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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

GEORGIA

**DRAFT REVISED CONSTITUTION AS ADOPTED
BY THE PARLIAMENT OF GEORGIA
AT THE SECOND READING
ON 15 DECEMBER 2017**

**(with track changes indicating
the draft amendments)**

The Constitutional Law of Georgia
“On Amending the ‘Constitutional Law of Georgia On Amending the Constitution of Georgia’”

Article 1. The Constitutional Law of Georgia on Amending the Constitution of Georgia (Legislative Herald of Georgia (www.matsne.gov.ge), 19.10.2017, registration code: 010010000.01.001.016012) shall be amended as follows:

1. Article 1 shall be formulated as follows:

“Article 1. The Constitution of Georgia shall be formulated as follows:

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

Chapter One. General Provisions

Article 1. State Sovereignty

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

2. The territory of the state of Georgia is determined as of 21 December 1991. The territorial integrity of Georgia and the inviolability of state borders is confirmed by the Constitution and laws of Georgia, and recognized by the world community of nations and by international organizations. Transfer of the territory of state of Georgia shall be prohibited. The state border may be changed only by a bilateral agreement with a neighboring state.

Article 2. State Symbols

1. “Georgia” is the name of the state of Georgia.

2. Tbilisi is the capital of Georgia.

3. The official language of Georgia shall be Georgian, and, also, Abkhazian in the Autonomous Republic of Abkhazia. The official language is protected by the organic law.

4. The state flag, the coat of arms, and the anthem of Georgia are defined by the organic law, which shall be revised in accordance with the procedure established for the revision of the Constitution.

Article 3. Democracy

1. Georgia is a democratic republic.

2. People are the source of state authority. People exercise power through their representatives, also through the referendum and other forms of direct democracy.

3. No one shall have the right to seize the power. The current term of the body elected in universal elections shall not be extended or reduced by the Constitution or law.

4. Political parties shall participate in the formation and exercise of political will of people. Activity of political parties shall be based on principles of their freedom, equality, transparency, and inner-party democracy.

Article 4. Legal State

1. Georgia is a legal state.

2. The State acknowledges and protects universally recognized human rights and freedoms as eternal and supreme human values. While exercising authority, the people and the State shall be bound by these rights and freedoms as directly applicable law. The Constitution shall not deny other universally recognized human rights and freedoms that are not explicitly referred to herein but intrinsically derive from the principles of the Constitution.

3. State authority shall be exercised based on the principle of separation of powers.

4. State authority shall be exercised within the ambit of the Constitution and the law. The Constitution of Georgia shall be the supreme law of the State. The rule of adoption and issuance of legislative and other normative acts and their hierarchy shall be determined by the Constitution and the organic law.

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

Article 5. Social State

1. Georgia is a social state.

2. The State shall take care for enhancing principles of social justice, social equality and social solidarity within the society.

3. The State shall take care for equal socio-economic and demographic development over the entire territory of the country. Law establishes the special conditions for the development of high mountainous regions.

4. The State shall take care for human healthcare and social protection, ensuring subsistence minimum and decent housing, and protection of the welfare of the family. The State shall promote employment of citizens. Conditions of providing subsistence minimum shall be determined by law.

5. The State shall take care for environmental protection and rational use of natural resources.

65. The State shall take care for protection of national values and distinctiveness and cultural heritage, and for development of education, science and culture.

76. The State shall take care for development of sports, establishment of healthy lifestyle and engagement of children and youth in physical education and sports.

87. The state shall take care for maintaining and developing connections with homeland for Georgian compatriots residing abroad.

Article 6. Economic Freedom

1. Economic freedom is recognized and guaranteed.
2. The State shall take care for development of free and open economy, free entrepreneurship and competition.
3. Abolishment of the universal right to private ownership shall be prohibited.

Article 7. Basis of Territorial Arrangement

1. The following shall fall within the exclusive competence of supreme state authorities of Georgia:
 - a) Legislation on Georgian citizenship, human rights, migration, entry into and exit from the country, temporary or permanent stay of aliens and stateless persons in Georgia;
 - b) criminal, penitentiary, civil, intellectual property, administrative and labor, procedural legislation; legislation on land, minerals and other natural resources ; pharmaceutical legislation; legislation on obtaining status of educational institution, accreditation and academic degrees; legislation on the National Academy of Sciences;
 - c) Foreign policy and international relations; foreign trade, customs and tariff regimes;
 - d) state defense, military industry and arms trade; issues of war and truce; determination and introduction of legal regime of the state of emergency and state of war; armed forces; courts and prosecution; state security; criminal police and investigation; status, regime, and protection of the state border; sanitary cordon on border;
 - e) State finances and state loan; currency minting and emission; legislation on banking, credit, insurance, tax, and trade of national significance;
 - f) railways and automobile roads of national significance; integrated energy system and regime; communications; status and protection of territorial waters, airspace, continental shelf, statuses of exclusive economic zone and their protection; aviation; merchant fleet; ensigns; harbors of national significance; fishing in oceans and high seas; meteorology; environmental monitoring systems; standards and etalons; geodesy and cartography; determining the exact time; state statistics.
2. The powers and rules of exercise of power of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara shall be defined by constitutional laws of Georgia that are an integral part of the Constitution of Georgia.
3. The state territorial arrangement of Georgia shall be revised by the Constitutional law of Georgia on the basis of the principle of delineation of competence after the complete restoration of jurisdiction of Georgia over the entire territory of the country.
4. The citizens of Georgia shall regulate the affairs of local importance through local self-government in accordance with the legislation of Georgia. Delineation of competence between the state authorities and self-governing units is based on the principle of subsidiarity. The State ensures the correspondence of financial resources of self-governing units with its competences determined by organic law.
5. Pursuant to the organic law, an exclusive economic zone shall be established in Anaklia subject to the special legal regime. Other exclusive economic zones with special legal regime can be established under the organic law.

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

Along with freedom of belief and confession, the State shall recognize the outstanding role of the Apostolic Autocephalous Orthodox Church of Georgia in the history of Georgia and its independence from the State. Relationship between the state of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia shall be determined by the Constitutional Agreement that should be in full compliance with the universally recognized principles and norms of international law in the area of human rights and freedoms.

Chapter Two. Fundamental Human Rights

Article 9. Inviolability of Human Dignity

1. Human dignity shall be inviolable and protected by the State.
2. Torture, inhuman or degrading treatment, or usage of inhuman or degrading punishment shall be prohibited.

Article 10. Rights to Life and Physical Integrity

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

Article 11. Right to Equality

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

Article 12. Right to Free Personal Development

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

Article 13. Human Liberty

1. Human liberty shall be protected.
2. Deprivation of liberty or limitation of liberty otherwise shall be permitted only on the basis of court decision.

3. Detention of a person shall be permitted by a specially authorized official in cases provided by law. A detainee shall be brought before a court of competent jurisdiction no later than 48 hours. If the court does not adjudicate upon detention or any other limitation of liberty within the next 24 hours, the person shall be released immediately.

4. A person shall be informed about his/her rights and grounds for detention immediately upon detention. A person may request an assistance of a lawyer immediately upon detention, which must be satisfied.

5. Detention period shall not exceed nine months.

6. Violation of requirements of this Article shall be punished by law. A person whose liberty is unlawfully deprived shall have the right to compensation.

Article 14. Freedom of Movement

1. Everyone lawfully staying in Georgia shall have the right to move freely within the territory of the country, to choose place of residence freely and to leave Georgia freely.

2. These rights may be restricted only by law aiming at ensuring national security and public safety necessary in a democratic society, ~~preventing crime,~~ protecting public health or administering justice.

3. A citizen of Georgia shall be able to enter Georgia freely.

Article 15. Rights to Personal and Family Privacy, Personal Space and Protection of Communication ~~and Informational Self-determination~~

1. Personal and family life shall be inviolable. This right may be restricted only by law aiming at ensuring national security and public safety necessary for existence of a democratic society, ~~preventing crime,~~ or protecting the rights of others.

2. Personal space and communication shall be inviolable. No one shall have the right to enter a place of residence or other possessions against the will of a possessor, nor to conduct a search.

3. The rights listed in Paragraph 2 of this Article may be restricted only by law aiming at ensuring national security and public safety necessary for existence of a democratic society, ~~preventing crime,~~ or protecting the rights of others, based on a court decision, or without a court decision in cases of urgent necessity envisaged by law. The court shall be notified on restriction of the right in case of urgent necessity, no later than 24 hours, and the court shall approve the legality of the restriction no later than 24 hours after submission of the notification.

~~4. The information contained in official records pertaining to health, finances, or other personal matters of an individual shall not be made available to anyone without the prior consent of the individual, except as determined by law, when it is necessary to ensure national security or public safety, protect public interests, health, or rights of others.~~

Article 16. Freedom of Faith, Confession and Conscience

1. Everyone has the freedom of faith, confession and conscience.

2. These rights may be restricted only by law aiming at ensuring ~~national security and~~ public safety necessary in a democratic society, ~~preventing crime, administering justice or~~ protecting health or the rights of others.

3. Persecution based on faith, confession or conscience, as well as compulsion to express views on them shall be inadmissible.

Article 17. Rights to Freedom of Opinion, Information, Mass Media and Internet

1. Freedom of opinion and its expression shall be protected. Persecution of a person because of his/her opinion or for its expression shall be inadmissible.

2. Every person has the right to receive and disseminate information freely.

3. Mass media shall be free. Censorship shall be inadmissible. Neither the State nor individuals shall have the right to monopolize mass media or the means of dissemination of information.

4. Everyone has the right to access and freely use Internet.

5. The ~~restriction of exercise of~~ these rights may be ~~restricted~~ allowed only by in accordance to law on such conditions, which are necessary in a democratic society for ensuring national security or public safety, territorial integrity, ~~prevention of crime,~~ protection of the rights of others, prevention of disclosure of information acknowledged confidential or independence and impartiality of the judiciary.

6. The independence of the public broadcaster from state agencies and freedom from political and substantial commercial influence shall be ensured by law.

7. Institutional and financial independence of the national regulatory body that is established for protection of media pluralism, exercise of freedom of expression in mass media or prevention of monopolization of mass media or means of dissemination, as well as protection of rights of consumers and entrepreneurs in the field of broadcasting and electronic communications shall be guaranteed by law.

Article 18. Rights to Fair Administrative Proceedings, Access to Public Information, Informational Self-Determination and Compensation for Damages Inflicted by the Public Authorities

1. Everyone has the right to a fair hearing of his/her case by an administrative body within a reasonable time.

2. ~~Everyone has the right to get familiarized with information and official documents about him/her that exist in public institutions according to the rule established by law, unless they contain state or commercial, professional or personal secrets of other individual. Everyone has the right to get familiarized with information about him/her or other information or official document that exist in public institutions according to the rule established by law, unless they contain commercial or professional secret, or is acknowledged as a state secret by law or by rule established by law which are necessary in a democratic society for ensuring national security or public safety or protecting interests of legal proceedings.~~

3. ~~The Information contained in official records pertaining to health, finances, or other personal matters of an individual shall not be made available to anyone without the prior consent of the individual, except as determined by law, when it is necessary to ensure national security or public safety, protect public interests, health, or rights of others. Everyone has the right to get familiarized with information and official documents existing in public institutions according to the rule established by law unless they contain state, commercial or professional secrets.~~

4. Everyone shall be entitled to full compensation for damages unlawfully caused by the organs of the state, of the autonomous republic and local self-government or their employees from the state funds or funds of the autonomous republic and local self-government bodies respectively.

Article 19. Right to Property

1. The right to own and inherit property shall be recognized and guaranteed.
2. In the public interest, this right may be restricted in cases prescribed by law and according to the established rule.
3. Expropriation of property is admissible for pressing social needs in cases directly prescribed by law, based on a court decision or in case of urgent necessity under the organic law, provided that preliminary, full and fair compensation is made. Compensation shall be exempt from any taxes and fees.
4. The agricultural land as a resource of special importance may be in ownership of only by state, autonomous republic, self-government body, citizen of Georgia or association of Georgian citizens. Exceptional cases may be determined by the organic law, adopted by the two-thirds of the full composition of the Parliament

Article 20. Freedom of Creativity, Cultural Heritage

1. Freedom of creativity shall be guaranteed. Intellectual property right shall be protected.
2. Interference in the creative process, censorship in the field of creative activities shall be inadmissible.
3. Dissemination of a creative work shall be prohibited only by a court decision if dissemination of the work violates the rights of others.
4. Everyone has the right to care for protection of cultural heritage. Cultural heritage shall be protected by law.

Article 21. Freedom of Assembly

1. Everyone, except those who enlisted in defence forces, or to the organs responsible to state and public security, has the right to assemble publicly unarmed, without prior permission.
2. The law may establish the necessity of prior notification of the state authority if an assembly is held on a public thoroughfare.
3. Authorities may terminate a public assembly only if it assumes unlawful character.

Article 22. Freedom of Association

1. Freedom of association shall be guaranteed.
2. Association may only be liquidated by its own or court decision in cases prescribed by the Law and according to the established rule.

Article 23. Freedom of Political Parties

1. Citizens of Georgia have the right to form a political party and participate in its activities as prescribed by organic law.
2. Political party membership of a person enlisted in the defence forces or organs responsible for state and public security, appointed as a judge shall be ceased.

3. Establishment and activity of a political party that aims to overthrow or forcibly change the constitutional order of Georgia, to infringe on independence, to violate territorial integrity of the country, or propagates war or violence, incites national, ethnic, provincial, religious or social strife, shall be inadmissible. Establishment of a political party on territorial principle shall be inadmissible.

4. Prohibition of a political party shall be admissible only by decision of the constitutional court, in cases prescribed by the organic law and according to the established rule.

Article 24. Electoral Right

1. Every citizen of Georgia, who has attained the age of 18, has the right to participate in referendum and elections of organs of the state, autonomous republic and local self-government. Free expression of the will of voter shall be guaranteed.

2. A citizen who is serving sentence for a particularly grave, ~~intended~~ crime in a penitentiary institution by a court judgment, or has been recognized as a [mental] support recipient by a court decision and admitted to inpatient care establishment shall have no right to participate in elections and referendum.

Article 25. Right to Hold Public Office

1. Every citizen of Georgia has the right to hold any public office if the individual meets requirements established by law. Terms of civil service shall be determined by law.

2. The office of the President, the Prime Minister, and the Chairperson of the Parliament of Georgia may not be held by a citizen of Georgia who simultaneously is a citizen of a foreign country.

Article 26. Freedom of Labor, Freedom of Trade Unions, Right to Strike, and Freedom of Enterprise

1. Freedom of labor shall be guaranteed. Everyone has the right to free choice of employment. Right to safe work conditions and other labor rights shall be protected by the organic law.

2. Everyone has the right to establish and join trade unions in accordance to the organic law.

3. The right to strike shall be recognized. The rule and terms for exercising this right shall be determined by the organic law.

4. Freedom of entrepreneurship shall be guaranteed. Monopolistic activity shall be prohibited, except in cases permitted by law. Consumer rights shall be protected by law.

Article 27. Right to Education and Academic Freedom

1. Everyone has the right to receive education and right to choose the type of education.

2. Preschool education shall be guaranteed according to the rule prescribed by law. Elementary and basic education shall be compulsory. General education shall be fully funded by the State according to the rule prescribed by law. Citizens shall have the right to state-funded vocational and higher education according to the rule prescribed by law.

3. Academic freedom and autonomy of higher educational institutions shall be guaranteed.

Article 28. Right to Protection of Health

1. Right of a citizen to affordable and quality healthcare shall be guaranteed by law.
2. The State shall exercise control over all healthcare institutions and the quality of medical services, regulates production and circulation of pharmaceuticals.

Article 29. Right to Environmental Protection

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

Article 30. Right to Marriage, Rights of Mothers and Children

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

Article 31. Procedural Rights

1. Every person has the right to apply to the court to defend his/her rights. The right to fair and timely trial shall be ensured.
2. Every person shall be tried only by a court that has jurisdiction over the case.
3. The right to defense shall be guaranteed. Everyone has the right to defend his/her rights before a court in person or through a lawyer, or a representative in cases prescribed by law. Unrestricted exercise of the rights of a lawyer as well as the right of self-organization of lawyers shall be guaranteed by law.
4. The defendant has the right to call his/her witnesses and interrogate them under the same conditions as the witnesses of prosecution.
5. A person shall be presumed innocent until his/her guilt is proved according to the rule established by law and the court's judgment of conviction.
6. No one is obliged to prove his/her innocence. The burden of proof shall rest with prosecution.
7. A decision to commit an accused for trial shall be based on a reasonable doubt while a judgment of conviction shall be based on incontrovertible evidence. Any suspicion that cannot be proved in accordance with the rule established by law shall be resolved in the defendant's favor.
8. No one shall be subject to repeated conviction for the same crime.

9. No one shall be held responsible for an action that did not constitute an offence at the time when it was committed. No law shall have retroactive force unless it reduces or abrogates responsibility.

10. Evidence obtained in violation of law shall have no legal force.

11. No one shall be obliged to testify against himself/herself or against his/her relatives who are determined by law.

Article 32. Citizenship of Georgia

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

2. Georgian citizenship shall be obtained by birth or naturalization. The rule of obtaining and losing Georgian citizenship, terms and rules of granting citizenship of Georgia to a foreign citizen and terms of holding citizenship of another state by a citizen of Georgia shall be determined by the organic law.

3. Deprivation of citizenship shall be inadmissible.

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

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

Article 33. Rights of Aliens and Stateless Persons

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

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

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

4. Expulsion or extradition of person from Georgia in violation of universally recognized principles and norms of international law shall be inadmissible.

Article 34. General Principles for Ensuring Human Fundamental Rights

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

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

3. The restriction of fundamental human right must be commensurate to the significance of the legitimate aim, which it serves.

Article 35. Public Defender of Georgia

1. Supervision over protection of human rights within the territory of Georgia shall be exercised by the Public Defender of Georgia who shall be elected for a six-year term by the three-fifths

majority of the full composition of Parliament. The same person may not be elected as a Public Defender consecutively.

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

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

4. The competences of the Public Defender shall be determined by the organic law.

Chapter Three. Parliament of Georgia

Article 36. Status and Authority of the Parliament

1. The Parliament of Georgia is the supreme representative body of the country that exercises legislative power, defines main directions of country's domestic and foreign policy, controls activities of the Government within the scope determined by the Constitution, and exercises other powers.

2. The rules of functioning of the Parliament shall be determined by the Rules of Procedure of the Parliament, which is adopted by a majority of the full composition of the Parliament based on the initiative of a member, or a committee of the Parliament or parliamentary faction. The Rules of Procedure shall have the force of law. It shall be signed and promulgated by the Chairperson of the Parliament.

Article 37. Parliamentary Elections

1. Following full reinstatement of Georgia's jurisdiction throughout its entire territory, two chambers shall be established within the Parliament: the Council of Republic and the Senate. The Council of Republic shall be composed of members elected by proportional system.. The Senate shall be composed of members elected from the Autonomous Republic of Abkhazia, the Autonomous Republic of Ajara, and other territorial units of Georgia and five members appointed by the President of Georgia. The composition, competences, and rules for the election of chambers shall be defined by the organic law.

2. Before the condition envisaged by Paragraph 1 of this Article are realized, the Parliament shall be composed of 150 members of Parliament elected in a single multi-mandate election district for a four-year term by a proportional system on the basis of universal, free, equal and direct suffrage through secret ballot.

3. Regular parliamentary elections shall be held on the last Saturday of October of the calendar year of expiry of term of the Parliament. In case of dissolution of the Parliament, elections shall be held no earlier than 45th and no later than 60th day of the Parliament's dissolution. If election date coincides with a state of emergency or state of war, elections shall be held no earlier than 45th and no later than 60th day after revocation of this state.

4. Any citizen of Georgia having the electoral right, who has attained the age of 25 and who has lived in Georgia for at least 10 years, may be elected as a member of Parliament. A person, who has been sentenced to imprisonment by a court judgment may not be elected as a member of Parliament. .

5. A political party, registered according to the rule established by law, having a member of Parliament elected upon the party's nomination at the time of fixing the date of elections, or its

support is approved by the signature of at least 25,000 voters according to the rule prescribed by the organic law shall have the right to participate in the parliamentary elections.

6. Mandates of members of Parliament shall be distributed only to those political parties, which receive at least 5 percent of valid votes cast in the elections. ~~To determine the amount of mandates received by a political party, amount of votes received by this party shall be multiplied by 150 and divided by a total number of votes received by all those political parties, which got at least 5 percent of votes cast in the elections.~~ The whole part of the derived number is the amount of mandates received by the political party. If the total amount of mandates received by political parties is fewer than 150, undistributed mandates shall be given in successive manner to the political parties with best results, which has received the most votes.

~~7. The amount of undistributed mandates received by the party in accordance with paragraph six of this Article may not exceed 35 percent of basic mandates obtained, except when it received more than 35 percent of the basic mandates under proportional distribution of undistributed mandates. The undistributed mandates that are not accorded to this party will be proportionally distributed to other parties, which received at least five percent of the votes cast in the elections. All undistributed mandates will be distributed proportionally to all parties, which have received at least five percent of the votes cast in the election if the party receives more than 35 percent of the basic mandates under proportional distribution of undistributed mandates;~~

~~8. Under the rule set forth in paragraphs 6 and 7 of this Article, the party shall not receive more than 89 mandates except when it receives more than 89 mandates under proportional distribution of undistributed mandates. 90th and all subsequent undistributed mandates that cannot be accorded to the appropriate party will be proportionally distributed to other parties which have received at least five percent of the votes cast in the elections. All undistributed mandates will be distributed proportionally to all parties, which have received at least five percent of the votes cast in the elections, if the party receives more than 89 mandates in proportional distribution of undistributed mandates~~

~~9. If the party fails to receive more than 75 mandates under the rule set forth in paragraphs 6 and 7 of this Article, all undistributed mandates will be distributed proportionally to all parties, which have received at least 5 percent of the votes cast in the elections.~~

~~107.~~ The rule of election of the Parliament shall be determined by the organic law.

Article 38. First Meeting of Parliament and Termination of Powers

1. The first session of the newly elected Parliament shall be held no later than the tenth day after official announcement of results of the parliamentary elections. The first meeting of Parliament is convened by the President. The Parliament shall be authorized to start work at the first meeting if the majority of full composition of Parliament is present at the meeting. ~~From this moment, the authority of the previous Parliament is terminated.~~ The Parliament shall acquire full powers from the moment of acknowledging powers of two-thirds of members of Parliament. From this moment, the authority of the previous Parliament is terminated.

Article 39. Member of Parliament of Georgia

1. A member of Parliament of Georgia is a representative of all Georgia, shall enjoy a free seat and cannot be recalled.

2. Arrest or detention of a member of Parliament, search of his/her place of residence and place of work, vehicle or any personal search shall be permitted only by prior consent of Parliament, except when caught at the scene of crime, which should be immediately notified to

the Parliament. Unless the Parliament gives its consent within 48 hours, the arrested or detained member of Parliament shall be released immediately.

3. A member of Parliament shall have the right not to testify about facts disclosed to him/her in the capacity of a member of Parliament. Seizure or extraction of written materials related to this issue shall be inadmissible. This right shall be retained by a member of Parliament after his/her term of office expires. A member of Parliament shall not be held liable for the views expressed inside or outside the Parliament while performing his/her duties. A member of Parliament shall be guaranteed unhindered conditions for exercising his/her powers. A member of Parliament shall receive remuneration prescribed by law. Respective state services shall ensure personal safety of a member of Parliament based on his/her application. Hindering exercise of powers of a member of Parliament shall be punishable by law.

4. A member of Parliament shall not hold any office in public service or be engaged in entrepreneurial activity. A member of Parliament may be engaged in public activities. A member of parliament may be engaged in scientific, pedagogical, and artistic activities if these activities do not envisage fulfillment of administrative functions. Cases of conflict of interests shall be defined by the Rules of Procedure of Parliament.

5. Issues of recognition or early termination of powers of a member of Parliament shall be decided on by Parliament. Decision of the Parliament may be appealed to the Constitutional Court. The powers of the member of Parliament shall be terminated early if he/she:

- a) submits a personal application on termination of powers to the Parliament;
- b) holds a position incompatible with his/her status or is engaged in incompatible activity;
- c) fails to attend without good reason more than half of regular sittings during the regular session;
- d) has been convicted by a court judgment, which has entered into legal force;
- e) has been recognized as a [mental] support recipient and admitted to respective inpatient care establishment, has been found missing or dead by court;
- f) dies;
- g) loses citizenship of Georgia;
- h) is subject to termination of his/her powers by decision of the Constitutional Court.

Article 40. Chairperson and Deputy Chairpersons of Parliament of Georgia

1. The Parliament of Georgia shall elect the Chairperson for its term of office by a majority of its full composition by secret ballot, under the Rules of Procedure. The Chairperson of Parliament shall chair over the work of the Parliament, ensure free expression of opinion, sign the acts adopted by the Parliament, and exercises other powers prescribed by the Rules of Procedure. The Chairperson of Parliament shall fulfill full administrative functions in the House of Parliament as prescribed by the Rules of Procedure.

2. The Parliament of Georgia shall elect a first deputy chairperson and deputy chairpersons for its term of office by a majority of its full composition, as prescribed by the Rules of Procedure.

Article 41. Parliamentary Bureau, Committees, and Factions

1. To organize the work of the Parliament, the Parliamentary Bureau shall be established, consisting of the chairperson and deputy chairpersons of Parliament, chairpersons of parliamentary committees and parliamentary factions.

2. Committees shall be created in the Parliament to prepare legislative issues beforehand, facilitate implementation of decisions, and exercise control over activities of the organs accountable to the Government and Parliament.

3. Members of Parliament may join a parliamentary faction as prescribed in the Rules of Procedure. The number of faction members should not be fewer than seven. Members of Parliament elected upon nomination by one political party may form only one faction. The rule of forming and activity of the faction and its rights shall be determined by the Rules of Procedure of Parliament.

Article 42. Investigative and Other Temporary Commissions of the Parliament

1. Investigative or other temporary commissions shall be created in the Parliament in cases envisaged by the Constitution and the Rules of Procedure, as well as by initiative at least of one-fifth of members of Parliament.

2. Decision on creation of a temporary commission shall be adopted by the Parliament according to the rule prescribed by the Rules of Procedure. The decision on creation of a temporary investigative commission shall be adopted by support of one-third of the full composition of Parliament. Parliamentary factions should be represented in a temporary commission by at least one member. Representation of opposition factions in temporary commission should not be fewer than half of the total number of members of the commission.

3. At the demand of the investigative commission, attendance and submission of all documents and information that are necessary for examination of the issue shall be mandatory.

Article 43. Question and Interpellation of a Member of Parliament

1. A member of Parliament shall be entitled to appeal with a question to the Government, other organ accountable to the Parliament, a member of the Government, state organs of the territorial units at all levels and state institutions. Providing timely and full response to the question of the member of Parliament is mandatory.

2. A parliamentary faction, a group of at least seven members of Parliament shall have the right to appeal with question through interpellation to the Government, other organ accountable to the Parliament, a member of the Government who are obliged to answer questions at the sittings of Parliament. The answer may become a subject of discussion by Parliament.

Article 44. Session and Sitting of Parliament

1. The Parliament shall meet in its official capacity for a regular session twice a year. The autumn session shall open on the first Tuesday of September and close on the third Friday of December. The spring session shall open on the first Tuesday of February and close on the last Friday of June.

2. The President of Georgia shall convene an extraordinary session of Parliament at the request of the Chairperson of Parliament, no less than one-fourth of members of Parliament, and the Government during the period between the sessions, or convene a special sitting in the course of a regular session. Unless an act of summoning is issued within 48 hours after a written request, the Parliament shall meet within the following 48 hours according to the procedure prescribed by the Rules of Procedure of the Parliament. A special sitting of the Parliament shall be held only according to the agenda defined by the initiator and shall close once the agenda has been exhausted.

3. The Parliament shall meet upon declaration of a state of emergency or state of war by the President. The Parliament shall work until revocation of this state.

4. The sittings of the Parliament shall be public. By the decision of the majority of attendees, but with no less than one-third of full composition of the Parliament, the Parliament declares a

sitting or part of it closed while discussing certain issues. The decision to close a sitting or part of it shall be discussed and made behind closed doors. Protocol of open sittings of Parliament shall be public.

5. Voting at a sitting of Parliament shall be open or secret. Voting is open, except for the cases envisaged by the Constitution and the law.

6. A member of the Government, an official accountable to the Parliament, a head of organ accountable to the Parliament shall be entitled and obligated to attend upon request sittings of Parliament, its committee or commission, to provide answer to the questions raised during the sitting and submit a report of activities performed. The Parliament, a committee, or a commission shall hear such an official immediately upon request.

Article 45. Lawmaking and Rules of Decision-making

1. The Government, a member of Parliament, a parliamentary faction, a parliamentary committee, supreme representative organs of the Autonomous Republics of Abkhazia and Ajara, and no less than 25,000 voters shall have the right of legislative initiative. The Parliament shall discuss a draft law submitted by the Government upon its request extraordinarily.

2. A law shall be considered adopted if supported by a majority of the members present but no less than one- third of full composition of the Parliament unless other rule of adopting laws is prescribed by the Constitution. An organic law shall be considered adopted if supported by a majority of full composition of the Parliament unless other rule of adopting organic laws is prescribed by the Constitution.

3. Other decision of the Parliament shall be considered adopted if supported by a majority of members present but no less than one-third of full composition of the Parliament unless other rule of adopting decision is prescribed by the Constitution or law. A decision on approval of the constitutional agreement shall be considered adopted if supported by no less than three-fifths of full composition of the Parliament.

Article 46. Signature and Promulgation of a Law

1. A law passed by Parliament shall be submitted to the President of Georgia within 10 days.

2. The President of Georgia shall sign and promulgate the law or return it to the Parliament with justified remarks within 2 weeks.

3. If the President of Georgia returns the law, the Parliament shall put the President's remarks to a vote. Adoption of remarks, requires the same number of votes as for initial adoption of this type of law. If remarks are adopted, the final version of the law shall be submitted to the President of Georgia within 5 days for who signs and promulgates it within 5 days.

4. If the Parliament rejects the President's remarks, an initial version of the law shall be put to a vote. An organic law or a law shall be considered adopted if it is supported by a majority of full composition of Parliament, except organic law prescribed in Article 19, paragraph 4 of the Constitution, which will be considered adopted, if supported by no less than two-thirds of full composition of the Parliament. A law shall be submitted to the President of Georgia within 3 days who signs and promulgates it within 5 days.

5. A constitutional law on amending Constitution that was adopted by two-thirds of full composition of the Parliament, shall be signed and promulgated by the President of Georgia within 5 days after submission, without the right to return it to the Parliament with remarks.

6. If the President of Georgia does not sign the law, nor return it to Parliament with justified remarks within the timeframe defined in Paragraph 2 of this Article, nor promulgate it within the timeframe defined in Paragraphs 3, 4 or 5 of this Article, the Chairperson of Parliament shall sign and promulgate it within 5 days after this timeframe expires.

7. A law shall enter into force on the 15th day from its promulgation in the official organ unless another date is defined by the same law.

Article 47. International Agreements

1. The Parliament of Georgia shall ratify, denounce and annul international treaties by the majority of its full composition. The Parliament shall ratify, denounce and annul international treaties referred to in Paragraph 2(c) of this Article by three-fourths majority of its full composition.

2. Besides those international treaties that envisage ratification, it shall also be mandatory to ratify international treaty, which:

- a) envisages Georgia's accession to an international organization or interstate union;
- b) is of a military nature;
- c) concerns territorial integrity of a state or change of the state border;
- d) concerns taking and issuing a loan by the State;
- e) requires change of domestic legislation or adoption of laws that are necessary to fulfil assumed international obligations;

3. Other international treaties shall be submitted to the Parliament.

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

Article 48. Impeachment

1. No less than one-third of full composition of Parliament shall have the right to raise the question of impeachment of the President of Georgia, a member of the Government, a judge of the Supreme Court, a General Prosecutor, an Auditor General or a member of the Board of the National Bank if their action violates the Constitution or contains signs of crime. The case shall be transferred to the Constitutional Court, which shall consider and submit its conclusion to the Parliament within one month.

2. If the Constitutional Court conclusion confirms signs of crime or violation of the Constitution in the actions of the official, the Parliament shall discuss and vote for the impeachment of official within no later than two weeks after submission of the conclusion.

3. The President of Georgia shall be considered impeached if this decision is supported by no less than two-thirds of full composition of the Parliament. A member of the Government, a judge of the Supreme Court, a General Prosecutor, an Auditor General or a member of the Board of the National Bank shall be considered impeached if this decision is supported by majority of full composition of the Parliament.

4. If the Parliament does not decide on impeachment within the timeframe defined in Paragraph 2 of this Article, initiating an impeachment procedure on the same ground shall be inadmissible.

5. Officials listed in this Article, except members of the Government, shall only be removed from office by means of impeachment.

6. Impeachment procedure of the President of Georgia during the state of emergency or the state of war shall be inadmissible.

Chapter Four. President of Georgia

Article 49. Status of the President of Georgia

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

Article 50. Rule of Election of the President of Georgia

1. The President of Georgia shall be elected for 5 years by the Electoral College, without debates, through open ballot. The same person may be elected as President of Georgia only twice.

2. Any citizen of Georgia having the right to vote, who has attained the age of 40 and who has lived in Georgia for at least 15 years, may be elected as a President of Georgia.

3. The Electoral College shall consist of 300 ~~electors~~members, including all members of the Parliament of Georgia and the supreme representative organs of the autonomous republics of Abkhazia and Ajara. Other ~~electors~~member of the Electoral College shall be nominated by respective political parties from the composition of the representative organs of local self-governments on the basis of quotas defined by the Central Election Commission of Georgia in accordance with organic law. The quotas are defined in compliance with the principle of proportional geographical representation and in accordance with proportion of the results of elections of local self-governments held under the proportional system. Composition of the Electoral College shall be approved by the Central Election Commission of Georgia.

4. Elections of the President of Georgia shall be held in the House of Parliament. No less than 30 ~~electors~~members of the Electoral College shall have the right to nominate a candidacy of the President of Georgia. One ~~elector~~member of the Electoral College may support the nomination of only one candidate. One ~~elector~~member of the Electoral College shall be authorized to vote for only one candidate. In the first round of elections, a candidate having received two-thirds of votes of the full composition of Electoral College shall be considered elected. If the President of Georgia is not elected in the first round, the second round shall be held between two candidates with the most votes in the first round. A candidate who received the most votes in the second round shall be considered elected. The first or second round of the elections shall be considered valid if more than half of the total number of Electoral College have participated. If elections failed or the Electoral College did not elect the President of Georgia, new elections of the President of Georgia shall be held within 30 days.

5. Presidential elections shall be held in October of the calendar year when the term of office of the President of Georgia expires. In case of early termination of the term of office of the President of Georgia, the presidential elections shall be held within 45 days from termination of the term of office. If election date coincides with the state of emergency or the state of war, the presidential elections shall be held within 45 days after revocation of this state. If the date of election of the President of Georgia falls within the same or previous months of the parliamentary elections, the presidential elections shall be held within 45 days after holding the first meeting of the newly elected Parliament.

6. The elections of the President of Georgia shall be appointed by the Parliament, except for the new round of elections, which shall be appointed by the Chairperson of the Parliament.

7. The rule and terms of the election of the President shall be determined by the Constitution and the organic law.

Article 51. Oath of the President of Georgia, Termination of Term of Office, Immunity, Conflict of Interest and Succession

1. Prior to assuming the office, on the third Sunday after the elections day, the newly elected President of Georgia shall address the people and take the following oath of office: 'I, the President of Georgia, do solemnly affirm before God and the nation that I will support and defend the Constitution of Georgia, the independence, unity, and indivisibility of the country; that I will faithfully perform the duties of the President, will care for the security and welfare of the citizens of my country, and for the revival and might of my nation and homeland'.

2. The term of office of the President of Georgia shall be terminated and the term of office of the newly elected President of Georgia shall be commenced once the oath is taken by the newly elected President of Georgia.

3. The President of Georgia shall enjoy personal immunity. No one shall have the right to arrest or bring criminal proceeding against the President of Georgia while in office.

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

5. In case of the inability of the President of Georgia to exercise powers or in case of early termination of the term of office, the Chairperson of the Parliament shall perform the duties of the President of Georgia.

Article 52. Powers of the President of Georgia

1. The President of Georgia shall:

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

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

c) sets elections of Parliament and local self-government organs in accordance with the Constitution and rule prescribed by the organic law;

d) upon nomination of the Government appoint and dismiss the Commander of the defence forces of Georgia; appoint one member of the High Council of Justice; participate in the appointment of the Chairperson and members of the Central Election Commission of Georgia in cases defined by organic law and in accordance with the prescribed rule; upon nomination of the Government put forward candidates for the membership of the national regulatory organs to the Parliament;

e) decide on citizenship issues in accordance with the rule prescribed by the organic law;

f) pardon convicts;

g) in accordance with the rule prescribed by law accord state awards and rewards, supreme military, special and honorary titles and supreme diplomatic ranks;

h) upon submission of the Government and with the consent of the Parliament, is entitled to suspend the activity representative organ of territorial unit or dissolve it if its activities threaten sovereignty, territorial integrity of the country, or the exercise of constitutional powers by state organs;

i) exercise other powers as defined by the Constitution.

2. The President of Georgia shall have the right to set a referendum on issues defined in the Constitution and law at the request of the Parliament of Georgia, the Government of Georgia, no less than 200 000 voters within 30 days after such a request is received. A referendum shall not be held in order to adopt or repeal a law, to grant amnesty or pardon, to ratify or denounce international treaties, as well as concerning the issues that envisage restriction of fundamental constitutional rights of individuals. Issues related to setting and conducting referendum shall be defined by the organic law.

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

Article 53. Countersignature

1. Legal act of the President of Georgia shall require the countersignature of the Prime Minister. A legal act that requires countersignature shall be promulgated and shall entail legal consequences only after countersignature. Political responsibility for countersigned legal acts lie with the Government.

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

a) setting parliamentary elections, dissolving the Parliament, convening sessions or sittings of the Parliament;

b) concluding constitutional agreement;

c) signing and promulgating a law, returning a law to the Parliament with remarks;

d) appointing the Prime Minister; appointing a member of the High Council of Justice; appointing the Chairperson and a member of the Central Election Commission; nominating a member of the Board of the National Bank, appointing the President of the National Bank; appointing a judge to the Constitutional Court;

e) granting state awards and rewards and honorary titles;

f) resolution of citizenship issues;

g) pardoning of convicts;

h) applying to the Constitutional Court or a court;

i) organizing the exercise of powers of the President of Georgia.

Chapter Five. Government of Georgia

Article 54. Government

1. The Government of Georgia is the supreme body of executive power, which implements domestic and foreign policy of the country.

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

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

4. A Ministry shall be established to ensure the administration of state policy and governance in the field of activity of the Government and is led by a Minister.

5. One or several State Ministers may be represented in the Government. The office of the State Minister may be introduced by law in order to accomplish state objectives of particular significance.

6. A member of the Government shall have no right to hold any other office except in a party, be engaged in entrepreneurial activity, or receive remuneration for other activity except for academic and pedagogical work.

7. In order to ensure representation of the Government in administrative-territorial units, the Government shall be authorized to designate state attorney governor. Competences of state attorney governor shall be determined by law.

8. The structure and rules of activities of the Government shall be defined by the Constitution and the law. The draft of this law shall be submitted to the Parliament by the Government.

Article 55. Prime Minister of Georgia

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

2. The Prime Minister shall define the main directions of the Government activities, organize the Government activities, organize coordination and control of activities of the ministers and sign the legal acts of the Government.

3. The Prime Minister shall represent Georgia in foreign relations, conclude international treaties on behalf of Georgia.

4. The Prime Minister shall appoint and dismiss ministers. He/she shall be authorized to assign the duties of the first Vice Prime Minister to one of the ministers and to assign duties of the Vice Prime Minister to one or more ministers.

5. The Prime Minister shall be accountable for the activities of the Government before the Parliament. Annually he/she presents the report on implementation of the Government Program to the Parliament, also the report on implementation of particular parts of the Government Program at the request of the Parliament.

Article 56. Vote of Confidence

1. Upon recognition of powers of the newly elected Parliament, the Government shall dismiss its authority before the Parliament and continue to perform its duties before the appointment of a new Prime Minister.

2. Within 2 weeks after cessation of the authority of the Government, resignation of the Prime Minister or termination of this authority otherwise, the Parliament shall put a vote of confidence to the Government proposed by a candidate of the Prime Minister nominated by a political party, which won the parliamentary elections. A government Program shall be presented to the Parliament together with the composition of the Government. Majority of the full composition of the Parliament is required for the vote of confidence.

3. If the Parliament does not pass a vote of confidence to the Government within the established timeframe, the President of Georgia shall dissolve the Parliament no earlier than two weeks and no later than three weeks after the expiration of respective timeframe and shall set extraordinary elections of the Parliament.

4. The President of Georgia shall not dismiss the Parliament and shall not set extraordinary elections of the Parliament, if the Parliament within two weeks after expiry of the timeframe set

forth in Paragraph 2 of this Article passes with majority of its full composition a vote of confidence to the Government proposed by a Prime Ministerial candidate nominated by more than one-third of the full composition of the Parliament.

5. Within 2 days after vote of confidence to the Government, the President of Georgia shall appoint the Prime Minister, while the Prime Minister shall appoint the ministers within 2 days after his/her appointment. If the President does not appoint the Prime Minister within the defined timeframe, the Prime Minister shall be considered appointed.

Article 57. Vote of No Confidence

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

2. More than one-third of the full composition of the Parliament shall be entitled to propose a vote of no confidence to the Government. Together no confidence motion, the initiators shall nominate a candidate for the Prime Minister while the prime-ministerial candidate shall propose a new composition of the government to the Parliament. A government program shall be presented to the Parliament together with the composition of the Government.

3. If the Parliament passes with majority of its full composition a vote of confidence to the new Government within no earlier than 7 and no later than 14 days after proposing this issue, a vote of no confidence shall be considered as passed. Within 2 days after vote of confidence to the new Government, the President of Georgia shall appoint the Prime Minister, while the Prime Minister shall appoint the ministers within 2 days after his/her appointment. If the President of Georgia does not appoint the Prime Minister within the defined timeframe, the Prime Minister shall be considered appointed. The authority of the Government shall be terminated once a new Prime Minister is appointed.

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

Article 58. Vote of Confidence by the Initiative of the Prime Minister

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

2. A vote of confidence shall be cast no earlier than 7th and no later than 14th day after its initiation. If the Parliament does not pass the vote of confidence to the Government, the President of Georgia, no earlier than 7th and no later than 14th day after failure to pass a vote of confidence, shall dissolve the Parliament and set extraordinary parliamentary elections.

3. The President of Georgia shall not dismiss the Parliament, if the Parliament within 7 days after failure to pass a vote of no confidence passes with majority of its full composition a vote of confidence to the Government proposed by a Prime Ministerial candidate nominated by more than one-third of the full composition of the Parliament. A government program shall be presented to the Parliament together with the composition of the Government. Within 2 days after vote of confidence to the new Government, the President of Georgia shall appoint the Prime Minister, while the Prime Minister shall appoint the ministers within 2 days after his/her appointment. If the President of Georgia does not appoint the Prime Minister within the defined timeframe, the Prime Minister shall be considered appointed. The authority of the Government shall be terminated once a new Prime Minister is appointed.

Chapter Six. Judiciary and Prosecutor's Office

Article 59. Judiciary

1. Judicial authority shall be independent and exercised by the Constitutional Court of Georgia and common courts of Georgia.
2. The Constitutional Court of Georgia is a judicial organ of constitutional control. Its powers, rules for its creation and activities shall be defined by the Constitution and the organic law.
3. Justice shall be administered by common courts. Specialized courts may be created only within the system of common courts. Military court may be created during the state of war and exclusively within the system of common courts. The creation of extraordinary courts shall be inadmissible. Common courts shall hear cases by jurors in cases and according to the rule prescribed by law. The system of common courts, their authority and rules of functioning shall be stipulated by the organic law.

Article 60. Constitutional Court of Georgia

1. The Constitutional Court of Georgia shall exercise judicial power by constitutional legal proceedings.
2. The Constitutional Court shall consist of 9 judges appointed for 10 years, out of which 3 judges shall be appointed by the President of Georgia, 3 judges shall be elected by the Parliament with three-fifths majority of its full composition and 3 judges shall be appointed by the Supreme Court. A judge of the Constitutional Court may be a citizen of Georgia from the age of 35 years who has higher legal education, at least ten-year of a special professional experience and a distinct professional qualification. A judge of the Constitutional Court may not be a person who previously held this office.
3. The Constitutional Court shall elect a chairperson from its members for a period of five years. A person who already held position of a chairperson of the Constitutional Court shall not be re-elected.
4. The Constitutional Court of Georgia, according to the rule prescribed by the organic law shall:
 - a) review the constitutionality of a normative act with respect to fundamental human rights enshrined in the Chapter Two of the Constitution on the basis of a claim of an individual, legal entity or the Public Defender;
 - b) take decision on the compliance of a normative act with the Constitution on the basis of a claim of the President of Georgia, no less than one-fifth of members of the Parliament, or the Government;
 - c) on the basis of a submission of the common court, review the issue of constitutionality of a normative act, which will be used by the common court while hearing a particular case and which may contravene the constitution according to reasonable assumption of the court;
 - d) review dispute about the competences of the authorities on the basis of a claim of the President of Georgia, the Parliament, the Government, the High Council of Justice, the General Prosecutor, the Board of National Bank, the General Auditor, the Public Defender or the supreme representative or executive organ of the autonomous republic;
 - e) review the constitutionality of international treaties on the basis of a claim of the President of Georgia or the Government of Georgia, on the basis of a claim or submission of no less than one-fifth of members of Parliament;
 - f) review the constitutionality of activities of a political party and the termination of powers of the member of the representative organ nominated by this political party on the basis of a claim of the President of Georgia, no less than one-fifth of the members of the Parliament, the Government;

- g) review the constitutionality of the Parliament's decision on acknowledgement or early termination of powers of a member of Parliament on the basis of a claim of the Parliament of Georgia, as well as the respective individual;
- h) review the dispute related to norm regulating referendum or elections and constitutionality of referendum and elections conducted or to be held on the basis of this norm on the basis of a claim of the President of Georgia, no less than one fifth of the members of the Parliament, or the Public Defender;
- i) review the constitutionality of a normative act with respect to the Chapter Nine of the Constitution on the basis of a claim of the representative organ of a local self-government;
- j) exercise other powers defined by the Constitution of Georgia.

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

6. A legal norm regulating elections shall not be considered unconstitutional by the Constitutional Court within the respective election year unless this norm is adopted within ~~one year~~ 15 months before the month of respective elections. ~~Judgment on unconstitutionality of the conducted elections is made by full consensus of the plenum of the Constitutional Court no later than 7 days from the date of official publication of election results.~~

7. Appointment of judges of the Constitutional Court and termination of their terms of authority, as well as constitutional legal proceedings and other issues related to activities of the Constitutional Court shall be determined by the organic law.

Article 61. Supreme Court of Georgia

- 1. The Supreme Court of Georgia shall be the Court of Cassation.
- 2. The Supreme Court consists of at least 28 judges. The judges of the Supreme Court shall be elected for lifetime, by a majority of the full composition of the Parliament upon nomination by the High Council of Justice.
- 3. The Parliament shall elect a Chairperson of the Supreme Court from the members of the Supreme Court upon nomination by the High Council of Justice for a term of 10 years. A person who already held position of a chairperson of the Supreme Court shall not be re-elected.

Article 62. Judicial Proceedings

- 1. A court shall award a judgment on behalf of Georgia. Judicial acts shall be binding. Failure to comply with the court judgment or interference in execution shall be punishable by law.
- 2. Court judgment may be annulled, changed, or suspended only by court according to the rule established by law. The procedure for relieving a person of serving a sentence and alleviating unserved part of the sentence shall be defined by law.
- 3. Court hearings shall be open. Closed hearings shall be permitted only in the cases prescribed by law. A court judgment shall be declared publicly.
- 4. Legal proceedings shall be conducted in the official language. An individual not having a command of the official language shall be provided with an interpreter.
- 5. Legal proceedings shall be conducted on the basis of equality of arms and adversarial proceedings.

Article 63. Judge

1. A judge shall be independent in his/her activity and shall only comply with the Constitution and the law. Any pressure upon a judge or any interference in his/her activity in order to influence his/her decision making shall be prohibited and punishable by law. No one shall have the right to demand an account concerning a particular case from a judge. All acts restricting independence of a judge shall be null and void.

2. A judge shall enjoy immunity. Bringing criminal proceedings against a judge, his/her arrest or detention, search of his/her place of residence and place of work, vehicle or any personal search may be permitted only by consent of High Council of Justice and in case of a judge of the Constitutional Court, by consent of the Constitutional Court. Exception applies, when caught at the scene of crime, which should be immediately notified to the High Council of Justice or the Constitutional Court, respectively. Unless the High Council of Justice or the Constitutional Court, respectively gives its consent, detained judge shall be released immediately.

3. The State shall ensure the security of a judge and his/her family.

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

5. A judge of common courts may be removed from consideration of a case, dismissed or moved to another position only in cases defined by the organic law. Irreplaceability of a judge shall be guaranteed by the organic law. The reorganization or liquidation of the court may not be the basis for dismissal of judge appointed for lifetime.

6. A judge of common courts may be a citizen of Georgia from the age of 30 who has relevant higher legal education and at least a five-year specialized professional experience. Additional qualification requirements for judges of common courts shall be defined by the organic law. Judges of common courts shall be appointed for lifetime until they reach the age determined by law. The judge shall be selected based on conscientiousness and competence. The decision on the appointment of a judge shall be made by a two-thirds majority of the full composition of the High Council of Justice. The rule of appointment and dismissal of judge shall be defined by the Constitution and the organic law.

Article 64. High Council of Justice

1. The High Council of Justice of Georgia, an organ of the common courts system, shall be established to ensure independence and efficiency of common courts, appoint and dismiss judges and perform other tasks.

2. The High Council of Justice shall consist of 145 members, appointment for four years, and Chairperson of the Supreme Court. More than half of the members of the High Council of Justice shall be composed of members elected by the judges of self-governing body of judges of the common courts. Members of the High Council of Justice, who are not elected by the self-governing body of judges of the common courts and who is not appointed by the President of Georgia, shall be elected by a three-fifths majority of the full composition of the Parliament. The Chairperson of the High Council of Justice shall be elected for four years, but no more than as defined by his/her term of office as a member of High Council of Justice, from judge-members of the High Council of Justice by the High Council of Justice according to the rule prescribed by law. Secretary of the High Council of Justice is elected for four years from the members elected by the High Council of Justice by the self-governing body of judges of common courts.

3. The High Council of Justice shall be accountable to the self-governing body of common court judges. The rules for accountability shall be defined by the organic law.

4. The competences of the High Council of Justice and rules for its establishment and functioning shall be defined by the organic law.

Article 65. Prosecutor's Office

1. The Prosecutor's Office of Georgia shall be independent in its activities and only comply with the Constitution and the law.

2. Prosecutor's Office shall be led by the General Prosecutor, who is elected for a six-year term upon nomination of the Prosecutors' Council by a majority of the full composition of the Parliament according to the rule prescribed by the organic law.

3. The Prosecutors' Council shall be established to ensure independence, transparency and efficiency of the Prosecutor's Office. The Council shall consist of 15 members elected according to the rule prescribed in the organic law. Chairman of the Prosecutors' Council shall be elected by council members for the period of 2 years.

4. The Prosecutor's Office shall submit the report on its activities to the Parliament on an annual basis.

5. The competences, structure and rules of functioning of the Prosecutor's Office shall be determined by the organic law.

Chapter Seven. Public Finances and Control

Article 66. State Budget

1. The Parliament of Georgia shall annually adopt the Law on State Budget by a majority of full composition of the Parliament.

2. Only the Government of Georgia shall have the right to present a draft State Budget to the Parliament after examination of the Basic Data and Directions with the committees of Parliament. The Government shall submit a draft State Budget for the next year to the Parliament no later than 3 months before the end of a budget year. Together 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 no later than 5 months after the end of a fiscal year.

3. Amending a draft law on State Budget shall be inadmissible without the consent of the Government. The Government may request the Parliament to incur additional state expenditure if it indicates the source of covering expenditures.

4. The Parliament may adopt a draft law, that incurs increase of expenditures of the State Budget for the current fiscal year or reduction of revenues, or new financial obligations for the state only, with the consent of the Government, whereas, draft law related to the following fiscal year may be adopted with the consent of the Government or within the scope of the document on Basic Data and Directions of the country submitted by the Government to the Parliament.

5. If the Parliament does not adopt the State Budget within 3 months after completion of the fiscal year, the expenditures shall be covered according to the rule prescribed by the law and the State Budget of the previous year.

6. Reduction of current funds allocated for the Parliament in the State Budget compared with the amount of budgetary funds of the previous year shall be possible only with the prior consent of the Parliament. Parliament shall decide on its own upon distribution of funds allocated for the Parliament in the State Budget.

7. The Law on the State Budget shall be signed and promulgated by the President of Georgia in accordance with Article 46 of the Constitution. Remarks of the President on the state budget law may be accepted by the Parliament only with the government's consent.

8. The rule of drafting and adopting the State Budget shall be determined by law.

Article 67. Taxes and Fees, Economic Policy

1. Payment of taxes and fees shall be mandatory in the amount and manner prescribed by law. Only law shall determine the structure of taxes and fees as well as the procedure for their introduction, setting their rates or the scope of rates. Exemption from taxes shall be permitted only by law. Tax control shall be exercised only by the tax authorities defined by the Law.

2. The fundamental principles of economic policy for ensuring long-term and stable economic growth shall be defined by the organic law. Cases of violation of limits set by macroeconomic parameters and deviation from set limits in case of special necessity, as well as measures needed to return to the parameter limits shall be determined by the organic law.

Article 68. The National Bank

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

2. The Board of the National Bank is the supreme organ of the National Bank of Georgia. Members of the Board of the National Bank shall be elected by a majority of full composition of the Parliament for a term of seven years upon nomination by the President of Georgia. The President of Georgia shall appoint the President of the National Bank from the members of the Board of the National Bank and dismiss him/her from office upon nomination of the Board of the National Bank.

3. The National Bank shall be independent in its activity. Only administrative and capital expenditure of the National Bank shall be subject to supervision and control prescribed in Article 69 of the Constitution. The National Bank shall be accountable to the Parliament and annually submit an activity report to it.

4. Only the National Bank shall have the right to money emission. The name and unit of money shall be determined by the organic law.

5. Competences and rules of functioning as well as guarantees for independence of the National Bank shall be defined by the organic law.

Article 69. State Audit Office

1. Use and spending of budgetary funds and other public resources shall be supervised by the State Audit Office with the purpose of facilitating the efficiency and accountability of public governance. It shall also be entitled to scrutinize the activities of other state organs of fiscal and economic control and to submit proposals on improvement of tax legislation to the Parliament.

2. The State Audit office is led by the General Auditor, who shall be elected by the majority of the full composition of the Parliament of Georgia for a term of five years upon nomination by the Chairperson of the Parliament.
3. The State Audit Office shall be independent in its activity.
4. The State Audit Office shall be accountable to the Parliament. Twice a year, together with submission of the preliminary and full reports on the budget execution, the State Audit Office shall submit a conclusion on the Government report to the Parliament, while once a year it shall submit an its own annual activity report.
5. The State Audit Office shall ensure control of public funds by the Parliament.
6. Competences, structure, rule of functioning, and guarantee for independence of the State Audit Office shall be defined by the organic law.

Chapter Eight. State Defense and Security

Article 70. Defence Forces

1. Defensive war shall be a sovereign right of Georgia.
2. Defense of Georgia shall be every citizen's duty. Rules for military service shall be determined by law.
3. For defense of the state independence, sovereignty, and territorial integrity as well aso for fulfilment of other tasks related to defence and security as prescribed by the Constitution and international obligations, Georgia shall have defence forces.
4. The types and composition of the defence forces shall be defined by law. Quantity of defence forces shall be approved by the majority of full composition of the Parliament upon submission of the Government.
5. Unification of organs in charge of state and public security with defence forces during the state of war shall be permitted by the Decree.
6. The defence forces of Georgia shall act by the orders of the Minister of Defense according to the law, and during state of emergency or state of war by orders of the Prime Minister.

Article 71. State of Emergency and State of War

1. In case of the armed attack or a direct threat of the armed attack on Georgia, the President of Georgia, upon the Prime Minister's submission, shall declare the state of war, sign the truce in the presence of appropriate conditions, and shall immediately present these decisions to the Parliament for approval. Decision on introduction of the state of war shall come into force upon its announcement. The Parliament approves the decision upon assembly. If the Parliament does not approve the decision, it shall become null and void upon voting.
2. In cases of mass unrest, violation of country's territorial integrity, a military coup d'état, the armed insurrection, terrorist act, natural or technogenic disasters or epidemics or in any other occurrence, when the state organs lack the capacity to fulfill their constitutional duties normally, the President of Georgia upon submission of the Prime Minister shall declare the state of emergency on the entire territory of the country or in any part of it and shall immediately submit this decision to the Parliament for approval. Decision shall enter force upon the announcement of the state of emergency. The Parliament approves the decision upon assembly. If the

Parliament does not approve the decision, it shall become null and void upon voting. Extraordinary authority shall only apply to the territory where the state of emergency is declared.

3. During the state of war and the state of emergency, the President of Georgia upon submission of the Prime Minister shall issue decrees that have force of the organic law, which shall be in force until the revocation of the state of war or the state of emergency respectively. The President of Georgia, , shall issue decrees having force of law during a state of emergency or martial law that shall be valid until the revocation of the state of emergency or martial law. Decree related to the authority of the National Bank shall be issued with consent of the President of the National Bank. Decree shall enter force upon its issuance. Decree shall be submitted to the Parliament immediately. The Parliament approves the decision upon assembly. If the Parliament does not approve the decision, it shall become null and void upon voting.

4. During a state of emergency or state of war the President of Georgia shall have the right to restrict by decree the rights listed in Articles 13, 14, 15, 17, 18, 19, 21 and 26 of the Constitution on the entire territory of Georgia or in any part of it. During a state of emergency or state of war, the President of Georgia shall have the right to suspend by decree Paragraphs 2-6 of Article 13, Paragraph 2 of Article 14, Paragraph 2 of Article 15, Paragraphs 3, 5 and 6 of Article 17, Paragraph 2 of Article 18, and Paragraph 3 of Article 19 . The President of Georgia shall immediately submit the decree envisaged by this Paragraph to the Parliament for approval. Decree on restriction of right shall enter into force upon issuance, whereas decree on suspension of norm -after approval by the Parliament. Decree on restriction of right shall be approved according to rule prescribed by Paragraph 3 of this Article.

5. General elections shall not be held during the state of emergency or state of war. If the state of emergency is declared in a certain part of the country, a decision on conducting elections on the rest of the territory of the country shall be made by the Parliament.

6. Decision on revocation of a state of emergency or state of war shall be adopted according to the rule for declaration and approval of respective state.

7. The decision of the Parliament on issues envisaged by this Article shall be adopted by the majority of its full composition.

Article 72. Use of Defence Forces

1. Decision on use of defence forces during the state of war shall be made by the Prime Minister and it shall not require the Parliament's approval.

2. During the state of emergency, the President of Georgia shall make a decision on use of the defence forces upon submission by the Prime Minister and submit the decision to Parliament for approval immediately. Decision shall enter force upon its approval by the Parliament. The Prime Minister shall take a decision on the use of defence forces during the natural or technogenic disasters or epidemics and this decision shall not require approval by the Parliament. The Parliament shall make decision on termination of the use of defence forces during the natural or technogenic disasters or epidemics.

3. The President upon submission of the Government shall make a decision on use of defence forces for meeting international obligations of the country and immediately submit it to the Parliament for approval. Decision shall enter force after the Parliament's approval.

4. For the purposes of state defense, in special cases as well as in cases prescribed by law, the President of Georgia upon submission of the Government shall make a decision about the

entry, use and movement of military forces of another state in the country. The decision shall immediately be submitted to the Parliament for approval and shall enter force after approval of the Parliament.

5. Decision of the Parliament on issues envisaged in this article shall be made by majority of its full composition.

Article 73. National Defense Council

1. During the state of war a consultative organ - the National Defense Council shall be created, which shall be chaired by the President of Georgia. Permanent members of the National Defense Council are the President of Georgia, the Prime Minister, the Chairperson of Parliament, Minister of Defence and the Commander of the Defence Forces. By the decision of the President of Georgia, individual members of the Parliament and the Government may be invited as members of the Council. The National Defense Council shall act until the revocation of the state of war.

2. Competences and rule of functioning of the National Defense Council shall be determined by law.

Chapter Nine. Local Self-Government

Article 74. Organs, Borders, Legal framework of the Local Self-Government

1. Citizens of Georgia regulate the issues of local importance via representative and executive organs of local self-government. The representative organ shall be elected on the basis of universal, equal and direct suffrage, by secret ballot. Executive organs shall execute decisions of representative organs and shall be accountable to them.

2. A self-governing unit is a legal entity of public law. Decision on the creation, abolishment or changing the boundaries of a self-governing unit shall be taken by the Parliament, upon submission of the Government in consultation with relevant self-governing units.

3. Local self-government shall be carried out according to the rule prescribed by the Organic Law.

Article 75. Powers of Self-government Units

1. The powers of the State authority and self-governing units shall be separated.

2. Self-governing unit shall, on its own initiative and in compliance with legislation, take decision on all matters, which do not fall within the exclusive powers of the State or of the autonomous republics and taking decision on which is not excluded from the powers of the self-governing unit by law.

3. A self-governing unit shall exercise its own powers independently and by its own responsibility within the framework of the Georgian legislation. Own powers defined by the organic law shall be full and exclusive.

4. Delegation of powers by the state to a self-governing unit shall be carried out on the basis of a legislative act or agreement by transferring appropriate material and financial resources.

5. The State authority shall exercise legal supervision over activities of a self-governing unit. To ensure relevance of decisions, the supervision of activity of a self-governing unit shall be permissible only with respect to decisions made on the basis of delegated powers. State

supervision shall be exercised in accordance with the rule prescribed by the Organic law, in adherence to the principle of proportionality.

Article 76. Guarantees of Local Self-government

1. A self-governing unit shall have its own property and finances.
2. A self-governing unit shall define its organizational arrangement independently according to the organic law and take decisions on staff related issues independently, in accordance with the organic law and legislation regulating civil service.
3. A self-governing unit shall be entitled to cooperate with other self-governing unit to exercise its powers according to rule prescribed by the organic law. A self-governing unit shall be entitled to join unions of self-governing units in accordance with the organic law.
4. State authorities shall make decisions on issues related to local self-government in consultation with self-governing units. The rule for consultations shall be defined by the organic law.
5. Decision made by local self-government organs within the scope of their competence shall be binding on the territory of self-governing units.

Chapter Ten. Revision of the Constitution

Article 77. Rules of Revision of the Constitution

1. The Constitution shall be revised by a constitutional law. More than half of the full composition of the Parliament or no less than 200,000 voters shall be entitled to submit a draft constitutional law.
2. A draft constitutional law shall be submitted to the Parliament of Georgia, which makes it public for statewide public discussions. The Parliament shall start deliberations on the draft law after one month from its publication.
3. A constitutional law shall be considered adopted if supported by no less than two-thirds of the full composition of the Parliament. The Constitutional Law shall be submitted to the President of Georgia for signature within 10 days after its approval, in one hearing, without amendments, by no less than two-thirds of the full composition of the Parliament of the subsequent convocation.
4. The Constitutional Law shall be submitted to the President of Georgia for signature within the period set by the Article 46 of the Constitution if supported by at least three-fourths of the full composition of the Parliament.
5. The Constitutional Law related to the restoration of territorial integrity shall be adopted by two-third majority of the full composition of the Parliament and shall be submitted to the President of Georgia for signature within the period set by the Article 46 of the Constitution.
6. The President of Georgia shall sign and promulgate the Constitutional Law according to the rule prescribed by Article 46 of the Constitution.
7. In case of declaration of a state of emergency or a state of war, deliberations on the draft constitutional law will be suspended until revocation of the state of emergency or state of war.

Chapter Eleven. Transitional Provisions

Article 78. Integration into European and Euro-Atlantic Structures

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

2. Paragraph 9 of Article 2 shall be formulated as follows:

“ 9. The Parliament elected at the next parliamentary elections based on universal, free, equal and direct suffrage shall consist of 77 members elected through proportional system and 73 members elected through majoritarian system by secret ballot for the term of 4 years. As a result of proportionally held elections, mandates of members of the Parliament shall be distributed to those political parties and electoral blocks of political parties which receive at least 3 percent of electoral votes. Rules and terms for participation in elections as well as the rule for distribution of mandates of members of the Parliament shall be defined by electoral legislation.
“

Article 2.

1. This law shall enter into force upon promulgation.
2. Conditions defined by Paragraph 2 of Article 32 of new version of Constitution of Georgia formulated by Article 1 of this law and paragraphs 1-9 of article 2 shall enter force upon taking the oath of the President of Georgia elected in the next presidential elections shall enter into force upon entering into force of this law.

Giorgi Margvelashvili
President of Georgia