Constitution of the Republic of Azerbaijan

Continuing the centuries-long statehood traditions, taking as a basis the principles expressed in the Constitution act "On the State Independence of the Republic of Azerbaijan", desiring to provide prosperity and welfare of the whole society and each individual, wishing to establish freedom and security, understanding the responsibility before the past, present and future generations, using the right of its sovereignty declares solemnly its following intentions:

- to protect the independence, sovereignty and territorial integrity of the Republic of Azerbaijan;
- to provide a democratic system within the frames of the Constitution;
- to achieve the establishment of a civil society;
- to build a law-based, secular state to provide the command of law as an expression of the will of the nation;
- to provide a worthy life level for everybody in conformity with just economic and social order;
- to remain faithful to universal human values, to live in peace and freedom with all the nations of the world and co-operate with them for this purpose.

Having in mind the above-enumerated sincere intentions the Present Constitution is adopted through the general poll of population referendum.

First Section
General

CHAPTER I. People's power

e 1. The source of power

I. The sole source of state power in the Republic of Azerbaijan are the people of Azerbaijan.

II. People of Azerbaijan are citizens of the Republic of Azerbaijan living on the territory of the Republic of Azerbaijan and outside it who are subordinate to the Azerbaijan state and its laws which does not exclude standards of international legislation.

e 2. Sovereignty of people

I. Sovereign right of the Azerbaijani people is the right of free and independent determination of their destiny and establishment of their own form of governance.

II. The people of Azerbaijan exercise their sovereign right directly—by way of nation-wide voting—referendum, and through their representatives elected based on universal, equal and direct suffrage by way of free, secret and personal ballot.

le 3. Questions solved by way of nation-wide voting—referendum

I. People of Azerbaijan may solve any questions involving their rights and interests by way of referendum.

II. The following questions may be solved only by way of referendum:
1. acceptance of the Constitution of the Republic of Azerbaijan and introduction of amendments thereto;
2. change of state borders of the Republic of Azerbaijan.

III. The referendum can not be held with respect to the following issues:
1. Taxation and state budget
2. Amnesty and pardon
   a. ”Election, appointment or approval of the officials, whose election, appointment or approval has been accordingly referred to the competences of the legislative and (or) executive bodies”.

e 4. Right to represent the people

No one except authorized representatives elected by the people will have the right to represent the people, speak on behalf of people and to make statements on behalf of people.

e 5. Unity of people

I. The people of Azerbaijan are united.

II. Unity of the Azerbaijani people constitutes the basis of the Azerbaijani state. The Republic of Azerbaijan is mutual and indivisible motherland for all citizens of the Republic of Azerbaijan.

e 6. Inadmissibility of usurpation of power

I. No part of people of Azerbaijan, no social group or organization, no individual may usurp the right for execution of power.

II. Usurpation of power is the most grave crime against the people.

PTER II. Basis of state

e 7. Azerbaijani state

I. Azerbaijani state is democratic, legal, secular, unitary republic.

II. In terms of internal problems state power in the Republic of Azerbaijan is limited only by law, in terms of foreign policy—by provisions resulting from international agreements, wherein the Republic of Azerbaijan is one of the parties.

III. State power in the Republic of Azerbaijan is based on a principle of division of powers:

Milli Majlis of the Republic of Azerbaijan exercises legislative power;
executive power belongs to the President of the Republic of Azerbaijan;
law courts of the Republic of Azerbaijan exercise judicial power.

IV. According to provisions of the present Constitution legislative, executive and judicial power interact and are independent within the limits of their authority.

e 8. The Head of the Azerbaijani state

I. The President of the Republic of Azerbaijan is the Head of the Azerbaijani state. He represents Azerbaijani state both within the country and in its relations with foreign countries.

II. The President of the Republic of Azerbaijan represents unity of Azerbaijani people and provides continuity of the Azerbaijani statehood.

III. The President of the Republic of Azerbaijan is guarantor of independence and territorial integrity of the Azerbaijani state, observance of international agreements wherein the Republic of Azerbaijan is one of the parties.

IV. The President of the Republic of Azerbaijan is guarantor of independence of judicial power.

e 9. Military forces

I. In order to provide its safety and defend itself the Republic of Azerbaijan establishes Military forces and other military troops

II. The Republic of Azerbaijan rejects a war as a means of infringement on independence of other states and way of settlement of international conflicts.

III. The President of the Republic of Azerbaijan is the Supreme Commander-in-Chief of Military Forces of the Republic of Azerbaijan.

e 10. Principles of international relations

The Republic of Azerbaijan develops its relations with other countries based on principles recognized in international legal standards.

e 11. Territory

I. The territory of the Republic of Azerbaijan is sole, inviolable and indivisible.

II. Internal waters of the Republic of Azerbaijan, sector of the Caspian Sea (lake) belonging to the Republic of Azerbaijan, air space over the Republic of Azerbaijan are integral parts of the territory of the Republic of Azerbaijan.

III. No part of territory of the Republic of Azerbaijan may be estranged. The Republic of Azerbaijan will not give any part of its territory to anybody; state borders of the Republic of Azerbaijan might be changed only by free decision of its peoples made by way of referendum declared by Milli Majlis of the Republic of Azerbaijan.

Article 12. The Highest Objective of the State

I. Ensuring the rights and liberties of a person and a citizen, appropriate (adequate) standard of living for the citizens of the Republic of Azerbaijan is the highest objective of the State.

II. Rights and liberties of a person and citizen listed in the present Constitution are implemented in accordance with international treaties wherein the Republic of Azerbaijan is one of the parties.

e 13. Property

I. The property in the Republic of Azerbaijan is inviolable and is protected by state.

II. The property may be state, private and municipal.

III. The property may not be used for restriction of rights and liberties of a person and citizen, interests of society and state, dignity of a person.

e 14. Natural resources

Without prejudice to rights and interests of any physical persons and legal entities natural resources belong to the Republic of Azerbaijan.

e 15. Economic development and state

I. Development of an economy based on various forms of property in the Republic of Azerbaijan is aimed at the prosperity of people.

II. Based on market relationships the Azerbaijani state creates conditions for the development of a socially oriented economy, guarantees free business activity, prevents monopoly and unfair competition in economic relations.

e 16. Social development and state

I. Azerbaijani state takes care about improvement of prosperity of all people and each citizen, their social protection and proper living conditions.

II. Azerbaijani state participates in development of culture, education, public health, science, arts, protects environment, historical, material and spiritual heritage of people.

Article 17. Family, Children, and the State

I. Family, as a basic element of society, is under the special protection of the State.

II. Parents must take care of their children and their education. The state implements this responsibility.

III. Children who do not have parents or guardians and are deprived of parental care are under the protection of the State.

IV. It is prohibited to involve children in activities that may cause threat to their lives, health, and morality.

V. Children under the age of 15 may not be employed for work.

VI. The State supervises the implementation of rights of a child.

e 18. Religion and state

I. Religion in the Republic of Azerbaijan is separated from the State. All religions are equal before the law.

II. Spreading of and propagandizing religion *(religious movements),* humiliating people's dignity and contradicting the principles of humanism are prohibited.

III. The State education system is of a secular nature.

e 19. Monetary unit

I. The monetary unit of the Republic of Azerbaijan is the manat.

II. Only the Central Bank has the right to introduce money into and to withdraw money from circulation. The Central Bank of the Republic of Azerbaijan belongs exclusively to the State.

III. Utilizing other monetary units besides manat as a means of payment within the territory of the Republic of Azerbaijan is prohibited.

e 20. Restrictions concerning state debts

Debts made with intention of assisting in revolts against the Azerbaijani state or coup shall not be accepted by the Republic of Azerbaijan as liabilities and paid.

e 21. Official language

I. Azerbaijani language is official language of the Republic of Azerbaijan. The Republic of Azerbaijan provides development of the Azerbaijani language.

II. The Republic of Azerbaijan ensures free use and development of other languages spoken by the people.

e 22. Capital

Baku is the capital of the Republic of Azerbaijan.

e 23. Symbols of the Azerbaijani state

I. State flag of the Republic of Azerbaijan, State Emblem of the Republic of Azerbaijan and State hymn of the Republic of Azerbaijan are state symbols of the Republic of Azerbaijan.

State flag of the Republic of Azerbaijan consists of three horizontal stripes of same width. Upper stripe is blue, middle stripe is red, and the lower one is green; in the middle of red stripe on both sides of the flag white crescent with eight-pointed star are depicted. Width of the flag constitutes half of its length

III. Appearance of state flag of the Republic of Azerbaijan and State Emblem of the Republic of Azerbaijan, music and text of State hymn of the Republic of Azerbaijan are specified by Constitutional Law of the Republic of Azerbaijan.

Second section

Basic rights, liberties and responsibilities

CHAPTER III. Basic rights and liberties of a person and citizen

e 24. Main principle of rights and liberties of a person and citizen

I. Everyone, from the moment when they are born possess inviolable and inalienable rights and liberties.

II. Rights and liberties envisage also responsibility and obligations of everyone to the society and other persons.

Article 25. Right of Equality

I. All people are equal with respect to the law and court.

II. Men and women have equal rights and liberties.

III. The State guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, gender, origin, property status, occupation, beliefs, affiliation with political parties, trade unions or other public associations. It is prohibited to limit human and civil rights and liberties due to race, nationality, religion, language, gender, origin, belief, political or social affiliation.

IV. No one may be harmed, granted advantages or privileges, or deprived from granting advantages and privileges on the basis of the grounds laid down in Part III of this Article.

V. Everyone shall be guaranteed equal rights in any proceeding before state authorities and bearers of public authority that decide on his or her rights and duties.

e 26. Protection of rights and liberties of a person and citizen

I. Everyone has the right to protect his/her rights and liberties using means and methods not prohibited by law.

II. The state guarantees protection of rights and liberties of all people.

e 27. Right for life

I. Everyone has the right for life.

II. Except extermination of enemy soldiers in a case of military aggression, when executing the sentence and in other cases envisaged by law, right of every person for life is inviolable.

III. Death penalty, until it is completely annulled, may be applied legally only in cases of especially grave crime against the state, life and health of a human being.

IV. Arms shall not be used against human beings except cases of necessary defence, urgent situations, whenever a criminal should be caught, to prevent a prisoner from running away, to prevent revolt against the state or coup.

e 28. Right for freedom

I. Everyone has the right for freedom.

II. Right for freedom might be restricted only as specified by law, by way of detention, arrest or imprisonment.

III. Everyone legally being on the territory of the Republic of Azerbaijan may travel without restrictions, choose the place of residence and travel abroad.

IV. Any citizen of the Republic of Azerbaijan has the right to return to his/her country whenever he/she so desires.

Article 29. Right of Ownership

I. Everyone has the right to own property.

II. No type of property shall be granted superiority. Ownership rights, including the rights for private owners, is protected by law.

III. Everyone might have movable and immovable assets in property. Right of ownership envisages the rights of owner to own property on his or her own or together with others, to use the property and to make arrangements for it.

IV. No one can be deprived of his or her property without a decision of the court. Absolute confiscation of property is not allowed. Alienation of the property for state needs is allowed only after the cost of property is fairly reimbursed.

V. The State ensures the right of inheritance.

e 30. Right for intellectual property

I. Everyone has the right for intellectual property.

II. Copyright, patent rights and other rights for intellectual property are protected by law.

e 31. Right to live in safety

I. Everyone has the right to live in safety.

II. Except cases envisaged by law it is prohibited to infringe on anybody's life, physical and spiritual health, property, living premises, to commit acts of violence.

Article 32. Right of Personal Immunity

I. Everyone has the right of personal immunity.

II. Everyone has the right to keep secret private or family life. It is prohibited to interfere with private or family life, except in cases established by law. Everyone has the right of protection from unlawful interference in his or her private and family life.

III. It is not allowed to obtain, keep, use and disseminate information about a person's private life without his or her consent. No one shall be followed, filmed, photographed, recorded, or subjected to any other similar actions without his or her knowledge or despite his or her disapproval, except when such actions are prescribed by law.

IV. The State ensures everyone's right to keep secret correspondence, telephone conversations, information delivered by mail, telegraph or other communication means.

V. Everyone may become familiar with the materials collected in regards to him or her save in cases prescribed by law. Everyone has a right to demand correction or elimination of the information collected in regards to him or her, which does not correspond to the truth or is incomplete or collected through violation of the provisions of law.

e 33. Right for sanctity of home

I. Everyone has the right for sanctity of his/her home.

II. Except cases specified by law or decision of law court nobody has the right to enter private home against the will of its inhabitants.

e 34. Right for marriage

I. Everyone has the right to marry on reaching the age specified by legislation.

II. Marriages shall be concluded voluntarily. Nobody should be forced into marriage.

III. Family and marriage are protected by state. Maternity, paternity and childhood are protected by the law. The state provides support to large families.

IV. Rights of wife and husband are equal. Care and education of children constitute both right and responsibility of parents.

V. Responsibility of children is to respect parents, look after them. Children who are of age (18) and capable of working must support disabled parents.

e 35. Right to work

I. Labor is the basis of personal and public prosperity.

II. Everyone has the right to choose independently, based on his/her abilities, kind of activity, profession, occupation and place of work.

III. Nobody might be forced to work.

IV. Labor agreements are concluded voluntarily. Nobody may be forced to conclude labor agreement.

V. Based on decisions of the law court there might be cases of forced labor, terms and conditions being specified by legislation; forced labor is permissible due to orders of authorized persons during the term of army service, state of emergency or martial law.

VI. Everyone has the right to work in safe and healthy conditions, to get remuneration for his/her work without any discrimination, not less than minimum wages rate established by the state.

VII. Unemployed persons have the right to receive social allowances from the state.

VIII. The state will do its best to liquidate unemployment.

e 36. Right for strikes

I. Everyone has the right to be on strike, both individually and together with others.

II. Right for strike for those working based on labor agreements might be restricted only in cases envisaged by the law. Soldiers and civilians employed in the Army and other military formations of the Republic of Azerbaijan have no right to go on strike.

III. Individual and collective labor disputes are settled in line with legislation.

e 37. Right for rest

I. Everyone has the right for rest.

II. For those working based on labor agreements 8-hour working day, national holidays and at least one paid vacation with duration of at least 21 calendar days are guaranteed.

e 38. Right for social protection

I. Everyone has the right for social protection.

II. Most vulnerable persons must get support, in the first place, from members of their families.

III. Everyone has the right for social protection on reaching specific age according to legislation, in case of illness, disability, loss of bread-winner in the family, due to unemployment and in other cases envisaged by legislation.

IV. Minimum sum of pensions and social allowances is specified by law.

V. The state creates possibilities for development of charitable activity, voluntary social insurance and other forms of social protection.

Article 39. Right of Living in Healthy Environment

I. Everyone has the right to live in a healthy environment.

II. Everyone has the right to obtain information about the real condition of the environment and to receive compensation for the health or property damage caused by the violation of ecological law.

III. No one may cause threat or damage to the environment and natural resources beyond the limits set by law.

IV. The state guarantees the preservation of ecological balance and protection of the species of wild plants and animals determined by law.

e 40. Right for culture

I. Everyone has the right to take part in cultural life, to use organizations and values of culture.

II. Everyone must respect historical, cultural and spiritual inheritance, take care of it, protect historical and cultural memorials.

e 41. Right for protection of health

I. Everyone has the right for protection of his/her health and for medical care.

II. The state takes all necessary measures for development of all forms of health services based on various forms of property, guarantees sanitary-epidemiological safety, creates possibilities for various forms of medical insurance.

III. Officials concealing facts and cases dangerous for life and health of people will bear legal responsibility.

e 42. Right for education

I. Every citizen has the right for education.

II. The state guarantees free obligatory secondary education.

III. The system of education is under the state control.

IV. The state guarantees continuation of education for most gifted persons irrespective of their financial position.

V. The state establishes minimum educational standards.

e 43. Right for home

I. Nobody might be deprived of his/her home.

II. The state assists in construction of living premises, takes special measures for realization of right for home.

e 44. Right for nationality

I. Everyone has the right to keep his/her nationality.

II. Nobody may be forced to change his/her nationality.

e 45. Right to use mother tongue

I. Everyone has the right to use his/her mother tongue. Everyone has the right to be educated, carry out creative activity in any language, as desired.

II. Nobody may be deprived of right to use his/her mother tongue.

e 46. Right to defend the honor and dignity

I. Everyone has the right to defend his/her honor and dignity.

II. Dignity of a person is protected by state. Nothing must lead to humiliation of dignity of human being.

III. Nobody must be subject to tortures and torment, treatment or punishment humiliating the dignity of human beings. Medical, scientific and other experiments must not be carried out on any person without his/her consent.

e 47. Freedom of thought and speech

I. Everyone may enjoy freedom of thought and speech.

II. Nobody should be forced to promulgate his/her thoughts and convictions or to renounce his/her thoughts and convictions.

III. Propaganda provoking racial, national, religious and social discord and animosity is prohibited.

Article 48. Freedom of Conscience

I. Everyone has the right of conscience.

II. Everyone has the right to determine his or her attitude towards a religion independently, to have faith in any religion by himself or herself or together with others, or not to have faith in any religion, to express or disseminate views regarding the attitude towards religion.

III. Performance of religious ceremonies shall be permitted if they do not violate the public order or are not against public morals.

IV. Religious belief and faith do not excuse violation of the law.

V. No one shall be forced to express (to demonstrate) his or her religious faith and belief, to execute religious rituals or participate in religious ceremonies.

e 49. Freedom of meetings

I. Everyone has the right for meetings.

II. Everyone has the right, having notified respective governmental bodies in advance, peacefully and without arms, meet with other people, organize meetings, demonstrations, processions, place pickets.

Article 50. Freedom of Information

I. Everyone has the freedom to search, obtain, pass, prepare, and disseminate information as he or she wants.

II. Freedom of mass information is ensured. State censorship in mass media as well as in print media is prohibited.

III. Everyone's right to refute or reply to the information published in the media and violating his or her rights or damaging his or her interests shall be guaranteed.

e 51. Freedom of creative activity

I. Everyone is free to carry out creative activity.

II. The state guarantees freedom in literary-artistic, scientific-technical and other kinds of creative activity.

e 52. Right for citizenship

A person having political and legal relations with the Republic of Azerbaijan and also mutual rights and obligations is the citizen of the Republic of Azerbaijan. A person born on the territory of the Republic of Azerbaijan or by citizens of the Republic of Azerbaijan is the citizen of the Republic of Azerbaijan. A person is the citizen of the Republic of Azerbaijan if one of his/her parents is the citizen of the Republic of Azerbaijan.

e 53. Guarantee of right for citizenship

I. In no circumstances a citizen of the Republic of Azerbaijan may be deprived of citizenship of the Republic of Azerbaijan.

II. In no circumstances a citizen of the Republic of Azerbaijan may be expelled from the Republic of Azerbaijan or extradited to foreign state.

II. The Republic of Azerbaijan ensures legal protection and patronizes citizens of the Republic of Azerbaijan temporarily or permanently living outside the Republic.

e 54. Right to take part in political life of society and state

I. Citizens of the Republic of Azerbaijan have the right to take part in political life of society and state without restrictions.

II. Any citizen of the Republic of Azerbaijan has the right himself to stand up to the attempt of rebellion against the state or state coup.

e 55. Right to take part in governing the state

I. Citizens of the Republic of Azerbaijan have the right to take part in governing the state. They may exercise said right themselves or through their representatives.

II. Citizens of the Republic of Azerbaijan have the right to work in governmental bodies. Officials of state bodies are appointed from citizens of the Republic of Azerbaijan. Foreign citizens and stateless citizens may be employed into state organizations in an established order.

e 56. Electoral right

I. Citizens of the Republic of Azerbaijan have the right to elect and be elected to state bodies and also to take part in referendum.

II. Those recognized incapable by law court have no right to take part in elections and in referendum.

III. Participation in elections of military personnel, judges, state employees, religious officials, persons imprisoned by decision of law court, other persons specified in the present Constitution and laws might be restricted by law.

e 57. Right to appeal

I. Citizens of the Republic of Azerbaijan have the right to appeal personally and also to submit individual and collective written applications to state bodies. Each application should be responded to in an established order and term.

II. Citizens of the Republic of Azerbaijan have the right to criticize activity or work of state bodies, their officials, political parties, trade unions, other public organizations and also activity or work of individuals. Prosecution for criticism is prohibited. Insult or libel shall not be regarded as criticism.

e 58. Right for joining

I. Everyone is free to join other people.

II. Everyone has the right to establish any union, including political party, trade union and other public organization or enter existing organizations. Unrestricted activity of all unions is ensured.

III. Nobody may be forced to joint any union or remain its member.

IV. Activity of unions intended for forcible overthrow of legal state power on the whole territory of the Republic of Azerbaijan or on a part thereof is prohibited. Activity of unions which violates the Constitution and laws might be stopped by decision of law court.

e 59. Right for business activity

Everyone may, using his/her possibilities, abilities and property, according to existing legislation, individually or together with other citizens, carry out business activity or other kinds of economic activity not prohibited by the law.

e 60. Guarantee of rights and liberties by law court

I. Legal protection of rights and liberties of every citizen is ensured.

II. Everyone may appeal to law court regarding decisions and activity (or inactivity) of state bodies, political parties, trade unions, other public organizations and officials.

e 61. Right for legal advice

I. Everyone has the right for obtaining qualified legal advice.

II. In specific cases envisaged by legislation legal advice shall be rendered free, at the governmental expense.

III. Every citizen has the right for the lawyer's advice from the moment of detention, arrest or accusation with crime by competent state bodies.

e 62. Inadmissibility of change of legal jurisdiction

Everyone has the right for consideration of his/her case in the law court specified by the legislation. Case of the person shall not be considered in other law court without the person's consent.

e 63. Presumption of innocence

I. Everyone is entitled for presumption of innocence. Everyone who is accused of crime shall be considered innocent until his guilt is proved legally and if no verdict of law court has been brought into force.

II. A person under suspicion of crime must not be considered guilty.

III. A person accused of crime does not need to prove his/her innocence.

IV. Proofs received against the law must not be used when administering justice.

V. Nobody may be accused of crime without the verdict of law court.

e 64. Inadmissibility of repeated conviction for one and the same crime

Nobody may be repeatedly sentenced for one and the same crime.

e 65. Right for repeated appeal to the law court

Every person convicted by the law court has the right to appeal, as specified by the law, to the higher law court asking for reconsideration of the verdict and also for pardon and mitigation of the sentence.

e 66. Inadmissibility of testifying against relations

Nobody may be forced to testify against him/herself, wife (husband), children, parents, brother, sister. Complete list of relations against whom testifying is not obligatory is specified by law.

Article 67. Rights of those detained, arrested and accused of a crime

I. Every person who has been detained, arrested, accused of a crime by an authorized state body shall be informed immediately about his or her rights, and reasons for the detention, arrest, and institution of criminal proceedings shall be explained.

II. Every person accused of a criminal offence shall be heard before being sentenced.

e 68. Right for compensation of losses

I. Rights of the person suffered from crime and also from usurpation of power are protected by law. Suffered person has the right to take part in administration of justice and demand for compensation of losses.

II. Everyone has the right for compensation by the state of losses borne as a result of illegal actions or non-action of state bodies or their officials.

e 69. Right of foreign citizens and stateless persons

I. Foreign citizens and stateless persons staying in the Republic of Azerbaijan may enjoy all rights and must fulfilll all obligations like citizens of the Republic of Azerbaijan if not specified by legislation or international agreement in which the Republic of Azerbaijan is one of the parties.

II. Rights and liberties of foreign citizens and stateless persons permanently living or temporarily staying on the territory of the Republic of Azerbaijan may be restricted only according to international legal standards and laws of the Republic of Azerbaijan.

e 70. Right for political refuge

I. In accordance with recognized international legal standards the Republic of Azerbaijan grants political refuge to foreign citizens and stateless persons.

II. Extradition of persons persecuted for their political beliefs and also for acts which are not regarded as crime in the Republic of Azerbaijan is not permitted.

Article 71. Guarantees of Human and Civil Rights and Freedoms

I. To observe and to protect the human and civil rights and freedoms established by the Constitution is the duty of legislative, executive and judicial bodies.

II. No one can limit the implementation of human and civil rights and freedoms. Everyone's rights and freedoms are restricted on the grounds provided for in this Constitution and laws, as well as by the rights and freedoms of others.

III. Implementation of human and civil rights and freedoms can be limited partially and temporarily, taking into account international obligations of the Republic of Azerbaijan, when a war, state of martial law and state of emergency, as well as military mobilization is announced. The population shall be informed in advance about the rights and freedoms that have been limited.

IV. Under no circumstances can anyone be forced to state his or her religion, religious beliefs, thoughts and views, and cannot be charged for doing so.

V. None of the provisions of this Constitution can be interpreted as a provision targeting the revocation of human and civil rights and freedoms.

VI. Human and civil rights and freedoms are expressly enforced within the territory of the Republic of Azerbaijan.

VII. Disputes related to violation of human and civil rights and freedoms shall be resolved by courts.

VIII. No one bears responsibility for the action that was not a violation of the law when committed. If a new law, adopted after the violation took place, introduces no accountability for such actions or mitigates them, the new law shall apply.

IX. Everyone may conduct actions not prohibited by law and no one may be forced to conduct actions not envisaged by law.

X. The state institutions may function only on the basis of this Constitution, in the manner and within the boundaries prescribed by law.

CHAPTER IV. Main responsibilities of citizens

Article 72. Basis of Citizens' Duties

I. Every person bears duties, followed from rights and freedoms, to the state and society. Duties may be established for anyone only by this Constitution or law.
II. Every person must follow the Constitution and the laws of the Republic of Azerbaijan, respect other persons' rights and freedoms, and implement other duties defined by the law.
III. Lack of awareness of the law does not relieve one of one's responsibility.

e 73. Taxes and other state duties

I. Everyone must pay taxes and other state duties in-time and in full volume as required.

Nobody may be forced to pay taxes and other state duties if they are not envisaged in the law and in excess of amount specified therein.

e 74. Loyalty to motherland

I. Loyalty to motherland is sacred.

II. Persons working in legislative, executive or judicial power bodies who were elected and appointed to their posts are responsible for accurate and conscientious fulfilllment of their obligations and, whenever required by the law, make an oath.

III. Person working in legislative, executive or judicial power bodies who was elected and appointed to his/her post and made an oath regarding the Constitution of the Republic of Azerbaijan shall be considered dismissed and will not be able to take this position if he/she was accused in crime against the state, including rebellion or state coup and has been sentenced based on this accusation.

Article 75. Respect to State Symbols

I. Every citizen must respect the state symbols of the Republic of Azerbaijan – its flag, state emblem, and anthem.

II. Expression of disrespect to the state symbols shall involve liability as determined by law.

e 76. Defence of motherland

I. Defence of motherland is duty of any citizen. Citizens of the Republic of Azerbaijan serve in the army according to legislation.

II. If beliefs of citizens come into conflict with service in the army then in some cases envisaged by legislation alternative service instead of regular army service is permitted.

e 77. Protection of historical and cultural memorials

Every citizen is responsible for protection of historical and cultural memorials.

e 78. Protection of environment

Every citizen is responsible for protection of environment.

e 79. Inadmissibility of fulfillment of obligations contradicting the legislation

No one may be forced to carry out obligations contradicting the Constitution and laws of the Republic of Azerbaijan.

e 80. Responsibility

Violation of provisions of the present Constitution and laws of the Republic of Azerbaijan including usurpation of rights and liberties and also failure to fulfilll responsibilities specified in the present Constitution and laws of the Republic of Azerbaijan are persecuted.

Section 3
State power

CHAPTER V. Legislative power

e 81. Implementation of legislative power

Legislative power in the Republic of Azerbaijan is implemented by Milli Majlis of the Republic of Azerbaijan.

e 82. Number of deputies in Milli Majlis of the Republic of Azerbaijan

Milli Majlis of the Republic of Azerbaijan consists of 125 deputies.

e 83. Procedure of elections of deputies of Milli Majlis of the Republic of Azerbaijan

Deputies of Milli Majlis of the Republic of Azerbaijan are elected based on majority voting systems and general, equal and direct elections by way of free, individual and secret voting.

e 84. Term of Office of the Call of the Milli Majlis of the Republic of Azerbaijan

I. The term of office of each call of the Milli Majlis of the Republic of Azerbaijan is five years. In case the conduct of elections to the Milli Majlis of the Republic of Azerbaijan may not be held due to military operations under a state of war, the term of office of the Milli Majlis of the Republic of Azerbaijan shall be extended until the end of military operations. The decision of this matter shall be adopted by the Constitutional Court of the Republic of Azerbaijan on the basis of the application of the state body organizing elections (referendum).

II. Elections to each call of the Milli Majlis of the Republic of Azerbaijan are held every five years, on the first Sunday of November.

III. The term of office of the members of the Milli Majlis is limited with the term of office of the call of the Milli Majlis of the Republic of Azerbaijan.

IV. If by-elections are held to replace the dismissed members of the Milli Majlis of the Republic of Azerbaijan, the term of office of the newly elected member shall be limited to the remaining term of office of the dismissed member.

e 85. Requirements to candidates to the posts of deputies of Milli Majlis of the Republic of Azerbaijan

I. Every citizen of the Republic of Azerbaijan not younger than 25 may be elected the deputy of Milli Majlis of the Republic of Azerbaijan in an established order.

II. Persons having double citizenship, those having obligations to other states, those working in the bodies of executive or judicial power, persons involved in other payable activity except scientific, pedagogical and creative activity, religious men, persons whose incapacity has been confirmed by law court, those condemned for grave crime, serving a sentence due to verdict of law court may not be elected the deputies of Milli Majlis of the Republic of Azerbaijan.

e 86. Inspection and approval of results of elections of deputies of Milli Majlis of the Republic of Azerbaijan

Accuracy of results of elections is checked and approved by Constitutional Court of the Republic of Azerbaijan as specified in the law.

e 87. End of the term of authority of deputies of Milli Majlis of the Republic of Azerbaijan

I. Term of authority of deputies of Milli Majlis of the Republic of Azerbaijan ends on a day of first meeting of new calling of Milli Majlis of the Republic of Azerbaijan.

II. Elections of deputies to replace those who left Milli Majlis of the Republic of Azerbaijan shall not be held if less than 25 days remains to the end of term of authority of Milli Majlis of the Republic of Azerbaijan.

III. Milli Majlis of the Republic of Azerbaijan will have powers after authority of 83 of its deputies has been approved.

Article 88. Sessions of the Milli Majlis of the Republic of Azerbaijan

I. The Milli Majlis of the Republic of Azerbaijan shall assemble for two – spring and autumn - sessions annually.

The first meeting of the Milli Majlis of the Republic of Azerbaijan shall be called from the date when the mandates of 83 members of the Milli Majlis of the Republic of Azerbaijan are approved, but no later than a week.

The date of the first meeting of the Milli Majlis of the Republic of Azerbaijan shall be determined by the Constitutional Court if the mandates of 83 members are not approved by October 10 or March 10 after the elections to the Milli Majlis of the Republic of Azerbaijan.

II. Extraordinary sessions of the Milli Majlis of the Republic of Azerbaijan shall be called by the Chairperson of the Milli Majlis of the Republic of Azerbaijan based on the demand of the President of the Republic of Azerbaijan or of 42 members of the Milli Majlis of the Republic of Azerbaijan.

III. The agenda for an extraordinary session of the Milli Majlis of the Republic of Azerbaijan shall be determined by those who demand such a session. The work of an extraordinary session shall be considered finished upon completion of the issues on the agenda.

IV. The assemblies of the sessions of the Milli Majlis of the Republic of Azerbaijan are open to the public. An assembly of the session of the Milli Majlis may be closed to the public upon the claim of 83 members of parliament or the proposal by the President of the Republic of Azerbaijan.

e 89. Deprivation of deputies of Milli Majlis of the Republic of Azerbaijan of their mandates and loss of powers by the deputy of Milli Majlis of the Republic of Azerbaijan

I. The deputy of Milli Majlis of the Republic of Azerbaijan looses his/her mandate in the following cases:

1. whenever during the elections there was falsification in calculation of votes;

2. on giving up the citizenship of the Republic of Azerbaijan or accepting other citizenship;
3. on commitment of crime and whenever there is valid verdict of law court;
4. on taking position in state bodies, post in religious organizations, involvement in business, commercial or other paid activity (except scientific, pedagogical and creative activity);
5. on a voluntary basis;

Decision about deprivation of the deputy of Milli Majlis of the Republic of Azerbaijan of his mandate is taken as specified in legislation.

II. Whenever deputies of Milli Majlis of the Republic of Azerbaijan are not able to fulfill their obligations and in other cases specified by law their authority is considered terminated. Procedure of taking respective decision is determined by the law.

e 90. Immunity of deputies of Milli Majlis of the Republic of Azerbaijan

I. A deputy of Milli Majlis of the Republic of Azerbaijan enjoys immunity during the whole term of his powers. Except cases when the deputy may be caught in the act of crime, the deputy of Milli Majlis of the Republic of Azerbaijan may not be called to criminal responsibility during the whole term of his/her authority, arrested, disciplinary measures may not be applied to him by law court, he may not be searched. The deputy of Milli Majlis of the Republic of Azerbaijan may be arrested only if he/she has been caught at a place of crime. In such case the body which detained the deputy of Milli Majlis of the Republic of Azerbaijan must immediately notify General Procurator of the Republic of Azerbaijan about the fact.

II. Immunity of deputy of Milli Majlis of the Republic of Azerbaijan might be stopped only by decision of Milli Majlis of the Republic of Azerbaijan based on application of General Procurator of the Republic of Azerbaijan.

e 91. Prohibition on institution of proceedings against deputies of Milli Majlis of the Republic of Azerbaijan

Deputies of Milli Majlis of the Republic of Azerbaijan cannot be made responsible for their activity in Milli Majlis of the Republic of Azerbaijan, voting in Milli Majlis of the Republic of Azerbaijan and statements made in Milli Majlis

of the Republic of Azerbaijan. Without the deputies' consent, in connection with such cases, they are not obliged to give explanations and evidence.

e 92. Organization of Work of the Milli Majlis of the Republic of Azerbaijan

The Milli Majlis of the Republic of Azerbaijan shall determine its regulations of work and establish its bodies including election of chairperson and deputies, organization of committees and commissions, establishment of counting chamber.

e 93. Acts of Milli Majlis of the Republic of Azerbaijan

I. Milli Majlis of the Republic of Azerbaijan accepts Constitutional laws and decrees regarding the questions of its competence.

II. Constitutional laws, laws and decrees are taken in Milli Majlis of the Republic of Azerbaijan in an order specified in the present Constitution.

III. Deputies of Milli Majlis of the Republic of Azerbaijan exercise their voting right personally.

IV. Specific orders to the bodies of executive power and law courts cannot be envisaged in laws and decrees of Milli Majlis of the Republic of Azerbaijan.

e 94. General rules established by Milli Majlis of the Republic of Azerbaijan

I. Milli Majlis of the Republic of Azerbaijan establishes general rules concerning the following matters:

1. use of rights and liberties of a person and citizen specified in the present Constitution, state guarantees of these rights and liberties;
2. elections of the President of the Republic of Azerbaijan;
3. elections to Milli Majlis of the Republic of Azerbaijan and status of deputies of Milli Majlis of the Republic of Azerbaijan;
4. referendum;
5. judicial system and status of judges; procurator's office, the bar and notary's offices;
6. legal proceedings, execution of court verdicts;
7. elections to municipalities and status of municipalities;

8. state of emergency; martial law;
9. state awards;
10. status of physical persons and legal entities;
11. objects of civil law;
12. transactions, civil-legal agreements, representation and inheritance;
13. right of property, including legal regime of state, private and municipal property, right of intellectual property, other proprietary rights; liability right;
14. family relationships, including guardianship and trusteeship;
15. basis of financial activity—taxes, duties and charges;
16. labor relationships and social maintenance;
17. interpretation of crime and other violations of law; establishment of responsibility for these acts;
18. defence and military service;
19. governmental employment;
20. basis of security;
21. territorial arrangement; regime of state borders;
22. ratification and denunciation of international treaties;
23. communications and transport;
24. statistics; metrology and standards;
25. customs;
26. commerce and stock exchange activity;
27. banking business, accounting, insurance.

II. As per questions specified in paragraphs 2, 3, 4 of the present Article the laws are approved by majority of 83 votes, as per other questions—by majority of 63 votes.

III. The first part of the present Article might be supplemented with the Constitutional law.

Article 95. Issues Resolved by the Milli Majlis of the Republic of Azerbaijan

I. Resolution of the following issues shall be responsibilities of the Milli Majlis of the Republic of Azerbaijan:

1. organization of work of the Milli Majlis of the Republic of Azerbaijan;
2. establishment of diplomatic representations upon recommendation of the President of the Republic of Azerbaijan;
3. administrative-territorial division;

4. approval and termination of interstate and intergovernmental agreements containing rules contrary to the laws of the Republic of Azerbaijan;
5. approval of the state budget upon recommendation of the President of the Republic of Azerbaijan, and control over its implementation;
6. electing human rights commissioner of the Republic of Azerbaijan upon the recommendation of the President of the Republic of Azerbaijan;
7. approval of military doctrine of the Republic of Azerbaijan upon the recommendation of the President of the Republic of Azerbaijan;
8. approval of the decrees of the President of the Republic of Azerbaijan in the cases established by this Constitution;
9. giving consent to appoint Prime Minister of the Republic of Azerbaijan upon the recommendation of the President of the Republic of Azerbaijan;
10. appointing judges of the Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan and Court of Appeal of the Republic of Azerbaijan upon recommendation of the President of the Republic of Azerbaijan;
11. giving consent to appoint or to dismiss General Prosecutor of the Republic of Azerbaijan upon recommendation of the President of the Republic of Azerbaijan;
12. dismissing the President of the Republic of Azerbaijan based on presidential impeachment upon recommendation of the Constitutional Court of the Republic of Azerbaijan;
13. dismissing judges upon recommendation of the President of the Republic of Azerbaijan;
14. resolution of the issue on trust to the Cabinet of Ministers of the Republic of Azerbaijan;
15. appointing and dismissing the members of the Board of Directors of the Central ~~National~~ Bank of the Republic of Azerbaijan upon recommendation of the President of the Republic of Azerbaijan;
16. giving consent to the Armed Forces of the Republic of Azerbaijan being involved in implementation of duties that are not related to their assignment;
17. giving consent to announcement of war or to peace agreements upon request of the President of the Republic of Azerbaijan;
18. determination of referendum;
19. amnesty; and
20. hearing of the municipality reports.

II. The laws on issues mentioned in paragraphs 1-5 of this Article shall pass with majority of votes of 63 members of the Milli Majlis, and decisions on

other issues shall be made with the same rule if other rules are not considered by this Constitution.

III. Decisions shall also be made on other issues under responsibilities of the Milli Majlis established by this Constitution, issues on organization of work of the Milli Majlis of the Republic of Azerbaijan, issues on which position of the Milli Majlis of the Republic of Azerbaijan is necessary to be stated.

IV. The first part of this Article can be amended by Constitutional law.

Article 96. Right of Legislative Initiative

I. Right of legislative initiative (the right to submit draft laws and other issues to the discussion of the Milli Majlis of the Republic of Azerbaijan) belongs to the members of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage, Prosecutor's Office of the Republic of Azerbaijan and Supreme Majlis of Nakhchivan Autonomous Republic.

II. Draft laws or decisions submitted to the discussion of the Milli Majlis of the Republic of Azerbaijan in the manner of legislative initiative by the President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage, Prosecutor's Office of the Republic of Azerbaijan, Supreme Majlis of Nakhchivan Autonomous Republic shall be brought to discussion the way they have been submitted and shall be voted on.

III. Changes to such laws or decisions can be made with the consent of the subject ~~body~~ enjoying the right of legislative initiative.

IV. Draft laws or decisions submitted by the President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage, Prosecutor's Office of the Republic of Azerbaijan, Supreme Majlis of Nakhchivan Autonomous Republic shall be voted on within a two-month period.

V. In case of an urgent announcement of a draft law or decision by the President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, Prosecutor's Office of the Republic of Azerbaijan, Supreme Majlis of Nakhchivan Autonomous Republic, this period shall be 20 days.

VI. The manner in which 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage exercise their right to initiate legislation shall be defined by law.

VII. Draft laws and resolutions shall be substantiated and the purposes for their adoption shall be indicated.

e 97. Term for submitting laws for signing

I. Drafts of the laws are submitted to the President of the Republic of Azerbaijan for signing within 14 days from the day of their acceptance.

II. Urgent draft of the law is submitted to the President of the Republic of Azerbaijan for signing within 24 hours from the moment of its acceptance.

e 98. Validity of acts of Milli Majlis of the Republic of Azerbaijan

If not specified otherwise in the law and decree of Milli Majlis of the Republic of Azerbaijan themselves the law and decree become valid from the date of their publication.

CHAPTER VI. Executive power

e 99. Belonging of executive power

Executive power in the Republic of Azerbaijan belongs to the President of the Republic of Azerbaijan.

e 100. Requirements to candidates to the post of the President of the Republic of Azerbaijan

Citizen of the Republic of Azerbaijan not younger than 35, permanently living on the territory of the Republic of Azerbaijan longer than 10 years, possessing voting right, without previous conviction, having no liabilities in other states, with university degree, not having double citizenship may be elected the President of the Republic of Azerbaijan.

e 101. Basis of the Elections to the President of the Republic of Azerbaijan

I. The President of the Republic of Azerbaijan shall be elected for a five year term based on general, equal and direct suffrage by means of a secret and personal vote.

II. The President of the Republic of Azerbaijan shall be elected with a majority of the votes of half the voters who participated in the voting.

III. If such majority of votes has not been achieved during the first round of voting, the second round of voting shall be held on the second Sunday after the voting day. Only the two candidates who collected most of the votes, or the two candidates next in order to those who collected most of the votes and withdrew their candidacies shall participate in the second round.

IV. The person who collects majority of votes during the second round shall be considered elected President of the Republic of Azerbaijan.

V. In case the conduct of the Presidential Election of the Republic of Azerbaijan is not held due to military operations under a state of war, the term of office of the President of the Republic of Azerbaijan shall be extended until the end of military operations. The decision on this matter shall be adopted by the Constitutional Court of the Republic of Azerbaijan on the basis of the application of the state body organizing elections (referendum).

VI. Rules for implementation of this Article shall be defined by the law.

edure of implementation of the present Article is specified in legislation.

e 102. Results of elections of the President of the Republic of Azerbaijan

Results of elections of the President of the Republic of Azerbaijan are officially announced by Constitutional Court of the Republic of Azerbaijan within 14 days from the day of voting.

e 103. Oath of a person elected the President of the Republic of Azerbaijan

I. A person elected the President of the Republic of Azerbaijan, within 3 days from the day when results of elections of the President of the Republic of Azerbaijan have been announced, with participation of judges of Constitutional Court of the Republic of Azerbaijan takes an oath: “Carrying out powers of the President of the Republic of Azerbaijan I swear to follow the

Constitution of the Republic of Azerbaijan, protect sovereignty and territorial integrity of the state, to serve people".

II. It is considered that the President of the Republic of Azerbaijan began carrying out his official powers from the day when he took his oath.

e 104. Inability of the President of the Republic of Azerbaijan to carry out his powers

I. The President of the Republic of Azerbaijan is considered having left his position ahead of time on resignation, complete inability to fulfilll his powers due to illness, dismissal from his post in cases and in an order envisaged in the present Constitution.

II. When the President of the Republic of Azerbaijan is going to resign, his application concerning resignation is presented to Constitutional Court of the Republic of Azerbaijan. Constitutional Court of the Republic of Azerbaijan, having confirmed that the President of the Republic of Azerbaijan himself sent in his resignation makes decision to accept such resignation. From that moment the President is considered having left his post due to resignation.

III. Having received notifications about complete inability of the President of the Republic of Azerbaijan to fulfilll his powers due to poor health, Milli Majlis of the Republic of Azerbaijan applies to the Constitutional Court of the Republic of Azerbaijan for clarification of this fact. Should the Constitutional Court of the Republic of Azerbaijan confirm this fact the question is settled.

e 105. Implementation of powers of the President of the Republic of Azerbaijan on his resignation

I. Whenever the President of the Republic of Azerbaijan resigns from his post ahead of time, extraordinary elections of the President of the Republic of Azerbaijan are held within three months. In such case, until new President of the Republic of Azerbaijan is elected, the Prime-Minister of Republic of Azerbaijan will carry out powers of the President of the Republic of Azerbaijan.

II. If during said term the Prime-Minister of Republic of Azerbaijan carrying out powers of the President of the Republic of Azerbaijan resigns, becomes incapable of carrying out his powers due to illness, Chairman of Milli Majlis of

Republic of Azerbaijan will carry out powers of the President of the Republic of Azerbaijan.

III. If Chairman of Milli Majlis of Republic of Azerbaijan is unable to fulfilll powers of the President of the Republic of Azerbaijan due to reasons given in paragraph II of the Present Article, Milli Majlis of the Republic of Azerbaijan takes decree about delegation of powers of the President of the Republic of Azerbaijan to other official.

e 106. Immunity of the President of the Republic of Azerbaijan

The President of the Republic of Azerbaijan enjoys the right of personal immunity. Honor and dignity of the President of the Republic of Azerbaijan are protected by law.

e 107. Dismissal of the President of the Republic of Azerbaijan from his post

I. In case of grave crime done by the President of the Republic of Azerbaijan the question of dismissal of the President may be submitted to Milli Majlis of the Republic of Azerbaijan on initiative of Constitutional Court of the Republic of Azerbaijan based on conclusions of Supreme Court of the Republic of Azerbaijan presented within 30 days.

II. The President of the Republic of Azerbaijan may be dismissed from his post by decree of Milli Majlis of the Republic of Azerbaijan taken by majority of 95 votes of deputies. This decree is signed by the Chairman of Constitutional Court of the Republic of Azerbaijan. If Constitutional Court of the Republic of Azerbaijan fails to sign said decree within one week it shall not come into force.

III. Decree about dismissal of the President of the Republic of Azerbaijan from his post must be accepted within 2 months from the date of application of Constitutional Court of the Republic of Azerbaijan to Milli Majlis of the Republic of Azerbaijan. If said decree is not taken within said term, then accusation against the President of the Republic of Azerbaijan is considered rejected.

Article 108. Material Security of the President of the Republic of Azerbaijan

I. The President of the Republic of Azerbaijan and his or her family shall be secured materially by the state. Security of the President of the Republic of Azerbaijan and his or her family shall be provided by a special security service.

II. Regulations for the material security of the person who was elected President of the Republic of Azerbaijan in the past shall be defined by a Constitutional law.

Article 109. Responsibilities of the President of the Republic of Azerbaijan

The President of the Republic of Azerbaijan:

1) Determines elections to the Milli Majlis of the Republic of Azerbaijan;

2) Submits the state budget of the Republic of Azerbaijan to the Milli Majlis for approval;

3) Approves state economic and social programs;

4) With the consent of the Milli Majlis of the Republic of Azerbaijan appoints the Prime Minister of the Republic of Azerbaijan; dismisses the Prime Minister of the Republic of Azerbaijan;

5) Appoints and dismisses members of the Cabinet of Ministers of the Republic of Azerbaijan; chairs the meetings of the Cabinet of Ministers if necessary;

6) Makes a decision on the resignation of the Cabinet of Ministers of the Republic of Azerbaijan;

7) Establishes central and local executive bodies within the expenses allocated for executive authorities from the state budget of the Republic of Azerbaijan;

8) Terminates decisions and ordinances of the Cabinet of Ministers and Cabinet of Ministers of Nakhchivan Autonomous Republic; and acts of the central and local authorities;

9) Recommends the Milli Majlis of the Republic of Azerbaijan on appointing judges to the Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan and the courts of appeal; appoints judges to other courts of the Republic of Azerbaijan; appoints the Attorney General of the Republic of Azerbaijan with the consent of the Milli Majlis of the Republic of Azerbaijan;

10) Recommends the Milli Majlis of the Republic of Azerbaijan on appointing or dismissing the members of the Board of Directors of the Central Bank of the Republic of Azerbaijan; appoints the Chairman of the Central Bank of the Republic of Azerbaijan from the members of the Governing Board of the Central Bank of the Republic of Azerbaijan.

11) Submits the military doctrine of the Republic of Azerbaijan to the Milli Majlis for approval;

12) Appoints and dismisses the staff for high command of Armed Forces of the Republic of Azerbaijan;

13) Organizes the Administration ~~Executive Apparatus~~ of the President of the Republic of Azerbaijan and appoints its Heads;

14) Recommends the Milli Majlis of the Republic of Azerbaijan on electing human rights commissioner of the Republic of Azerbaijan;

15) Recommends the Milli Majlis of the Republic of Azerbaijan on establishment of diplomatic representations abroad in international organizations, appoints and withdraws diplomatic representatives abroad and in international organizations;

16) Accepts credentials of diplomatic representatives of foreign countries;

17) Signs interstate and intergovernmental international agreements; submits interstate ~~international~~ and intergovernmental agreements containing rules contrary to the laws of the Republic of Azerbaijan, to the Milli Majlis of the Republic of Azerbaijan for approval or termination; signs the certificates;

18) Determines referendum;

19) Signs laws and publishes them;

20) Resolves issues on citizenship;

21) Resolves issues on granting political asylum;

22) Pardons;

23) Awards with state awards;

24) Grants highest military and highest special ranks;

25) Announces general or partial military mobilization, as well as demobilizes those who were mobilized;

26) Makes decisions on the call of citizens of the Republic of Azerbaijan to limited military service, and on release of military servants who were on limited military service;

27) Establishes the Security Council of the Republic of Azerbaijan;

28) Recommends to the Milli Majlis of the Republic of Azerbaijan on giving consent to the Armed Forces to implement duties that are not under its responsibilities;

29) Declares emergency and military situations;

30) Declares war and concludes peace agreements with the consent of the Milli Majlis of the Republic of Azerbaijan;

31) Establishes special security services within the expenses allocated for such purposes from the state budget of the Republic of Azerbaijan;

32) Resolves other issues not under the responsibilities of the Milli Majlis of the Republic of Azerbaijan and of the judiciary established by this Constitution.

e 110. Signing of the laws

I. The President of the Republic of Azerbaijan signs the laws within 56 days after their presentation. If the President of the Republic of Azerbaijan has objections against a law he may return it to Milli Majlis of the Republic of Azerbaijan within specified term without signing, together with his comments.

II. Should the President of the Republic of Azerbaijan fail to sign Constitutional laws they will not come into force. If Milli Majlis of the Republic of Azerbaijan accepts by majority of 95 votes laws that have been accepted previously by majority of 83 votes, and by majority of 83 votes the laws that have been accepted previously by majority of 63 votes, said laws come into force after repeated voting.

e 111. Declaration of martial law

In cases of actual occupation of some part of the territory of the Republic of Azerbaijan, announcement of war by foreign country or countries against the Republic of Azerbaijan, blockade of the territory of the Republic of Azerbaijan and also whenever there is real danger of armed attack against the Republic of Azerbaijan, blockade of the territory of the Republic of Azerbaijan and also in case of real threat of such blockade the President of the Republic of Azerbaijan announces martial law all over the territory of the Republic of Azerbaijan or in individual areas, and within 24 hours submits respective decree for approval by Milli Majlis of the Republic of Azerbaijan.

e 112. State of emergency

Whenever natural calamities take place, epidemic, epizootic, grave ecological and other disasters and also on accomplishment of acts aimed to violation of territorial integrity of the Republic of Azerbaijan, revolt or state coup, with mass disorders accompanied by violence, other conflicts threatening life and safety of citizens, or normal activity of state bodies, the President of the Republic of Azerbaijan announces state of emergency in individual areas of the Republic of Azerbaijan and within 24 hours submits respective decree for approval by Milli Majlis of the Republic of Azerbaijan.

e 113. Acts of the President of the Republic of Azerbaijan

I. Establishing general procedures the President of the Republic of Azerbaijan issues decrees, as per all other questions – he issues orders.

II. If not specified otherwise in decrees and orders of the President of the Republic of Azerbaijan they become valid from the day of their publication.

e 114. Status of the Cabinet of Ministers of the Republic of Azerbaijan

I. For implementation of executive powers the President of the Republic of Azerbaijan establishes Cabinet of Ministers of the Republic of Azerbaijan.

II. Cabinet of Ministers of the Republic of Azerbaijan is the highest body of executive power of the President of the Republic of Azerbaijan.

III. Cabinet of Ministers of the Republic of Azerbaijan is subordinate to the President of the Republic of Azerbaijan and reports to him.

IV. Procedure of activity of Cabinet of Ministers of the Republic of Azerbaijan is defined by the President of the Republic of Azerbaijan.

e 115. Composition of Cabinet of Ministers of the Republic of Azerbaijan

Cabinet of Ministers of the Republic of Azerbaijan includes Prime-minister of the Republic of Azerbaijan, his deputies, ministers and heads of other central bodies of executive power.

e 116. Resignation of Cabinet of Ministers of the Republic of Azerbaijan

On a day when newly elected President of the Republic of Azerbaijan comes into his rights and begins carrying out his powers Cabinet of Ministers of the Republic of Azerbaijan resigns.

e 117. Meetings of the Cabinet of Ministers of the Republic of Azerbaijan

As a rule, Prime-minister of the Republic of Azerbaijan takes chair at the meetings of the Cabinet of Ministers of the Republic of Azerbaijan.

e 118. Procedure of appointment of Prime-minister of the Republic of Azerbaijan

I. Prime-minister of Republic of Azerbaijan is appointed by the President of the Republic of Azerbaijan on consent of Milli Majlis of the Republic of Azerbaijan.

II. Proposed candidature for the post of Prime-minister of the Republic of Azerbaijan is submitted for consideration to Milli Majlis of the Republic of Azerbaijan by the President of the Republic of Azerbaijan not later than one month from the day when the President begins carrying out his powers, or not later than two weeks from the day of resignation of Cabinet of Ministers of the Republic of Azerbaijan.

III. Milli Majlis of the Republic of Azerbaijan takes decision concerning the candidate to the post of Prime-minister of the Republic of Azerbaijan not later than within one week from the day when such candidature has been proposed. Should said procedure be violated, or candidatures proposed by the President of the Republic of Azerbaijan for the post of Prime-minister of the Republic of Azerbaijan be rejected three times, then the President of the Republic of Azerbaijan may appoint Prime-minister of the Republic of Azerbaijan without consent of Milli Majlis of the Republic of Azerbaijan.

e 119. Authority of Cabinet of Ministers of the Republic of Azerbaijan

Cabinet of Ministers of the Republic of Azerbaijan:

· prepares draft of state budget of the Republic of Azerbaijan and submits it to the President of the Republic of Azerbaijan;
· provides implementation of state budget of the Republic of Azerbaijan;
· provides implementation of financial-credit and monetary policy;
· provides implementation of state economic programs;
· provides implementation of state social programs;
· carries out control over ministries and other central bodies of executive power, annuls their acts;
· solves other questions delegated to it by the President of the Republic of Azerbaijan.

e 120. Acts of Cabinet of Ministers of the Republic of Azerbaijan

I. Establishing general procedures Cabinet of Ministers of the Republic of Azerbaijan issues decrees, as per all other questions – it issues orders.

II. If not specified otherwise in decrees and orders of Cabinet of Ministers of the Republic of Azerbaijan, they become valid from the day of their publication.

e 121. Requirements to candidates to the posts of members of Cabinet of Ministers of the Republic of Azerbaijan

I. Prime-minister of the Republic of Azerbaijan shall be a citizen of the Republic of Azerbaijan not younger than 30, having voting right, with university degree, having no liabilities in other states.

II. Deputy Prime-minister of the Republic of Azerbaijan, minister, head of other central body of executive power shall be a citizen of the Republic of

Azerbaijan not younger than 25, having voting right, with university degree, having no liabilities in other states.

e 122. Requirements to members of Cabinet of Ministers of the Republic of Azerbaijan

Prime-minister of the Republic of Azerbaijan, his deputies, ministers, heads of other central bodies of executive power may not occupy any posts, irrespective of the procedure – elections or appointment, may not be involved in business, commercial and other payable activity except scientific, pedagogical and creative activity, may not get remuneration other than their wages and money for scientific, pedagogical and creative activity.

e 123. Immunity of Prime-minister of the Republic of Azerbaijan

I. Prime-minister of the Republic of Azerbaijan enjoys immunity during the whole term of his powers.

II. Prime-minister of the Republic of Azerbaijan may not be arrested, called to criminal responsibility except cases when he has been caught in the act of crime, disciplinary measures may not be applied to him by law court, he may not be searched.

III. Prime-minister of the Republic of Azerbaijan may be arrested if he has been caught in the act of crime. In such case body detained the deputy of Milli Majlis of the Republic of Azerbaijan must immediately notify General Procurator of the Republic of Azerbaijan about the fact.

IV. Immunity of Prime- minister of the Republic of Azerbaijan might be stopped only by the President of the Republic of Azerbaijan, based on application of General Procurator of the Republic of Azerbaijan.

e 124. Local bodies of executive power

Heads of executive power bodies carry out executive power locally.

Heads of executive power bodies are appointed to their posts and dismissed by the President of the Republic of Azerbaijan.

III. Limits of authority of local executive power bodies are determined by the President of the Republic of Azerbaijan.

CHAPTER VII. Judicial power

Article 125. Judicial Power

I. Judicial power of the Republic of Azerbaijan can only be exercised by courts through a fair trial.

II. Judicial power shall be exercised by the Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, courts of appeal of the Republic of Azerbaijan, general courts and other specialized courts of the Republic of Azerbaijan.

III. Judicial power shall be exercised by the Constitution, through civil and criminal court proceedings and through other means provided by the law.

IV. The Prosecutor's Office of the Republic of Azerbaijan and the defense shall be parts of the criminal court proceeding.

V. Structure of the court and rules for court proceedings shall be defined by the law.

VI. Implementation of legal methods that are not established for changing the responsibilities of courts, and establishment of emergency courts shall be prohibited.

VII. Court proceeding shall provide for the discovery of the truth.

e 126. Requirements to candidates to judges posts

I. Judges shall be citizens of the Republic of Azerbaijan not younger than 30, having voting right, higher juridical education and at least 5-year working experience in the sphere of law.

II. Judges may not occupy any other posts, irrespective of the procedure – elections or appointment, may not be involved in business, commercial and other payable activity, except scientific, pedagogical and creative activity, may not be involved in political activity and join political parties, may not get remuneration other than their wages and money for scientific, pedagogical and creative activity.

e 127. Independence of judges, main principles and conditions of implementation of justice

I. Judges are independent, they are subordinate only to Constitution and laws of the Republic of Azerbaijan, they cannot be replaced during the term of their authority.

II. In consideration of legal cases judges must be impartial, fair, they should provide juridical equality of parties, act based on facts and according to the law.

III. Direct and indirect restriction of legal proceedings from somebody's part and due to some reason, illegal influence, threats and interference are not allowed.

IV. Justice shall be implemented based on equality of citizens before the law and law court.

V. In all law courts hearing of legal cases shall be open.

VI. It is allowed to have closed hearing of legal cases only if the law court decides that open hearings may result in disclosure of state, professional or commercial secrets, or that it is necessary to keep confidentiality with respect to personal or family life.

VII. Except cases envisaged by law it is prohibited to carry out legal proceedings by correspondence.

VIII. Law proceedings are carried out based on the principle of contest.

IX. Everyone has the right for defence at all stages of legal proceedings.

X. Justice is based on presumption of innocence.

XI. In the Republic of Azerbaijan legal proceedings are carried out in state language of the Republic of Azerbaijan or in a language of majority of population in specific area. Persons—participants of legal proceedings not knowing the language of proceedings have the right to be acquainted with materials of proceedings, to take part in legal proceedings using interpreter, to make statements in the law court in their native language.

e 128. Immunity of judges

I. Judges are immune.

II. A judge may be called to criminal responsibility only in accordance with law.

III. Authority of judges might be stopped only based on reasons and rules envisaged by the law.

IV. Whenever judges commit crime, the President of the Republic of Azerbaijan, based on conclusions of Supreme Court of the Republic of Azerbaijan, may make statement in Milli Majlis of the Republic of Azerbaijan with the initiative to dismiss judges from their posts. Respective conclusions of Supreme Court of the Republic of Azerbaijan must be presented to the President of the Republic of Azerbaijan within 30 days after his request.

V. Decision about dismissal of judges of Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan and Economic Court of the Republic of Azerbaijan is taken by Milli Majlis of the Republic of Azerbaijan with majority of 83 votes; decision about dismissal of other judges is taken by Milli Majlis of the Republic of Azerbaijan with majority of 63 votes.

Article 129. Court Decisions and their Implementation

I. Court decisions shall be made on behalf of the state and their implementation shall be mandatory.

II. Failure to execute a court decisions entails liability prescribed by law.

III. A court decision shall be grounded in law and evidence.

Article 130. Constitutional Court of the Republic of Azerbaijan

I. The Constitutional Court of the Republic of Azerbaijan shall be comprised of nine members.

II. Judges of the Constitutional Court of the Republic of Azerbaijan shall be appointed by the Milli Majlis of the Republic of Azerbaijan with recommendation of the President of the Republic of Azerbaijan.

III. The Constitutional Court of the Republic of Azerbaijan shall resolve the following issues based upon the request of the President of the Republic of Azerbaijan, the Milli Majlis of the Republic of Azerbaijan, Cabinet of Ministers of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, the Prosecutor's Office of the Republic of Azerbaijan, Supreme Majlis of Nakhchivan Autonomous Republic:

1. compliance of the laws of the Republic of Azerbaijan, decrees and orders of the President of the Republic of Azerbaijan, decisions of the Milli Majlis of the Republic of Azerbaijan, decisions and orders of the Cabinet of Ministers of the Republic of Azerbaijan, normative legal acts of the central executive authority bodies with the Constitution of the Republic of Azerbaijan;
2. compliance of the decrees of the President of the Republic of Azerbaijan, decisions of the Cabinet of Ministers of the Republic of Azerbaijan, normative legal acts of the central executive authority bodies with the laws of the Republic of Azerbaijan;
3. compliance of decisions of the Cabinet of Ministers, normative legal acts of the central executive authority bodies with decrees of the President of the Republic of Azerbaijan;
4. compliance of decisions of the Supreme Court of the Republic of Azerbaijan with the Constitution and laws of the Republic of Azerbaijan, in cases considered by the law;
5. compliance of municipal acts with the Constitution of the Republic of Azerbaijan, laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan, decision of the Cabinet of Ministers of the Republic of Azerbaijan (in Nakhchivan Autonomous Republic, as well as with the Constitution and laws of Nakhchivan Autonomous Republic, decisions of the Cabinet of Ministers of Nakhchivan Autonomous Republic);
6. compliance of interstate agreements of the Republic of Azerbaijan that are not in force with the Constitution of the Republic of Azerbaijan; compliance of intergovernmental agreements of the Republic of Azerbaijan with the Constitution and laws of the Republic of Azerbaijan;
7. compliance of the Constitution of Nakhchivan Autonomous Republic, laws, decisions of the Supreme Majlis and Cabinet of Ministers of Nakhchivan Autonomous Republic with the Constitution of the Republic of Azerbaijan; compliance of laws of Nakhchivan Autonomous Republic, decision of the Cabinet of Ministers of Nakhchivan Autonomous Republic with the laws of the Republic of Azerbaijan; compliance of decision of the Cabinet of Ministers of Nakhchivan Autonomous Republic with decrees of the President of the

Republic of Azerbaijan and with decisions of the Cabinet of Ministers of the Republic of Azerbaijan;
8. disputes regarding the division of powers between legislative, executive and judiciary powers.

IV. The Constitutional Court of the Republic of Azerbaijan shall interpret the Constitution and laws of the Republic of Azerbaijan at the request of the President of the Republic of Azerbaijan, the Milli Majlis of the Republic of Azerbaijan, the Cabinet of Ministers of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, the Prosecutor's Office of the Republic of Azerbaijan, the Supreme Majlis of Nakhchivan Autonomous Republic.

V. For resolution of issues indicated in Articles 130.III.1 and 130.III.7 by the Constitutional Court of the Republic of Azerbaijan, everyone has the right to file complaints to the Constitutional Court of the Republic of Azerbaijan, in accordance with rules specified by laws, against legal and normative acts of executive authorities and municipalities, as well as rulings of courts which violate individuals' rights and freedoms, in order to restore the violated rights and freedoms.

VI. Within the rules established by the laws of the Republic of Azerbaijan, the courts may request the Constitutional Court of the Republic of Azerbaijan to interpret the Constitution and laws of the Republic of Azerbaijan regarding enjoying human rights and freedoms.

VII. For resolution of the issues indicated in Articles 130.II.1 and 130.III.7 by the Constitutional Court of the Republic of Azerbaijan, the human rights commissioner of the Republic of Azerbaijan can file an inquiry to the Constitutional Court of the Republic of Azerbaijan regarding legal and normative acts of executive authorities and municipalities as well as rulings of courts, which violate human rights and freedoms in accordance with rules specified by laws.

VIII. The Constitutional Court of the Republic of Azerbaijan may implement other duties established by this Constitution.

IX. The Constitutional Court of the Republic of Azerbaijan shall make the decisions under its competence. The decision of the Constitutional Court shall have mandatory force within the territory of the Republic of Azerbaijan. The

decisions of the Constitutional Court of the Republic of Azerbaijan shall be published.

X. Laws and other acts, or their separate provisions, intergovernmental agreements of the Republic of Azerbaijan shall lose their force within the timeframe established in the decision of the Constitutional Court of the Republic of Azerbaijan. But interstate agreements of the Republic of Azerbaijan do not come into force.

Article 131. Supreme Court of the Republic of Azerbaijan

I. The Supreme Court of the Republic of Azerbaijan is the supreme judicial body on civil, criminal and other issues that are under general and specialized court proceedings; it implements fair trials by way of cassation; gives explanations regarding the practice of the courts.

II. With the recommendation of the President of the Republic of Azerbaijan, the Milli Majlis of the Republic of Azerbaijan shall appoint the judges of the Supreme Court of the Republic of Azerbaijan.

III. The decisions of the Supreme Court of the Republic of Azerbaijan shall be published.

e 132. Courtsof Appeal of Republic of Azerbaijan

I. The Courts of Appeal of Republic of Azerbaijan shall be the higher courts considering the issues falling within their competences according to the legislation.

II. Judges of the Courts of Appeal of Republic of Azerbaijan shall be appointed by the Milli Majlis of Republic of Azerbaijan upon the recommendation of the President of Republic of Azerbaijan..

e 133. Procurator's Office of the Republic of Azerbaijan

I. Via procedure and in cases specified by legislation, Procurator's Office of the Republic of Azerbaijan exercises control over fulfilllment and application of laws; in cases envisaged by legislation it undertakes prosecution and carries out investigation; supports state incrimination in the law court; brings in an action in the law court; remonstrates against decisions of law court.

II. Procurator's Office of the Republic of Azerbaijan is an integral centralized body based on subordination of territorial and specialized procurators to General Procurator of the Republic of Azerbaijan.

III. General Procurator of the Republic of Azerbaijan is appointed to his post and dismissed from it by the President of the Republic of Azerbaijan, on consent of Milli Majlis of the Republic of Azerbaijan.

IV. Deputies of General Procurator of the Republic of Azerbaijan, procurators supervising specialized republican procurator's offices, procurator of Nakhchivan Autonomous Republic are appointed to their posts and dismissed from their posts by the President of the Republic of Azerbaijan on recommendation of General Procurator of the Republic of Azerbaijan.

V. Territorial and specialised procurators are appointed to their posts and dismissed by General Procurator of the Republic of Azerbaijan on agreement with the President of the Republic of Azerbaijan.

CHAPTER VIII. Nakhchivan Autonomous Republic

e 134. Status of Nakhchivan Autonomous Republic

I. Nakhchivan Autonomous Republic is autonomous state within the Republic of Azerbaijan.

II. Status of Nakhchivan Autonomous Republic is defined in the present Constitution.

III. Nakhchivan Autonomous Republic is an integral part of the Republic of Azerbaijan.

IV. Constitution of the Republic of Azerbaijan, laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan and decrees of Cabinet of Ministers of the Republic of Azerbaijan are obligatory on the territory of Nakhchivan Autonomous Republic.

V. Constitution and laws of Nakhchivan Autonomous Republic accepted by Ali Majlis of Nakhchivan Autonomous Republic shall not contradict respectively to Constitution and laws of the Republic of Azerbaijan; decrees accepted by Cabinet of Ministers of Nakhchivan Autonomous Republic—to Constitution and laws of the Republic of Azerbaijan, decrees of the President of the

Republic of Azerbaijan and decrees of Cabinet of Ministers of the Republic of Azerbaijan.

VI. The Constitution of Nakhchivan Autonomy Republic shall be submitted to the Milli Majlis of Republic of Azerbaijan by the President of Republic of Azerbaijan and shall by approved by the Constitutional Law.

e 135. Division of powers in Nakhchivan Autonomous Republic

I. Legislative power in Nakhchivan Autonomous Republic is implemented by Ali Majlis of Nakhchivan Autonomous Republic, executive power - by the Cabinet of Ministers of Nakhchivan Autonomous Republic, judicial power—by law courts of Nakhchivan Autonomous Republic.

II. Ali Majlis of Nakhchivan Autonomous Republic independently settles questions which according to Constitution and laws of the Republic of Azerbaijan fall under its competence; Cabinet of Ministers of Nakhchivan Autonomous Republic independently settles questions which according to Constitution and laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan fall under its competence; law courts of Nakhchivan Autonomous Republic independently settle questions which according to Constitution and laws of the Republic of Azerbaijan fall under their competence.

e 136. The highest official of Nakhchivan Autonomous Republic

Chairman of Ali Majlis of Nakhchivan Autonomous Republic is the highest official of Nakhchivan Autonomous Republic.

e 137. Ali Majlis of Nakhchivan Autonomous Republic

I. Ali Majlis of Nakhchivan Autonomous Republic consists of 45 members.

II. Term of authority of Ali Majlis of Nakhchivan Autonomous Republic is 5 years.

III. Ali Majlis of Nakhchivan Autonomous Republic elects chairman of Ali Majlis of Nakhchivan Autonomous Republic and his deputies, establishes permanent and other commissions.

e 138. Competence of Ali Majlis of Nakhchivan Autonomous Republic

I. Ali Majlis of Nakhchivan Autonomous Republic establishes general procedures concerning the following:

- elections to Ali Majlis of Nakhchivan Autonomous Republic;
- taxes;
- routes of economic development of Nakhchivan Autonomous Republic;
- social maintenance;
- protection of environment;
- tourism;
- protection of health, science, culture.

II. Ali Majlis of Nakhchivan Autonomous Republic accepts laws related to questions specified in the present Article.

e 139. Questions solved by Ali Majlis of Nakhchivan Autonomous Republic

I. Ali Majlis of Nakhchivan Autonomous Republic takes decisions concerning the following questions:

- organisation of work in Ali Majlis of Nakhchivan Autonomous Republic;
- approval of the budget of Nakhchivan Autonomous Republic;
- approval of economic and social programs of Nakhchivan Autonomous Republic;
- appointment and dismissal of Prime-minister of Nakhchivan Autonomous Republic;
- approval of composition of Cabinet of Ministers of Nakhchivan Autonomous Republic;
- decisions concerning vote of confidence in Cabinet of Ministers of Nakhchivan Autonomous Republic.

II. Ali Majlis of Nakhchivan Autonomous Republic issues decree concerning questions specified in the present Article.

e 140. Cabinet of Ministers of Nakhchivan Autonomous Republic

I. Composition of Cabinet of Ministers of Nakhchivan Autonomous Republic recommended by Prime-minister of Nakhchivan Autonomous Republic is approved by Ali Majlis of Nakhchivan Autonomous Republic.

II. Prime-minister of Nakhchivan Autonomous Republic is appointed by Ali Majlis of Nakhchivan Autonomous Republic on recommendation by the President of the Republic of Azerbaijan.

III. Cabinet of Ministers of Nakhchivan Autonomous Republic:
· prepares draft of budget of Autonomous Republic and presents it for approval by Ali Majlis of Nakhchivan Autonomous Republic;
· implements the budget of Autonomous Republic;
· provides implementation of economic programs of Autonomous Republic;
· provides implementation of social programs of Autonomous Republic;
· settles other questions delegated to it by the President of the Republic of Azerbaijan.

IV. Cabinet of Ministers of Nakhchivan Autonomous Republic issues orders and decrees.

e 141. Local executive power in Nakhchivan Autonomous Republic

In Nakhchivan Autonomous Republic heads of local executive power bodies are appointed by the President of the Republic of Azerbaijan on recommendation of the Chairman of Ali Majlis of Nakhchivan Autonomous Republic.

Section 4
Local self-government

CHAPTER IX. Municipalities

e 142. Organisation of local self-government

I. Local self-government is carried out by municipalities.

II. Municipalities are formed based on elections.

III. The foundations of the status of municipalities shall be determined by given Constitution. The regulations of elections to the municipalities shall be determined by law.

e 143. Organisation of work of municipalities

I. Activity of municipalities is carried out by way of meetings, permanent and other commissions.

II. Meetings of municipalities are summoned by their chairmen.

e 144. Authority of municipalities

I. The following questions are settled at the meetings of municipalities:

· recognition of authority of municipality members, loss of their authority and termination of their authority according to legislation;
· approval of in-house regulations of municipality;
· elections of the chairman of municipality, his deputies, permanent and other commissions;
· establishment of local taxes and duties;
· approval of local budget and reports on its implementation;
· possession of municipal property, use and disposal thereof;
· acceptance and implementation of local programs of social protection and social development;
· acceptance and implementation of local programs of economic development;
· acceptance and implementation of local ecological programs.

II. Municipalities may be given additional authorities of legislative and executive power. To implement these authorities respective financing is required.

Implementation of such authorities will be controlled respectively by legislative and executive power bodies.

e 145. Decisions of municipalities

I. Concerning the agenda of the meetings of municipality decisions shall be taken.

II. Decisions at the meetings of municipality are taken by simple majority of voting members of municipality.

III. Decisions related to local taxes and duties are taken by majority of two thirds of votes of municipality members.

Article 146. Guarantees for Independence of Municipalities

I. Municipalities are independent to exercise their power; nevertheless it does not exclude their responsibility before the citizens residing in the territory of the municipality. Regulations and order for selection of the municipality members, termination of their power, and regulation for early dissolution of municipalities shall be set forth by law.

II. Independent execution by the municipalities of their powers may not damage the sovereignty of the Azerbaijani state.

III. The state oversees the activities of municipalities.

IV. Municipalities submit reports to the Milli Majlis of the Republic of Azerbaijan in cases and in the manner prescribed by law.

V. Municipalities shall be ensured protection by the court, and ensured reimbursement of additional expenses caused by decisions of the state bodies.

Section 5
The right and the law

CHAPTER 10. Legislative system

e 147. Legal force of Constitution of the Republic of Azerbaijan

I. Constitution of the Republic of Azerbaijan possesses highest legal power.

II. Constitution of the Republic of Azerbaijan possesses direct legal power.

III. Constitution of the Republic of Azerbaijan is the basis of legislative system of the Republic of Azerbaijan.

e 148. Acts constituting legislative system of the Republic of Azerbaijan

I. Legislative system consists of the following normative-legal acts:
- Constitution;
- acts accepted by referendum;

- laws;
- orders;
- decrees of Cabinet of Ministers of the Republic of Azerbaijan;
  normative acts of central executive power bodies.

II. International agreements wherein the Republic of Azerbaijan is one of the parties constitute an integral part of legislative system of the Republic of Azerbaijan.

III. In Nakhchivan Autonomous Republic Constitution and laws of Nakhchivan Autonomous Republic, decrees of the Cabinet of Ministers of Nakhchivan Autonomous Republic also possess legal power.

IV. Legislative system of Nakhchivan Autonomous Republic should conform to legislative system of the Republic of Azerbaijan.

V. Within the limits of their authority local bodies of executive power may accept normative acts not contradicting acts constituting the legislative system.

Article 149. Normative Legal Acts

I. Normative legal acts must be based on law and justice (equal benefit, equal attitude).

II. Application and implementation of acts adopted by referendum shall be mandatory for citizens, legislative, executive bodies and judiciary, legal entities and municipalities only upon their publication.

III. Laws must not contradict the Constitution. Application and implementation of only published laws shall be mandatory for all citizens, legislative, executive bodies and judiciary, legal entities and municipalities.

IV. Decrees of the President of the Republic of Azerbaijan must not contradict Constitution of the Republic of Azerbaijan and the laws of the Republic of Azerbaijan. Application and implementation of only published laws are mandatory for all citizens, executive authority bodies, and legal entities.

V. Decisions of the Cabinet of Ministers of the Republic of Azerbaijan must not contradict the Constitution and laws of the Republic of Azerbaijan, and decrees of the President of the Republic of Azerbaijan. Application and implementation of decisions of the Cabinet of Ministers shall be mandatory for

citizens, central and local executive authority bodies, legal entities only upon their publication.

VI. Acts of the central executive authority bodies must not contradict the Constitution of the Republic of Azerbaijan, laws, decrees of the President of the Republic of Azerbaijan and decisions of the Cabinet of Ministers of the Republic of Azerbaijan.

VII. The normative acts that improve legal conditions of individuals and legal entities, that lift or mitigate the legal responsibilities shall have retroactive force. Other normative legal acts shall not have retroactive force.

VIII. Normative legal acts shall be published. No one may be forced to execute (to adhere to) a regulation that was not published and held liable for failing to execute (to adhere to) such regulation. An order for publication of regulations shall be set forth by a Constitutional law.

e 150. Acts of municipalities

I. Acts taken by municipalities should be based on law and fairness (same attitude and equal interests), should not contradict the Constitution and laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan, decrees of Cabinet of Ministers of the Republic of Azerbaijan (in Nakhchivan Autonomous Republic—also to Constitution and laws of Nakhchivan Autonomous Republic, decrees of Cabinet of Ministers of Nakhchivan Autonomous Republic).

II. Implementation of act taken by the municipality is obligatory for citizens living on this territory and legal entities located on this territory.

e 151. Legal value of international acts

Whenever there is disagreement between normative-legal acts in legislative system of the Republic of Azerbaijan (except Constitution of the Republic of Azerbaijan and acts accepted by way of referendum) and international agreements wherein the Republic of Azerbaijan is one of the parties, provisions of international agreements shall dominate.

CHAPTER XI. Changes in Constitution of the Republic of Azerbaijan

e 152. Procedure of introduction of changes into Constitution of the Republic of Azerbaijan.

Changes in the text of the Constitution of the Republic of Azerbaijan may be made only by way of referendum.

e 153. Procedure of submit of proposals on changes in the text of Constitution of the Republic of Azerbaijan

If proposals about changes in the text of Constitution of the Republic of Azerbaijan are presented by Milli Majlis of the Republic of Azerbaijan or the President of the Republic of Azerbaijan, then Constitutional Court of the Republic of Azerbaijan should give its conclusion beforehand.

e 154. Limitations on authority of Constitutional Court of the Republic of Azerbaijan

Constitutional Court of the Republic of Azerbaijan shall not take decisions concerning changes in the text of Constitution of the Republic of Azerbaijan made by way of referendum.

e 155. Limitations on initiative on introduction of changes into Constitution of the Republic of Azerbaijan

Proposals about changes or abolition in Articles 1, 2, 6, 7, 8 and 21, about restriction or abolition of human and citizen's rights and freedoms envisaged in Chapter III of the present Constitution or to higher degree than it is specified in international treaties Republic of Azerbaijan is a party too.

CHAPTER XII. Amendments to the Constitution of the Republic of Azerbaijan

e 156. Procedure of introduction of amendments to the Constitution of the Republic of Azerbaijan

I. Amendments to the Constitution of the Republic of Azerbaijan are taken in the form of Constitutional laws in Milli Majlis of the Republic of Azerbaijan, by majority of 95 votes.

II. Constitutional laws on amendments to Constitution of the Republic of Azerbaijan are put to the vote in Milli Majlis of the Republic of Azerbaijan twice. The second voting shall be held 6 months after the first one.

III. Constitutional laws on amendments to Constitution of the Republic of Azerbaijan are submitted to the President of the Republic of Azerbaijan for signing in an order envisaged in the present Constitution for laws, both after the first and after the second voting.

IV. Constitutional laws and amendments to the Constitution of the Republic of Azerbaijan become valid after they have been signed by the President of the Republic of Azerbaijan after the second voting.

V. Constitutional laws on amendments are integral part of Constitution of the Republic of Azerbaijan and should not contradict main text of Constitution of the Republic of Azerbaijan.

e 157. Initiative on introduction of amendments to Constitution of the Republic of Azerbaijan

Amendments to Constitution of the Republic of Azerbaijan may be proposed by the President of the Republic of Azerbaijan or at least by 63 deputies of Milli Majlis of the Republic of Azerbaijan.

e 158. Limitation on initiative on introduction of additions to the Constitution of Republic of Azerbaijan

There cannot be proposed the introduction of additions to the Constitution of Republic of Azerbaijan with respect to provisions envisaged in Chapter I of the present Constitution.

Transitional clauses

1. Constitution of the Republic of Azerbaijan comes into force after it has been accepted by referendum, from the day of its official publication. Constitution (Main Law) of the Republic of Azerbaijan accepted on 21 April, 1978 becomes null and void from the day when the present Constitution came into force.

2. The President of the Republic of Azerbaijan elected before the present Constitution of the Republic of Azerbaijan came into force shall carry out powers delegated to the President of the Republic of Azerbaijan by the present Constitution.

3. Paragraph 5 of Article 101 of the present Constitution is valid for the President of the Republic of Azerbaijan elected after the acceptance of the present Constitution.

4. Powers of people's deputies of the Republic of Azerbaijan and Milli Majlis formed by Supreme Council of the Republic of Azerbaijan expire on a day of the first meeting of newly elected Milli Majlis of the Republic of Azerbaijan.
The first meeting of newly elected Milli Majlis of the Republic of Azerbaijan shall be held a week after at least 83 deputies of Milli Majlis of the Republic of Azerbaijan have been elected. The first session of Milli Majlis of the Republic of Azerbaijan will continue till 31 May, 1996.
Article 85 of the Law of the Republic of Azerbaijan "On elections to Milli Majlis of the Republic of Azerbaijan" accepted on 15 August, 1995 remains valid till expiration of powers of the first calling of Milli Majlis of the Republic of Azerbaijan elected based on said law.

5. From the day of acceptance of the present Constitution Cabinet of Ministers of the Republic of Azerbaijan carries out powers delegated to it by the present Constitution.

6. From the day when the present Constitution comes into force authority of local Councils of people's deputies of the Republic of Azerbaijan are terminated.
Authority delegated by legislation of the Republic of Azerbaijan to local Councils of people's deputies of the Republic of Azerbaijan are carried out by local executive power bodies.

7. After the present Constitution comes into force, the law on local self-government should be taken and elections to municipalities must take place within 2 years.

8. Provisions of laws and other normative-legal acts acting on the territory of the Republic of Azerbaijan before acceptance of the present Constitution remain valid if they do not contradict the present Constitution.

9. Law courts of the Republic of Azerbaijan acting before acceptance of the present Constitution shall carry out justice in accordance with authority and principles specified in the present Constitution.

10. From the day when the present Constitution comes into force, within one year laws on status of judges, judicial system and judicial reform should be taken in line with the present Constitution and judges of the Republic of Azerbaijan must be appointed anew.
Until said laws are taken appointment of judges to their posts and their dismissal will be done based on legislation which existed before the present Constitution came into force.

11. From the day when the present Constitution comes into force, within one year the Law of the Republic of Azerbaijan about Constitutional Court of the Republic of Azerbaijan shall be taken and Constitutional Court of the Republic of Azerbaijan shall be established. Until the Constitutional Court of the Republic of Azerbaijan is established authority of Constitutional Court of the Republic of Azerbaijan envisaged by the present Constitution shall not be implemented. Question envisaged in paragraph 7, clause 3 of Article 130 of the present Constitution will be solved by Supreme Court of the Republic of Azerbaijan.

12. From the day when the present Constitution comes into force the Higher Arbitration Court of the Republic of Azerbaijan is called Economical Court of the Republic of Azerbaijan and carries out powers defined by existing legislation.

With modifications introduced to the Constitution as a result of Referendum held on 18 March 2009.

© Copyright 2016.