.

2. Restriction of these rights is possible for the necessary social need in cases determined by law and by established right.

2. Sequestration of property for necessary social need is permissible in cases directly determined by law, by a decision of the court or through urgent necessity by organic law but only if full compensation is made.

#### Article 22.

1. Every individual lawfully within the territory of Georgia is free to move within that territory and is free to choose his place of residence.
2. Everyone lawfully within the territory of Georgia is free to leave the country. A citizen of Georgia can freely enter the country.
3. Restriction upon these rights is permissible only in accordance with the law, in order to guarantee state and public security; what is necessary for the existence of a democratic society, a healthy defence and the prevention of crime and the fulfilment of justice.

#### Article 23.

1. The freedom of intellectual creativity and intellectual property rights are guaranteed.
2. Interference in creative activity or censorship in this sphere is prohibited.
2. The prevention and seizure of creative work is not permissible if the distribution of such creative work does not violate the legal rights of other individuals.

#### Article 24.

1. Every individual has the right to receive freely and to disseminate information and to express and disseminate his opinion orally, in written or any other form.
2. Mass media is free. Censorship is prohibited.
3. Monopolisation of the mass media or the means of spreading information by the state, legal or natural persons is prohibited.
4. Points 1 & 2 of this Article can be restricted by law and by the conditions necessary in a democratic society for the guarantee of state and public security, territorial integrity, prevention of crime, and the defence of rights and dignities of others to avoid the revelation of confidentially received information or guarantee the independence and impartiality of justice.

#### Article 25.

1. Every individual except Members of the armed forces, police and the security services has the right to hold a public assembly without arms either inside or in the open air without prior permission.
2. The necessity for prior notification to the authorities is determined by law, if a public assembly is held in a public thoroughfare.
3. The government may halt a public assembly only if it is deemed to be of a criminal nature.

## Article 26.

1. Every individual has the right to create and join any association, including trade unions.
2. Citizens of Georgia have the right to create political parties or other political organisations in accordance with organic law and participate in their activities.
3. The creation and activities of such public and political entities whose goal is to overthrow or change the Constitutional order of Georgia by force, or violate the independence of the country or violate the country's territorial integrity or advocate war and violence, or attempt to induce ethnic, racial, social, national unrest is impermissible.
4. The creation of armed formations by public and political organisations is prohibited.
5. Persons enrolled in the staff of state security bodies, foreign affairs and the armed forces or who have been appointed judges or procurator must cease to be a member of any political organisation.
6. The prohibition of activities of public and political parties or groups is possible only by the court decision in the cases and rights determined by organic law and established right.

## Article 27.

The state is authorised to establish restrictions on the political activity of citizens of foreign countries and stateless persons.

## Article 28.

1. A citizen who has attained the age of 18 has the right to participate in referenda and elections of state and self-governing bodies. Free will of constituents is guaranteed.
2. Only individuals who are confirmed as incompetent by the court or who have been deprived of their liberty by the due process of law, are deprived of the right to participate in elections and referenda.

## Article 29.

1. Every citizen is allowed to hold any official state position as long as they satisfy established requirements.
2. The requirements for positions of state institutions are defined by law.

## Article 30

1. Labour is free.



2. The state is obliged to foster conditions for the development of free enterprise and competition. Except cases envisaged by law the monopolisation of activity is prohibited. Consumer rights are protected by law.

3. On the basis of international agreements regulating labour relationships, the state protects the labour rights of Georgian citizens abroad.

4. The defence of labour rights, legal payment for labour and healthy working conditions, the working conditions of minors and women are determined by law.

#### Article 31

The state is obliged to equally develop the whole territory of the country. With respect to the high mountain regions special privileges are envisaged in law.

#### Article 32.

1. The state must help the unemployed to find work. Conditions for the provision of a minimum standard of living and the status of the unemployed are determined by law.

2. The conditions for the provision of a minimum standard of living and the status of the unemployed are determined by law.

#### Article 33.

The right to strike is recognised. Rules for realising this right are determined by law which also guarantees the continuance of work in areas deemed to be of vital importance.

#### Article 34.

1. The state fosters the development of culture, the unrestricted participation of nationals in cultural life, revelation and enrichment of cultural origins, recognition of national and generic values and the deepening of international cultural relationships.

2. Each citizen is obliged to care for and protect and preserve the cultural heritage. The state protects cultural heritage by law.

#### Article 35.

1. Each citizen has the right to education. Freedom of choice in education is recognised.

2. The state guarantees that educational programmes conform to international standards and rights.

3. The state guarantees pre-school education. Primary education is mandatory for all. The state provides free primary education for all. Citizens have the right to free secondary,

professional and tertiary education at state institutes within the framework and by the rules established in law.

4. The state supports educational institutions by the right established in law.

Article 36.

1 Marriage is based upon equality of rights and freedom of will.

2. The state supports the prosperity of the family.

3. The rights of mothers and children are protected by law.

Article 37.

1. Everyone has the right to health insurance as a means of gaining medical assistance. In cases determined by law, free medical services are guaranteed.

2. The state controls every health institution, enterprise of medical means and their trade.

3. Everyone has the right to live in a healthy environment and use natural and cultural surroundings. Everyone is obliged to protect the natural and cultural surroundings.

4. The state guarantees the protection of nature and the rational use of it to ensure a healthy environment, corresponding to the ecological and economic interests of society, and taking into account the interests of current and future generations.

5. Individuals have the right to complete, objective and timely information on their working and living conditions.

Article 38.

1. Citizens of Georgia are equal in social, economic, cultural and political life regardless of national, ethnic, religious or language origin. According to universally recognised principles and norms of international law all have the right to develop their culture freely without any discrimination and interference. They may use their language in private and public life.

2. In accordance with universally recognised principles of international law exercising of minority rights should not oppose the sovereignty, integrity and political independence of Georgia.

Article 39.

The Constitution does not deny other universally recognised rights, freedoms and guarantees of the individual and citizen, which are not specifically stated, but are the natural outcome of the principles contained within the Constitution.

#### Article 40.

1. Each individual is considered innocent until proven guilty through the due process of law
2. No individual is obliged to prove his innocence.
3. A person can only be proven guilty if the evidence is incontrovertible. Every suspicion or allegation not proven by the right established by law must be decided in favour of the defendant.

#### Article 41

1. Every citizen has the right according to the law to know information about himself which exists in state institutions as long as they do not contain state, professional or commercial secrets, as well as with official records existing there.
2. Information existing in official papers connected with health, finances or other private matters of an individual are not available to other individuals without the prior consent of the affected individual, except in cases determined by law, when it is necessary for the state and public security, defence of health, rights and freedoms of others.

#### Article 42

1. Each individual has the right of appeal to the court to protect his rights and freedoms.
2. Every individual can only be judged by the court which has jurisdiction over the particular case.
3. The right to defence is guaranteed.
4. No individual can be brought to court twice for the same case.
5. No individual has to answer for an action if it was not considered as the violation of law at the moment it was performed A law that does not lessen the responsibility or remit a punishment has no retroactive force.
6. Anybody charged with a criminal offence has the right to obtain the attendance and examination of witnesses on his behalf under the same conditions as those brought by the prosecution.
7. Evidence obtained by breaking the law is impermissible and has no legal force.

8. No individual is obliged to give evidence against himself or a relative as defined by law.

9. Any individual who suffers damage illegally caused by state and self governing bodies and officers is guaranteed full compensation through the court >from state resources.

Article 43.

1. The defence of human rights and freedoms on the territory of Georgia is supervised by the Public Defender, who is elected for five years by the majority of the whole of Parliament.

2. The Public Defender is authorised to reveal facts about the violation of human rights and freedoms and to report on it to corresponding bodies and individuals.

3. The power of the Public Defender is determined by organic law.

Article 44.

1. Every individual living in Georgia is obliged to obey the constitution and legislation of Georgia and exercise their rights.

2 The rights and freedoms of one individual shall not violate the rights and freedoms of others.

Article 45.

The main rights and freedoms enunciated in the Constitution apply to legal persons as well as individuals.

Article 46.

1. During a state of emergency or martial law the President of the Republic is authorised to restrict the action of rights and freedoms contained in Articles, 18, 20,21, 22, 24, 25, 30 and 33 of the Constitution either in the whole country or a part of it. The President is obliged to submit a decision on a state of emergency or martial law to Parliament for ratification within 48 hours.

2. If a state of emergency or martial law is introduced elections for the President, and other representative bodies of Georgia, can only be held once the state of emergency or martial law has been removed.

Article 47.

1. Foreign citizens and stateless persons living in Georgia have the rights and obligations equal to the rights and obligations of citizens of Georgia with some exceptions envisaged by the Constitution and law.

2. By the right determined by law and in accordance with universally acknowledged norms of international justice Georgia gives shelter to foreign citizens and stateless persons.

3. Extradition of a sheltered person to another state, who is pursued on political grounds or pursued for an activity which is not regarded as a crime by the legislation of Georgia is prohibited.

### CHAPTER THREE: The Parliament of Georgia

#### Article 48.

The Parliament of Georgia is the supreme representative body of the country which exercises legislative power, determines the main direction of domestic and foreign policy and exercises general control over the Cabinet of Ministers and other functions within the framework determined by the Constitution.

#### Article 49.

1. The Parliament of Georgia consists of one hundred and fifty deputies elected for a term of four years by a proportional system and eighty five elected by a majority system for a period of four years on the basis of free, universal, equal and direct suffrage by secret ballot.

2. A citizen having attained the age of twenty five and with the right to vote, may be elected a deputy.

3. The internal structure of each chamber, the order of work is determined ewly elected Parliament

5. The right of election of an MP and also his inadmissibility in participating in elections is determined by the Constitution and organic law.

#### Article 51.

The first sitting of the newly elected Parliament shall be held within 20 days after the elections. The day of the first sitting is determined by the President. The Parliament will begin its work when confirmed by two thirds of the deputies.

#### Article 52.

1. A Member of the Parliament of Georgia is the representative of the whole Georgia and uses a free mandate. His call up for military service is impermissible.

2. Bringing an action against a Member of Parliament, his detention or arrest, or the search of his person or place of residence, is permissible only with the consent of the Parliament, except in cases where he is caught committing a crime. In such a case Parliament must be notified immediately. If Parliament does not agree to the Members detention, he must be released immediately.

3. A Member of Parliament has the right not to give evidence on facts disclosed to him as a Member of Parliament. No seizure of documents connected with this matter may take place. A Member of Parliament reserves this right at unity.

b. is of a military character.

c. concerns the territorial integrity of the state or the changing of the state's borders.

d. concerns the borrowing and distribution of a loan to the state.

e. requires a change in international legislation or the adoption of necessary laws and acts possessing the power of law for the fulfilment of changed obligations.

3. The Parliament must be immediately notified about the conclusion of other international agreements and treaties.

4. In the case of submitting a constitutional application to the Constitutional court, ratification of international treaties or agreement is prohibited before a decision is made by the Constitutional court.

Article 66.

1. A bill is adopted by the majority of the total members of Parliament.

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1. The Parliament of Georgia ratifies international treaties and agreements or denounces them or abrogates them by the majority of the total members of Parliament.

2. Except for those international treaties and agreements which envisage ratification, ratification of such international treaties is mandatory which:

a. envisages entrance into an international organisation or into inter-state unity.

b. is of a military character.

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Article 66.

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Article 66.

1. A bill is considered passed if supported by the majority of those present as long as those present are not less than one third of the total of deputies or in those cases not envisaged by the Constitution.

2. The draft of an organic law is considered adopted if supported by the majority of the total number of Parliament.

3. The decision of the Parliament is adopted as a decree unless other rights are envisaged by the Constitution.

4. The right to adopt other kinds of decision is determined by the regulations of the Parliament.

#### Article 67

1. The right of legislative initiative is vested in the President, a Member of Parliament, a Parliamentary group, a committee of Parliament, supreme representative bodies from Abkhazia and Adjara or 30,000 electors.

3. A bill submitted by the President may be considered out of term or in an accelerated way.

#### Article 68

1. A bill adopted by Parliament is passed to the President of Georgia within five days.

2. The President either signs and issues the law within ten days or returns it to the Parliament with further amendments.

3. If the President returns the bill to Parliament, Parliament votes on President's amendments. For adoption of his amendments the same amount of votes is required as in Article 66 of this Constitution. If the amendments are adopted the President is obliged to sign and publish the law within seven days.

4. If Parliament votes against the President's amendments, the bill as passed from Parliament to the President is voted on again. The original is considered passed if supported by three fifths of the total number of deputies in the cases of laws and organic laws; by two thirds of the total number of deputies in the case of Constitutional amendments.

5. If the President refuses to sign the law within the determined period, it is signed and issued by the Speaker.

6. The law enters into force only on the fifteenth day after its official publication, unless another date is provided.

### CHAPTER FOUR: The President of the Republic.

#### Article 69

1. The President of Georgia is the Head of State and of the executive.

2. The President of Georgia heads and exercises domestic and foreign policy of the state. He guarantees the unity and integrity of the country and the activity of state bodies according to the Constitution.

3. The President of the Republic is the supreme representative of Georgia in foreign relations.

#### Article 70

1. The President shall be elected in free, universal, equal and direct suffrage by secret ballot with a term of five years. One and the same person can only serve two consecutive terms as President.

2. Any citizen of Georgia who is eligible to vote, has attained thirty five years of age, has lived in Georgia for at least fifteen years and is living in Georgia on the day elections are scheduled may be elected as the President of the Republic.

3. The right to nominate a candidate for the Presidency is vested in a political party or an initiative group whose initiative is conformed by the signatures of fifty thousand electors.

4. A candidate is considered elected who receives the absolute majority of votes of the participants, on condition that more than half the total number of electors have participated in the elections.

5. If elections are considered held, but none of the candidates received the necessary votes, then the second round of the elections are held in two weeks time.

6. The second round of elections is held between the two candidates who had the best result in the first round. The candidate who receives more votes will be considered elected President on condition that at least one third of the total number of electors participated in the ballot.

7. In the case that elections are acknowledged to be not held or are held but the only candidate balloting in the first round could not receive enough votes or the President was not elected on the second round, new elections are to be held within two months.

8. During a state of emergency, a state of war or martial law, no elections can be held.

9. The first round of regular elections for the Presidency is held on the second Sunday of April five years after the previous elections.

10. The orders and means of the elections of the President are determined by the Constitution and organic law.

#### Article 71.

1. Before occupying his position the newly elected President makes a speech delivering his programme and swears:

▯ I, The President of Georgia, solemnly pledge before God and my nation to defend the Constitution of Georgia, independence, the unity and inseparability of my country. I will honestly perform the duties of President. I will protect the welfare and security of my people, and will care for the renaissance and power of my nation and my homeland.▯

2. The ceremony mentioned in the first point of this Article is to take place on the third Sunday after the holding of Presidential elections.

Article 72.

The President can hold no other position, carry out commercial activity or receive another salary or compensation from any other occupation.

Article 73.

1. The President of the Federal Republic:

a. concludes international agreements and treaties, negotiates with foreign states, with the consent of Parliament, appoints and relieves ambassadors and other diplomatic agents, receives and accredits ambassadors and other diplomatic representatives of foreign states and international organisations.

b. appoints members of his government with the consent of Parliament.

c is authorised to remove ministers.

d. receives the resignation of ministers; is authorised to task them to perform their duties until a new government is appointed.

e. submits the draft of the Georgian state budget to the Parliament following agreement with the Parliamentary committees over the main principles.

f. submits to the Parliament the appointment and release of officials by the rights envisaged in the Constitution, law and established right.

g. in the case of war, massive disorder, violation of territorial integrity of the country, military coup, armed rising, ecological disaster or epidemic or in other cases when bodies of the state are deprived of their authority - declares a state of emergency throughout the whole territory of the state or its parts and submits it to Parliament within forty eight hours for approval. In the case of a state of emergency, the President is authorised to issue decrees with the power of law and take special measures. The decrees are submitted to the Parliament when it gathers. Emergency authorities extend only on the territory where the emergency is declared for the reasons mentioned in this part.

h. is authorised to halt or dismiss the activity of representative bodies of local self government, or other representative bodies of territorial units if their activities endanger the sovereignty, territorial integrity of the country or the exercise of Constitutional authority of states authorities within the country.

i. on the basis of the Constitution and the law, issues enactments and orders.

j. signs and issues laws by the order determined by the Constitution.

k. decides questions on granting citizenship and shelter.

l awards state honours, high ranking military awards, special and honorary titles, and highest diplomatic ranks.

m has the right to grant pardons.

2. The President sets elections for the Parliament and representative bodies by the right determined by law.

3. The President is authorised to abrogate acts of bodies of the executive accountable to him.

4. The President is the supreme commander in chief of the armed forces of Georgia. He appoints Members of the national security Council, presides over its sittings and appoints and releases generals.

5. The President is authorised to address people and the Parliament, and once a year he submits a report to Parliament on the most important questions of the state situation.

6. The President exercises other authorities determined by the Constitution and law.

Article 74.

1. By the request of twenty thousand electors or on his own initiative, the President fixes the referendum within thirty days following receipt of its request on the issues determined by the Constitution and law.

2. The holding of referenda for the adoption of the abrogation of law, amnesty or pardon or on ratification and denunciation of international treaties and agreement, also on questions which restrict main constitutional guarantees and freedoms of the individual are prohibited.

3. Questions connected with fixing and holding referenda are determined by organic law.

Article 75.

1. The President has personal immunity. While occupying his position, his arrest or bringing criminal proceedings against him is impermissible.
2. Parliament has the right to relieve the President of his duties according to the procedures of Article 63 of the Constitution and according to orders determined by organic law, for gross or continuing violation of the Constitution and law, or high treason or other capital crimes:
  - a. for violation of the Constitution if this is confirmed by the Constitutional Court.
  - b. On high treason or other capital crimes by the Supreme court

#### Article 76.

1. In cases where the President is unable to perform his duties or in the case of pre-term expiration, the powers of the President are delegated to the Speaker. Within this period the duties of the Speaker are performed by one of his deputies
2. A person holding the position of President in these cases cannot use the rights formulated in Article 73 points, c, i, and the rights envisaged in Article 74.
3. Elections for the President are held within forty five after the expiration of the President's duties and its holding is guaranteed by the Parliament

#### Article 77.

1. After taking the oath, the President in order to exercise his executive role accepts the resignation of the government but he can charge it to perform its duties until a new government is formed. The President is obliged to form a government within two weeks and submit it for ratification to Parliament. After consideration by the appropriate Parliamentary committee, the Parliament confirms it by the majority of the total number of deputies.
2. In cases where Parliament does not ratify the government, the President is authorised to submit the same government for ratification or a new one. One and the same government can be submitted twice. The right to a second submission is determined by law.
3. In the event of the removal of a minister a new minister is submitted to the Parliament within two weeks

#### Article 78.

1. By the submission of the President the Parliament confirms the structure and the right of activity of the executive.



2. The armed forces, state security forces, and the police shall not be united.

Article 79.

1. Members of the government are responsible to the President

2. Members of the government resign before the President.

Article 80.

1. Members of the government may hold no other position, except a party position, may not be involved in commercial activities nor receive a salary or other permanent remuneration from any other activity.

2. A member of the government is authorised to resign by the right determined by law.

3. The removal of a member of the government is possible only by the President or by the Parliament by the right determined in Article 64 of this Constitution.

Article 81.

1. Ministries are created on the basis of law in the fields necessary for the functioning of the state and public life.

2. A ministry is directed by a minister who takes decisions independently on matters under his jurisdiction. Ministers issue orders on the basis of law and its fulfilment.

3. A state minister who directs chancellery and fulfils separate tasks under the direction of the President is considered to be in the government

## CHAPTER FIVE: The Judiciary

Article 82.

1. Judicial power is exercised with the help of the constitutional control, justice and other forms determined by law.

2. Acts of courts are mandatory on the whole territory of the country for all state bodies and persons.

3. The judiciary is independent and is performed only by courts.

4. Courts make decisions on behalf of Georgia.

Article 83.

1. The legal body for constitutional control is the Constitutional Court of Georgia. Its authority, rights of creation and activity is determined by the Constitution and organic law.
2. Justice is performed by general courts. Their system and rights of jurisdiction are determined by law.
3. The creation of military courts is possible in war conditions and only in the system of general courts.
4. The creation of emergency or special courts is prohibited.

#### Article 84.

1. A judge is independent in his activity and is subject only to the constitution and law. Any interference in a judges activities in order to influence his decision is prohibited and punishable by law.
2. The removal of a judge from a case, his preliminary dismissal or transfer to another position is permissible only by law in determined cases.
3. No one has the right to make a judge accountable in a particular case. er of a political party, or participate in political activities.

#### Article 87

1. Judges have personal immunity. Bringing a judge before a criminal court his detention or arrest the search of his work place, car or place of residence without the consent of the head of the supreme court is impermissible. In cases where he is caught committing a crime this should be immediately notified to the head of the supreme couhe state language. Persons not having command of the legal language of the court are provided with interpreters. In the regions where the population does not have command of the state language, the state guarantees to provide teaching in the state language and explanations of matters pertaining to jurisdiction.
3. Law is exercised on the basis of equality and competition of the parties

#### Article 86.

1. A judge must be a citizen of Georgia who has attained the age of thirty, who has high legal education, at least five yearl s experience in the field.
2. A judge is appointed for a period of not less than ten years.
3. The position of a judge is incompatible with any other occupation or months following the end of the budget year.

3. Without the consent of the President it is impossible to introduce changes to the draft budget. The president can require from Parliament additional state expenditure only on condition that he indicates from where and to where the resources derive and are to be spent.

4. If Parliament cannot pass the budget by the beginning of the new budget year, necessary expenditure in accordance with it is determined by organic law..

## CHAPTER SIX: State Finances and Control.

### Article 92

1. The Parliament of Georgia by the majority of the total number of deputies, annually passes the state budget law which is signed by the President.

2. The orders for making and passing the budget are determined by law.

### Article 93.

1. Only the President has the right to submit the budget draft to Parliament.

2. The President is obliged to submit the draft budget to the Council not later than three months before the end of the current budget year. together with candidates will participate. The candidate who receives the most votes is considered elected.

6. This Article enters into force immediately after the promulgation of this Constitution and functions before the authorities of the newly elected Parliament are recognised.

### Article 106

1. After the Constitution enters into force

1. The right to participate in the elections of 1995, have political unions of citizens registered by the right determined by law, whose initiative is confirmed by 50,000 signatories, or which had a representative in the Parliament on the day this Constitution was adopted.

2. Proportional elections are held under a one party list

3. The political union or electoral bloc has the right to submit to the majority electoral district a candidate who is also on a party list for the elections held under the proportional system.

4. The candidate who receives the most votes, but not less than one third of the participants in the poll in that district is considered elected as the member of Parliament for that district.

5. If a member of Parliament is not elected on the first round of voting, a second round will be held, in which the candidates who came first and second d before February 1st, 1996.

#### Article 108

Article 102.2 as an exception, the making of changes or additions connected with the complete restoration of jurisdiction on the whole territory of Georgia is possible without promulgating the bill on the revision of the Constitution for general public reconsideration.

#### Article 109

1. The Head of State signs and promulgates the Constitution adopted by the appropriate right.

2. Members of the current Georgian Parliament and the Constitutional commission sign the text of the Constitution. After the Constitution enters into force, for at least one year, the text of the Constitution must be displayed openly in the buildings of every local body of Georgia, in order that everyone may be allowed to know its contents.

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#### Article 107

1. Before the adoption of organic laws of legal force, current legislation remains valid according to the Constitution.

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*Tue Jan 23 22:08:14 EST 1996*