

CONSTITUTION

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Declaration of the Act of Independence

The National Council of Azerbaijan, consisting of the Deputy Chairman Hasan-bey Agayev, the Secretary Mustafa Mahmudov, Fatali Khan Khoyski, Khalil-bey Khas-Mammadov, Nasib-bey Usubbeyov, Mir Hidayat Seidov, Nariman-bey Narimanbeyov, Heybat-Gulu Mammadbeyov, Mehti-bey Hajinski, Ali Asker-bey Mahmudbeyov, Aslan-bey Gardashev, Sultan Majid Ganizadeh, Akber-Aga Sheykh-Ul-Islamov, Mehdi-bey Hajibababeyov, Mammad Yusif Jafarov, Khudadad-bey Melik-Aslanov, Rahim-bey Vekilov, Hamid-bey Shahtahtinskiy, Fridun-bey Kocharlinski, Jamo-bey Hajinski, Shafi-bey Rustambeyov, Hosrov-Pashabey Sultanov, Jafar Akhundov, Mahammad Maherramov, Javad Melik-Yeganov and Haji Molla Akhund-zadeh adopt the following Act of Independence of Azerbaijan on May 28, 1918 in the city of Tiflis.

The political regime established in Russia during the Great Russian Revolution causes the collapse of different parts of the state structure and the abandonment of Transcaucasus by the Russian troops.

Left on their own, the Transcaucasian peoples take over the decision on their fate and establish the Transcaucasian Democratic Federal Republic. However, in the subsequent political development, the Georgian people express their will to separate from the Transcaucasian Democratic Federal Republic and to create the Independent Georgian Democratic Republic.

Generated by the cessation of hostilities between Russia and the Ottoman Empire, the current political situation of Azerbaijan and in particular the intolerable anarchy within the country, call for the need of creating a separate State in Azerbaijan in order to deliver its people from the constraints that have resulted from the present difficult internal and external situation. This State shall consist of Eastern and Southern Transcaucasus.

Consequently, the National Council of Azerbaijan, issued from a nation-wide election, now declares to the nation:

I. Henceforth, the people of Azerbaijan are sovereign and Azerbaijan, consisting of Eastern and Southern Transcaucasus, is an independent state with all rights pertaining to statehood.

II. The form of political organization of independent Azerbaijan is a Democratic Republic.

III. The Democratic Republic of Azerbaijan aims to establish relations of good neighborhood with all countries, in particular with friendly nations and states.

IV. The Democratic Republic of Azerbaijan guarantees on its territory, the civil and political rights to all citizens, irrespective of their nationality, religion, social status and gender.

V. The Democratic Republic of Azerbaijan provides widest possibilities to all ethnic groups living on its territory, for their free development.

VI. Pending the first session of the Constitutive Assembly, governmental authority in Azerbaijan is entrusted to the Provisional Government, which reports to both the National Council and the National Assembly, issued from a nation-wide election.

The Constitutions of the Soviet Azerbaijan

Constitution of 1921

In May 6 of 1921 the First All-Azeri congress of Soviets passed the first Constitution of Azerbaijan SSR.

The Constitution of Azerbaijan Republic was founded on the same principles with the Constitution of RSFSR of 1918.

The Constitution consisted of 5 parts, 15 chapters, and 104 articles.



The parts of constitution reflected regulations on the political system of the government, the order of organization of Soviet power, the order and principles of carrying out regulatory elections, fundamental regulations of budget law, descriptions of the government symbols (the emblem and the flag) of Azerbaijan SSR.



Furthermore constitution of 1921 said about freedom of speech and press, freedom of mass-meetings and street demonstrations, freedom of conscience, equality of rights irrespective of nationality, race and religion, a right to free general and compulsory education.

The Constitution of Azerbaijan SSR of 1921 established the following system of the supreme organs of government of the republic: Azerbaijani Congress of Soviets, Central Committee of Azerbaijan and the Presidium of Central Committee of Azerbaijan.

The XV chapter of Constitution was devoted to the governmental symbols (the emblem and the flag) of Azerbaijan SSR.

The State Flag was described in the article 104 of Constitution: "The trade, marine and military flag of Azerbaijan Socialist Soviet Republic is of a red (scarlet) color cloth with gold initials "ASSR" or inscription "Azerbaijan Socialist Soviet Republic" in the green field in the upper hoist."

In the Constitution of 1921 there is no article about the State Hymn.

Constitution of 1927

On December 30, 1922, in Moscow in the I All Union congress of Soviets was taken a decision about creation of the USSR. This decision put an end to the independence of Azerbaijan. In the March, 1927, the 5th congress of Soviet Azerbaijan passed the second Constitution of Azerbaijan SSR that had been prepared on the basis of the Constitution of Russia. The adoption of the new Constitution in the IX Extraordinary Congress of Soviet Azerbaijan laid the foundation of the activity of the new legislative organ. Under the new Constitution the legislative organ was established in the new format – Azerbaijan Supreme Soviet. But it was just only a formal substitution of the name.



The Constitution of 1927 consisted of 5 parts, 9 chapters, and 101 articles. The first part was devoted to general positions. Juridical position of Azerbaijan within TSFSR and USSR, supreme organs of government and the rights of citizens were reflected herein.



The second part of the constitution indicated authority of the congress of Soviets and the Central Executive Committee of Azerbaijan, and it was also marked herein, that decisions of the supreme organs of TSFSR possessed

coercive force in Azerbaijan. The third part of constitution consisted of 5 chapters and enclosed numerous positions about central power, the higher judgment of Azerbaijan, Nakhichevan ASSR and NKAR, local power and soviet elections. The constitution described AZCEC like legislative, efficient and inspectional organ. The fourth part pointed to the budgetary law, and finally the last part was devoted to the emblem and flag of the Republic

The article 99 of the Constitution indicated descriptions of State symbols.

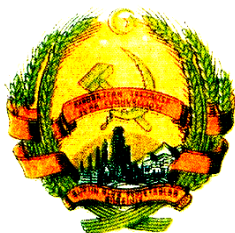
The State Flag of Azerbaijan was described in the article 104. "The State Flag of Azerbaijan Socialist Soviet Republic is a red (scarlet) color cloth in ratio 2:1 with a gold sickle and hammer with the radius of 1/6 of

the flag width in the upper hoist; above them a gold moon, with its endings turned to the left and a red five-pointed star, framed with a gold fringe. The diameter of the crescent is equal to 1/10 of the flag width; there is an inscription in old and new Turkic alphabets on the right of the sickle and hammer”.

There is no article about State Hymn in the Constitution of 1927.

Constitution of 1937

The new Constitution of Azerbaijan SSR was passed in 1937. In contrast to former constitutions, new chapters, such as “social system”, “fundamental rights and duties of citizens”, “organs of supreme government of Nakhichevan ASSR”, “organs of state power of NKR”, “court and public prosecutor’s office” were introduced into the Constitution of 1937



The new Constitution contained 14 chapters and 155 articles.

The I chapter of the Constitution was devoted to the social system of Azerbaijan SSR, the II — to the governmental system, the III — to the organs of supreme state power of Azerbaijan, the IV chapter — to the organs of governmental administration, the V chapter — to the organs of supreme state power of Nakhichevan ASSR, the VI - to the organs of governmental administration of



Nakhichevan ASSR, the VII – to the organs of state power of NKAR, the VIII – to the local organs of state power, the IX – to the budget of Azerbaijan, the X – to the court and office of public prosecutor, the XI - fundamental rights and duties of citizens, the XII – to the electoral system, the XIII – to the governmental symbols – language, emblem, flag, capital and finally the XIV to the order of constitutional amendments.

In the chapter 151 of the Constitution there was a description of State Emblem. The State Flag of Azerbaijan had been described in the chapter 152: *The State Flag of the Azerbaijan Soviet Socialist Republic is a color cloth of two horizontally placed colored stripes; the upper one is red, accounting for three-quarters of the flag width and the lower one is dark blue, accounting for one-quarter of the flag width, with the images of a gold sickle and hammer and a five-pointed red star, framed with gold fringe above, in the upper hoist (the upper left corner by the flagstaff) of the red strip. The ratio of the width to the length is 1:2.*

In the Constitution of 1937 there was no chapter about State Hymn.

On September 17 in 1937 the X Extraordinary congress of Soviets of Nakhichevan ASSR passed a new constitution of the Autonomic Republic that had been prepared on the basis of Constitution of Azerbaijan SSR and reflected fundamental principles of the Constitution.

Constitution of 1978

On April 21 of 1978 in the 7th extraordinary session of the Supreme Soviet of the Republic the fourth Constitution of Azerbaijan was passed. The new Constitution consisted of 11 parts, 22 chapters, and 185 articles.



For the first time chapters such as political system, social development and culture, activity of the foreign policy and the defense of motherland, the status of the national depute were reflected in the Constitution of Azerbaijan.

The new constitution introduced some changes into the organization and activity of the supreme state power and organs of the administration.



The X part of the Constitution of 1978 was devoted to the State symbols – the emblem, flag and hymn. The article 180 of this part described the State Emblem. The State Flag of Azerbaijan was described in the article 181. *“A red strip with a yellow hammer and sickle, and a yellow star above. Dark blue strip in base 1/4 width”.* This flag was adopted on October 7, 1952.

In accordance with the article 182 of the Constitution the State Hymn of Azerbaijan Soviet Socialist Republic was established by the Presidium of Supreme Soviet of Azerbaijan SSR. The text was written by Suleyman Rustam, Samed Vurgun and Huseyn Arif. The music by Uzeyir Hajibeyov.

Republic of Azerbaijan - Act of Constitution on State Independence of the Republic of Azerbaijan

The National Council of Azerbaijan adopted the Declaration of Independence on May 28, 1918 thus restoring the many centuries of the state system of the Azerbaijani people. The Republic of Azerbaijan which had a full state power on its territory carried out independent foreign and internal policy. The institutions peculiar to an independent state that are the parliament, government, army and financial system were established and acted in the Republic of Azerbaijan. The Republic of Azerbaijan was recognized by a number of foreign countries and established diplomatic relations with them. Yet Russia brought its troops to Azerbaijan violating the international legal norms on April 27-28 of 1920 without declaring the war, occupied the territory of the Republic of Azerbaijan, overthrew the legally elected state bodies and put an end to the independence of the Azerbaijani people gained at the cost of great sacrifice. After that Azerbaijan was again subdued to Russia like in 1806-1828. The contract on the establishment of the USSR of December 30, 1922 had to confirm the Union. Later, in fact, the policy of colonialism was carried out against the Republic of Azerbaijan within 70 years. The reserves of Azerbaijan were utilized fully; its national wealth was stolen. The Azerbaijani people were subject to the mass punishment and humiliations and its national dignity was oppressed. Despite all that the Azerbaijani people continued to struggle for their state independence. The declaration of the Supreme Council of the Republic of Azerbaijan "On the restoration of the state independence of the Republic of Azerbaijan" of August 30, 1991 was also the result of the struggle. The Supreme Council of the Republic of Azerbaijan on the basis of the Declaration of Independence of the National Council of Azerbaijan of May 28, 1918, the democratic principles of the Republic of Azerbaijan and the inheritance of traditions and adhering to the declaration of the Supreme Council of the Republic of Azerbaijan of August 30, 1991 "On the restoration of the state independence of the Republic of Azerbaijan" approved the present Constitutional Act and established the state system, the political and economic structure of the independent Republic of Azerbaijan.

1. GENERAL PRINCIPLES

Article 1. To regard the intervention of the Russia's 11th Red Army to Azerbaijan on April 27-28 of 1920, the occupation of the territory of the Republic, the overthrow of the Democratic Republic of Azerbaijan as the component of the international law the occupation of the independence of Azerbaijan by Russia.

Article 2. The Republic of Azerbaijan is the heir of the Republic of Azerbaijan that existed from May 28, 1918 till April 28, 1920.

Article 3. The section of the contract on the establishment of the USSR of December 30, 1922, devoted to Azerbaijan is not effective since signing of the said document. The issues appearing in the establishment of the multilateral relations between the sovereign countries once constituting the USSR must be settled by means of the contracts and agreements.

Article 4. The Constitution of the Republic of Azerbaijan of 1978 which does not contradict to the present Constitutional Act remains in effect. All the acts that had been effective before the restoration of the state independence of the Republic of Azerbaijan, do not contradict to the sovereignty and territorial integrity of the Republic of Azerbaijan and aiming at the change of the national state structure retain their effectiveness in the Republic of Azerbaijan. The laws of the USSR will remain unchanged until the acceptance of the due laws of the Republic of Azerbaijan; the list of such laws will be defined by the parliament of the Republic of Azerbaijan.

Article 5. Any action against the independence of the Republic of Azerbaijan is the interference into the internal affairs of the sovereign state and these actions will be responded in accordance with the international legal standards.

Article 6. The part of the state debt of the USSR that was formed as the result of the economic activity of the republic and related to the USSR property that transferred to the Republic of Azerbaijan may be considered the debt of the Republic of Azerbaijan.

Article 7. The whole movable and immovable property on the territory of the Republic of Azerbaijan is the state property of the country. The exception is the part of the USSR movable property that may pass to other establishments of the USSR by the due contracts and in accordance with the international law. Property of the USSR formed at the expense of the national incomes, natural and other reserves of Azerbaijan though out of the bounds of the Republic of Azerbaijan yet during the Azerbaijan's existence within the USSR.

2. THE AZERBAIJANI PEOPLE

Article 8. The Azerbaijani people include the citizens of the Republic of Azerbaijan living on its territory or out of its bounds and those adhering to its laws; that does not contradict to the norms defined by the international law.

Article 9. The Azerbaijani people have a right to choose the form of government, to define the relations with other people, to develop their political, economic and cultural traditions in accordance with the universal values.

Article 10. The Azerbaijani people are the source of the government in the sovereign Republic of Azerbaijan. A part of the Azerbaijani people or any person can not adopt the regulation of the country. The direct state regulation of the Azerbaijani people is carried out through the representatives elected by the direct referendum or the general, equal and direct secret voting.

Article 11. The Azerbaijani people ensure the supremacy of the law and the democratic structure of the Republic of Azerbaijan as the means of the expression of will.

3. THE AZERBAIJANI STATE

Article 12. The Azerbaijani people create the independent, secular, democratic and Unitarian state, the sovereign government of the state are restricted by the laws in the inner affairs and by the principles subsequent from the treaties and contracts agreed by the Azerbaijani people in their foreign policy. The sovereignty of the republic of Azerbaijan is applied to the entire territory of the country. The Republic of Azerbaijan does not pass the sovereign rights it applied on its territory to any other state or unions of states.

Article 13. The State power of the Republic of Azerbaijan is based on the separation of powers. The legislative power is vested in the parliament of the Republic of Azerbaijan. The high executive power is carried out by the President of the Republic of Azerbaijan. The judicial power is carried out by independent courts and high instances-by the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, and the High Arbitrage Court of the Republic of Azerbaijan.

Article 14. The territory of the Republic of Azerbaijan is integral and can not be divided into parts. The Republic of Azerbaijan does not transfer its territory to anyone and the borders of the country can be determined by the resolution of the Parliament of the Republic of Azerbaijan on the basis of the national referendum and the agreement of the Azerbaijani people. The lands of the Republic of Azerbaijan can not be sold to any other states or any legal enterprises of other countries.

Article 15. The constitution of the Republic of Azerbaijan and the laws of the Republic of Azerbaijan are effective on the territory of the Republic of Azerbaijan. The legislative power is restricted by the Constitution of the Republic of Azerbaijan, the executive and legislative powers by the Constitution of the Republic of Azerbaijan and its laws and acts. The Constitution of the republic of Azerbaijan is adopted among the entire population of the Republic by the general national voting (referendum).

Article 16. In accordance with the generally accepted international legal standards the Republic of Azerbaijan establishes relations with other states in accordance with the following principles: the sovereign equality of the states, the peaceful settlement of the issues and conflicts of territorial integrity of the state, noninterference with the internal affairs of the countries, respect for the human rights and principal liberties, the adherence to the peoples' equality and the right to determine their own fate, the cooperation of the states, and international duties.

Article 17. The Republic of Azerbaijan must do the following: 1. protect the unity of the Azerbaijani people, to create the legal rules through defining the rights and liberties subsequent from the law in accordance with the interests of a person, family, social units and other collectives and through ensuring the respect for that. 2. Improve all the types of social activity and coordinate them, ensure the interests of all citizens of the country not contradicting to the law and create equal conditions for the independent development of every person. 3. Assist the citizens of the Republic of Azerbaijan in the purchase of the residential places in the state or public housing fund and in the construction of personal flats on the said areas. 4. Work for the improvement of the state of the indigents and ensure the social protection of the people. 5. Ensure the protection of the citizens of the republic of Azerbaijan from the attempts posing the threat to their life, health personal freedom and security. 6. Control the health protection of the Azerbaijani people, assist in the environmental protection, and protect the families, mothers and children that are the basis of the country.

Article 18. The single citizenship of the republic of Azerbaijan has been defined in the country. The Republic of Azerbaijan has certain duties before the citizens of the country and the citizens of the Republic of

Azerbaijan also have definite responsibilities before the state. Nobody can be deprived of his citizenship or change of citizenship. The citizens of the Republic of Azerbaijan out of its bounds are protected by the law.

Article 19. All the citizens of the Republic of Azerbaijan are equal before the law. The Republic of Azerbaijan ensures the application of all rights and liberties stipulated by the General Declaration of Human Rights, the Final act of the Helsinki conference and other legal generally accepted documents of all citizens regardless of their nation, religion, race or sex. The rights or the liberties of the citizens of the Republic of Azerbaijan can not be restricted except for the special cases stipulated by the law.

4. ECONOMIC RELATIONS

Article 20. All the natural reserves belong to the Republic of Azerbaijan without harm to the rights on property and interests of any person or organizations.

Article 21. All the profits of the Republic of Azerbaijan form the single reserve regardless of a source and are used for the purposes stipulated by the law through fulfillment of the requirements and duties subsequent from the law.

Article 22. The property may be state, private and collective. The private and collective property is permitted and ensured by the law; the latter defines the methods of its operation and sales as well as its activity. The special and collective property may not be privatized forcedly. The property may be privatized in favor of the Republic of Azerbaijan on provision of the repayment for the damage of the private and collective property only in cases stipulated by the law. The full confiscation of the immovable and movable property is not permitted.

Article 23. Any economic activity is based on the market relations and freedom of entrepreneurship in the Republic of Azerbaijan.

Article 24. The Republic of Azerbaijan improves the cooperation and creates necessary conditions for the due development of different cooperative organizations and other associations in accordance with the legislation.

Article 25. The Republic of Azerbaijan secures all forms of labor. The workers have rights for the wage enough for their free and worthy living in accordance with the quality and volumes of their work. The forced labor is prohibited except for the cases stipulated by the law. Every disabled citizen of the country has a right for the assistance and aid of the state. The workers are free in establishing the trade unions. The workers spend the vocations in frames of the laws regulating the right for vocations.

5. POLITICAL RELATIONS

Article 26. Every citizen of the Republic of Azerbaijan coming of age has the right to vote. The voting is private, equal, free and secret. The right to vote may be restricted only for disabled people or on the basis of the court's resolution coming into effect.

Article 27. All the citizens of the Republic of Azerbaijan have a right to establish political parties and other social associations to help define the policy of the Republic of Azerbaijan in a democratic way.

Article 28. In accordance with the principles of political pluralism the political parties participate in the formation and expression of public opinion and are the major units of the political activity. Their establishment and activity are free within the framework of the Constitution and laws of the Republic of Azerbaijan.

Article 29. The defense of the Republic of Azerbaijan is the duty of the citizens of the republic of Azerbaijan. The military service is mandatory in the limits and terms stipulated by the Law.

Article 30. All the citizens of the Republic of Azerbaijan must contribute to the state expenses in accordance with their incomes. The tax system is based on the principle of progress.

Article 31. All the citizens of the Republic of Azerbaijan must be devoted to the country and adhere to its Constitution and Laws.

6. RESULTING PRINCIPLES

Article 32. The present Constitutional act is the basis for the development of a new Constitution of the Republic of Azerbaijan.

The Constitutional Act was adopted at the session of the Supreme Council of the Republic of Azerbaijan" on October 18, 1991.

The Constitution of 1995

After Azerbaijan received independence, the necessity arose to develop a new Constitution. A commission headed by former President Heydar Aliyev was established with this aim. A draft document was presented via referendum and independent Azerbaijan's first Constitution was adopted Nov. 12, 1995.

Pending the adoption of a new constitution, the fundamental document in the early 1990s was the October 18, 1991, Act of Independence, which government authorities have described as the basis for a new constitution. Meanwhile, the provisions of the 1978 constitution are valid if they do not violate or contradict the Act of Independence. The act declares that Azerbaijan is a secular, democratic, and unitary state, with equality of all citizens before the law. Freedoms enshrined in the Universal Declaration of Human Rights and other international human rights documents are upheld, and the right to form political parties is stipulated. The Act of Independence also proclaims Azerbaijan's territorial integrity and its sovereignty over all its territory. In October 1993, the Milli Majlis revised the existing constitution of 1978, anticipating its retention for the time being. Finally deleted were the document's many references to "Soviet" and "communist" institutions and philosophy.

Ever since, Azerbaijan has celebrated Nov. 12 as Constitution Day.

Independent Azerbaijan's first Constitution was the basis of the country's foundation after the fall of the Soviet Union. The document composes five sections, 12 chapters and 158 articles.

Amendments and additions to the Constitution were first made via referendum Aug. 24, 2002 and most recently March 18, 2009. In 2002, 31 additions and amendments were injected into 22 articles of the Constitution and 41 additions and amendments to 29 articles in 2009. The Referendum held on September 26, 2016 covers 39 annexes and amendments to 29 articles of the Constitution.

**The Constitution of the Republic of
Azerbaijan
(November 12, 1995)**

**Contains changes and additions,
accepted by referendum of
August 24, 2002, and March 18, 2009, September 26, 2016**

The 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 the 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.

SECTION ONE. GENERAL PROVISIONS

Chapter I. PEOPLE'S POWER

Article 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 Azerbaijan Republic and outside it who are subordinate to the Azerbaijan state and its laws which does not exclude standards of international legislation.

Article 2. Sovereignty of people

I. Sovereign right of the Azerbaijanian 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.

Article 3. The issues solved by way of nation-wide voting-referendum

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

II. The following issues may be solved only by way of referendum:

1. adoption 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

3. 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.

Article 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.

Article 5. Unity of people

I. The people of Azerbaijan are united

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

Article 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 gravest crime against the people.

Chapter II. FOUNDATIONS OF STATE

Article 7. Azerbaijanian state

I. Azerbaijanian 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 the legislative, executive and judicial power interact and are independent within the limits of their authority.

Article 8. The Head of the Azerbaijanian state

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

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

III. The President of the Republic of Azerbaijan is guarantor of independence and territorial integrity of the Azerbaijanian 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.

Article 9. Military forces

I. The Republic of Azerbaijan establishes the Armed Forces to ensure its security and protection. The Armed Forces are composed of the Azerbaijan army and other armed formations.

II. The Republic of Azerbaijan rejects a war as a mean 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.

Article 10. Principles of international relations

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

Article 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 priority objective of the state

I. The supreme objective of the State shall be to ensure rights and liberties of a person and citizen and an adequate standard of living for the citizens of Azerbaijan.

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.

Article 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.

Article 14. Natural resources

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

Article 15. Economic development and state

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

II. The Azerbaijan State creates conditions for the development of a socially oriented economy, guarantees free enterprise and prevents monopolies and unfair competition in economic relations.

Article 16. Social development and state

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

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

Article 17. Family and state

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

II. Parents must take care of their children and their education. The state controls implementation of 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 threaten their lives, health, or morality.

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

VI. The State supervises the implementation of children"s rights.

Article 18. Religion and state

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

II. The spread and propaganda of religions (religious movements) which humiliate human dignity and contradict the principles of humanity are banned.

III. State educational system is secular.

Article 19. Monetary unit

I. Monetary unit of the Republic of Azerbaijan is manat.

II. The Central Bank of the Republic of Azerbaijan is the exclusive property of the State. The Central Bank has the sole legal right to issue notes or to take them out of circulation.

III. Use of other monetary units, besides manat, on the territory of the Republic of Azerbaijan is prohibited.

Article 20. Restrictions concerning state debts

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

Article 21. Official language

I. Azerbaijanian language is official language of the Republic of Azerbaijan. Republic of Azerbaijan provides development of the Azerbaijanian language.

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

Article 22. Capital

Baku is the capital of the Republic of Azerbaijan.

Article 23. Symbols of the Azerbaijanian 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.

II. 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.

SECTION TWO. BASIC LIBERTIES, RIGHTS, AND DUTIES

Chapter III. BASIC RIGHTS AND LIBERTIES OF A PERSON AND CITIZEN

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

I. Human dignity is protected and respected.

II. Everyone, from the moment when they are born enjoy the inviolable and inalienable rights and liberties.

III. Rights and liberties envisage also responsibility and obligations of everyone to the society and other persons. Abuse of rights is not allowed.

Article 25. Right for equality

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

II. Men and women possess equal rights and liberties.

III. Everyone has equal rights and liberties irrespective of race, ethnicity, religion, sex, origin, property status, social position, convictions, political party, trade union organization and social unity affiliation. Limitations or recognition of rights and liberties because of race, ethnicity, social status, language, origin, convictions and religion are prohibited.

IV. No one may be harmed, granted advantages or privileges, or deprived from granting advantages and privileges on the basis of the abovementioned grounds.

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

VI. Persons with impaired health are entitled to all rights and carry all duties vested by this Constitution, except in cases when enjoyment of rights and performance of duties is impeded on their limited abilities.

Article 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.

Article 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, to prevent an armed attack against the country.

Article 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. Ownership right

I. Everyone has the right to own property.

II. Neither kind of property has priority. Ownership right including right for private owners is protected by law.

III. Everyone might possess movable and real property. Right of ownership envisages the right of owner to possess, use and dispose of the property himself/herself or jointly with others.

IV. Nobody shall be deprived of his/her property without decision of law court. Total confiscation of the property is not permitted. Alienation of the property for state needs is permitted only after preliminary fair reimbursement of its cost.

V. Private property shall entail social responsibility.

VI. Land ownership may be restricted by law due to social justice and for efficient use of the land.

VII. The state guarantees succession rights.

Article 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.

Article 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 for personal immunity

I. Everyone has the right for personal immunity.

II. Everyone has the right for confidentiality concerning personal and family life. Except cases envisaged by legislation interference in private life is prohibited. Everyone has a right to protection against unlawful interference with his/her private or family life.

III. Gaining, storing, use and spreading information about the person private life without his/her consent is not permitted.

IV. The state guarantees everyone the right for confidentiality with respect to correspondence, telephone communications, post, telegraph messages and information sent by other communication means. This right might be restricted, as specified by legislation, to prevent crime or to find out true facts when investigating criminal case.

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

VI. It is prohibited to enter information resources carried on the paper or in electronic form in order to obtain information on third party, except in the cases provided by law.

VII. Information technologies cannot be used for disclosing information about private life, including convictions, religion and ethnic identity except in the cases when the concerned person has openly expressed his/her consent or when the statistical data of anonymous nature are being processed without discrimination and other cases provided by law.

VIII. Scope of the personal information, as well as the condition of their processing, collection, passing, use and protection is defined by law.

Article 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.

Article 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.

Article 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.

Article 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 of the Republic of Azerbaijan have no right to go on strike.

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

IV. Except as provided by law, a lockout is prohibited.

Article 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 to live in healthy environment

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

II. Everyone has the right to gain information about true ecological situation and to get compensation for damage done to his/her health and property because of violation of ecological requirements.

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.

Article 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.

Article 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 the possibilities for various forms of medical insurance.

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

Article 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.

Article 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.

Article 44. Right for nationality

- I. Everyone has the right to keep his/her nationality.
- II. Nobody may be forced to change his/her nationality.

Article 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.

Article 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.

Article 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, social animosity or hostility or relying on any other criteria is inadmissible

Article 48. Freedom of conscience

I. Everyone enjoys the freedom of conscience.

II. Everyone has the right to define his/her attitude to religion, to profess, individually or together with others, any religion or to profess no religion, to express and spread one's beliefs concerning religion.

III. Everyone is free to carry out religious rituals, however this should not violate public order and contradict public morals.

IV. Religious beliefs and convictions do not excuse infringements of the law.

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

Article 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, provided that public order and public morals are not violated

Article 50. Freedom of information

I. Everyone is free to look for, acquire, transfer, prepare and distribute information.

II. Freedom of mass media is guaranteed. State censorship in mass media, including press is prohibited.

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

Article 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.

Article 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.

Article 53. Guarantee of right for citizenship

I. Citizen of the Republic of Azerbaijan may not be deprived of citizenship of the Republic of Azerbaijan(except for statutory cases of its loss).

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

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

Article 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.

Article 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.

Article 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 are limited in their right to be elected.

Article 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. Military servants can use this right only on an individual basis. 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.

Article 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 join any union or remain its member.

IV. Activity of unions which intend forcible overthrow of legal state power on the whole territory of the Republic of Azerbaijan or in any part thereof and other objectives which are considered a crime, or the usage of criminal methods are prohibited. Activity of unions which violates the Constitution and laws might be stopped by decision of law court.

Article 59. Right for business activity

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

II. The state only regulates the protection of state interests, human life and health in business activity.

Article 60. Guarantee of rights and liberties by law court

I. Everyone is guaranteed the protection of his/her rights and liberties in the administrative manner and in court.

II. Everyone has the right to an unbiased approach to their work and consideration of the case within a reasonable time in the administrative proceedings and litigation.

III. Everyone has the right to being heard in administrative proceedings and litigation.

IV. Everyone may appeal to court in the administrative manner against the actions and inaction of public authorities, political parties, legal entities, municipalities and their officials.

Article 61. Right for legal advice

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

II. In specific cases envisaged by legislation the 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.

Article 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.

Article 63. Presumption of innocence

I. Everyone is entitled for presumption of innocence. Everyone who is accused of crime shall be considered innocent until his/her 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 found guilty in committing a crime without the verdict of law court.

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

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

Article 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.

Article 66. Inadmissibility of testifying against relations

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

Article 67. Rights of detained, arrested, accused in crime

I. Every person, detained, arrested, accused in crime should be immediately advised by competent state bodies about his/her rights, reasons of his/her arrest and institution of criminal proceeding against him/her.

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

Article 68. The right to protection against arbitrariness and being treated with dignity

I. Everyone has the right to being treated by public bodies with dignity that rules out arbitrariness.

II. 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.

III. 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.

IV. The government, together with civil servants, shall bear civil liability for damage caused to human rights and liberties as a result of unlawful actions and inaction of public servants, and the violation of their guarantees.

Article 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 fulfil 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.

Article 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. Ensuring the rights and liberties of a human being and citizen

I. To observe and to protect the rights and liberties of a human being and citizen specified in the Constitution-is responsibility of bodies of legislative, executive and legal power.

II. No one may restrict implementation of rights and liberties of a human being and citizen. Everyone's rights and liberties are subject to the restrictions provided for in the Constitution and the laws as well as to the limits resulting from the rights and liberties of others. Restriction of rights and liberties should be proportional to the result expected by the state.

III. Rights and liberties of a human being and citizen may be partially and temporarily restricted on announcement of war, martial law and state of emergency, and also mobilization, taking into consideration international obligations of the Republic of Azerbaijan. Population of the Republic shall be notified in advance about restrictions as regards their rights and liberties.

IV. Nobody, in no circumstances may be forced to promulgate his/her religious and other beliefs, thoughts and to be persecuted for such.

V. None of the provisions of Constitution may be interpreted as regulation directed to prohibition of rights and liberties of a human being and citizen.

VI. Rights and liberties of a human being and citizen act on the territory of the Republic of Azerbaijan by themselves.

VII. Any arguments related to violation of rights and liberties of a human being and citizen are settled in law courts.

VIII. No one will be responsible for acts which were not considered criminal at the moment of their implementation. If after the crime new law was introduced envisaging no responsibility or mitigation of responsibility, said new law shall apply.

IX. Everyone is free to do anything which is not prohibited by law and no one may be forced to do anything which is not prescribed by law.

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

Chapter IV. BASIC RESPONSIBILITIES OF CITIZENS

Article 72. The basis for responsibilities of citizens

I. Everyone has obligations to the state and society directly resulting from his/her rights and liberties. Duties may be established for anyone only by this Constitution or by law.

II. Everyone must follow provisions of the Constitution and Laws of the Republic of Azerbaijan, respect rights and liberties of other persons, fulfil other obligations envisaged by the law.

III. Not knowing the law does not release from responsibility.

Article 73. Taxes and other state duties

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

II. 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.

Article 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 fulfilment 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 for state symbols

I. Every citizen must respect state symbols of the Republic of Azerbaijan - its banner, state emblem and hymn.

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

Article 76. Defence of motherland

I. Defence of Motherland is duty of any citizen. Citizens of the Republic 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 by an alternative one service instead of regular army service is permitted.

Article 77. Protection of historical and cultural memorials

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

Article 78. Protection of environment

Every citizen is responsible for protection of environment.

Article 79. Inadmissibility of fulfilment of obligations contradicting the legislation

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

Article 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 fulfil responsibilities specified in the present Constitution and laws of the Republic of Azerbaijan are persecuted.

SECTION THREE: STATE POWER

Chapter V. LEGISLATIVE POWER

Article 81. Implementation of legislative power

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

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

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

Article 83. Procedure of elections of deputies of Milli Majlis of the Republic 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.

Article 84. Term of authority of a calling of Milli Majlis of the Republic of Azerbaijan

I. Term of authority of each calling of Milli Majlis of the Republic of Azerbaijan is 5 years. In case the conduct of elections to the Milli Majlis of the Republic of Azerbaijan cannot 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 taken by the Constitutional Court of the Republic of Azerbaijan upon application of the state body organizing elections (referendum).

II. Elections for each calling of Milli Majlis of the Republic of Azerbaijan take place every 5 years on a first Sunday of November.

III. Term of authority of deputies of Milli Majlis of the Republic of Azerbaijan is restricted by term of authority of respective calling of Milli Majlis of the Republic of Azerbaijan.

IV. If new elections of deputies to replace retired deputies of Milli Majlis of the Republic of Azerbaijan are carried out, then term of authority of newly elected deputy corresponds to remaining term of authority of respective retired deputy.

Article 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 enabled with the right to participation in election may be elected the deputy of Milli Majlis of the Republic of Azerbaijan via 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.

Article 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.

Article 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 MilliMajlis of the Republic of Azerbaijan shall not be held if less than 120 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 Milli Majlis of the Republic of Azerbaijan

I. Every year, Milli Majlis of the Republic of Azerbaijan holds two regular, spring and autumn, sessions. The first session of Milli Majlis of the Republic of Azerbaijan is called no later than one week from the day of confirmation of the authority of 83 deputies of Milli Majlis of the Republic of Azerbaijan.

If after the confirmation of the authority of 83 deputies of Milli Majlis of the Republic of Azerbaijan is not confirmed by the 10th of March, then the Constitutional Court of the Republic of Azerbaijan determines the time of the first session of Milli Majlis of the Republic of Azerbaijan.

II. Extraordinary sessions of Milli Majlis of the Republic of Azerbaijan will be summoned by the Chairman of Milli Majlis of the Republic of Azerbaijan at request of the President of the Republic of Azerbaijan or 42 deputies of Milli Majlis of the Republic of Azerbaijan.

III. Agenda of extraordinary session will be prepared by those who summoned said session. After the questions of agenda have been discussed extraordinary session ends.

IV. The assemblies of the sessions of the Milli Majlis of the Republic of Azerbaijan shall be 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.

Article 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 loses 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;

6. in case this violates the requirement of Part III of Article 93 of this Constitution;

7. in flagrant violation of statutory rules of ethical conduct for deputies.

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

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

Article 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/her 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/her by law court, he/she 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 Prosecutor 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 resolution of Milli Majlis of the Republic of Azerbaijan based on application of General Prosecutor of the Republic of Azerbaijan.

Article 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.

Article 92. Organization of work of Milli Majlis of the Republic of Azerbaijan

Milli Majlis of the Republic of Azerbaijan determines the procedure of its activity, elects its chairman and his/her deputies, organizes permanent committees and other commissions, establishes the Counting Chamber.

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

I. Milli Majlis of the Republic of Azerbaijan adopts the Constitutional laws, law and resolutions regarding the issues falling within its competence.

II. Constitutional laws, laws and resolutions are taken in Milli Majlis of the Republic of Azerbaijan via the 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 resolutions of Milli Majlis of the Republic of Azerbaijan.

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

I. Milli Majlis of the Republic of Azerbaijan establishes the 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; prosecutor'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 issues specified in paragraphs 2, 3, 4 of the present Article the laws are approved by majority of 83 votes, as per other issues-by majority of 63 votes.

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

Article 95. Competence of Milli Majlis of the Republic of Azerbaijan

I. The following issues fall under the competence of Milli Majlis of the Republic of Azerbaijan:

1. organization of work of Milli Majlis of the Republic of Azerbaijan;
2. based on recommendation by the President of the Republic of Azerbaijan establishment of diplomatic representations of the Republic of Azerbaijan;
3. administrative-territorial division;
4. ratification and denunciation of international agreements and intergovernmental agreements containing rules contrary to the laws of the Republic of Azerbaijan;
5. based on recommendation by the President of the Republic of Azerbaijan approval of state budget of the Republic of Azerbaijan and control over its execution;
6. the election of a Commissioner for human rights of the Republic of Azerbaijan upon presentation by the President of the Republic of Azerbaijan;
7. based on recommendation by the President of the Republic of Azerbaijan approval of military doctrine of the Republic of Azerbaijan;
8. in cases specified in the present Constitution approval of decrees of the President of the Republic of Azerbaijan;
9. based on recommendation by the President of the Republic of Azerbaijan giving consent for appointment of Prime-minister of the Republic of Azerbaijan;
10. based on recommendation by the President of the Republic of Azerbaijan appointment of judges of Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan and the Courts of Appeal of the Republic of Azerbaijan;

11. based on recommendation by the President of the Republic of Azerbaijan giving consent for appointment and dismissal of General Prosecutor of the Republic of Azerbaijan;

12. dismissal of the President of the Republic of Azerbaijan by way of impeachment based on recommendation of Constitutional Court of the Republic of Azerbaijan;

13. removal of judges from held positions on the proposal of the President of the Republic of Azerbaijan;

14. taking decision regarding a vote of confidence in the Cabinet of Ministers of the Republic of Azerbaijan;

15. based on recommendation by the President of the Republic of Azerbaijan appointment and dismissal of members of Administration Board of National Bank of the Republic of Azerbaijan;

16. based on recommendation by the President of the Republic of Azerbaijan giving consent for enlistment of Military Forces of the Republic of Azerbaijan to operations other than their normal duties;

17. based on request of the President of the Republic of Azerbaijan giving consent for announcement of war and conclusion of peace treaty;

18. announcement of referendum;

19. amnesty; and

20. hearing of the municipality reports.

II. As per issues specified in paragraphs 1-5 of the present Article the laws are adopted by majority of 63 votes, as per other issues the resolutions are adopted via the same procedure if not specified otherwise by the present Constitution.

III. Resolutions shall also be adopted with respect to other issues, which, according to the present Constitution, fall within the competence of the Milli Majlis of the Republic of Azerbaijan, the issues connected with the organization of the activity of the Milli Majlis of the Republic of Azerbaijan, as well as the issues on which the opinion of the Milli Majlis of the Republic of Azerbaijan is required.

IV. The first part of the present Article may be supplemented with the Constitutional law.

Article 96. Right of legislative initiative

I. Right of legislative initiative in Milli Majlis of the Republic of Azerbaijan (right to submit for consideration by Milli Majlis of the Republic of Azerbaijan drafts of laws and other questions) belongs to deputies of Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, forty thousand citizens of the Republic of Azerbaijan enjoying suffrage, the Prosecutor's Office of the Republic of Azerbaijan and the Ali Majlis of the Nakhichevan Autonomous Republic.

II. Drafts of laws or resolutions submitted to the discussion of the Milli Majlis of the Republic of Azerbaijan by way of legislative initiative by the President of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, forty thousand citizens of the Republic of Azerbaijan enjoying suffrage, the Prosecutor's Office of the Republic of Azerbaijan and the Ali Majlis of the Nakhichevan Autonomous Republic are submitted to the Milli Majlis of the Republic of Azerbaijan for discussion and put to the vote in the form in which they have been presented.

III. Amendments in such drafts of laws or resolutions are introduced by consent of the body which used the right of legislative initiative.

IV. Drafts of laws or resolutions submitted for consideration by Milli Majlis of the Republic of Azerbaijan by the President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, forty thousand citizens of the Republic of Azerbaijan enjoying suffrage, the Prosecutor's Office of Republic of Azerbaijan or Ali Majlis of Nakhichevan Autonomous Republic, as legislative initiative, are put to the vote in Milli Majlis of the Republic of Azerbaijan within two months.

V. If the adoption of a draft of law or resolution has been declared a matter of urgency by the President of the Republic of Azerbaijan, the Supreme Court of the Republic, the Prosecutor's Office of the Republic of Azerbaijan or the Ali Majlis of the Nakhichevan 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 of laws and resolutions shall be substantiated and the purposes for their adoption shall be indicated.

Article 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 adoption.

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 adoption.

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

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

Article 98.1. The dissolution of the Milli Majlis of the Republic of Azerbaijan

I. The President of the Republic of Azerbaijan is empowered to dissolve the Milli Majlis if the same convocation of the Milli Majlis of the Republic of Azerbaijan expresses twice during the year no-confidence to the Cabinet of Ministers of the Republic of Azerbaijan or if the Milli Majlis of the Republic of Azerbaijan fails to appoint during the statutory period the candidates nominated for the membership of the Constitutional Court, the Supreme Court and the Board of the Central Bank of Azerbaijan upon a double submission of the President of Azerbaijan, as well as if the Milli Majlis of the Republic of Azerbaijan fails to fulfill its obligations specified in Articles 94, 95 and 97, as well as in Parts II, III, IV and V of Article 96 due to unavoidable reasons.

II. The term of office of the Milli Majlis of the Republic of Azerbaijan elected via extraordinary elections of Milli Majlis's convocation may be less than five years. In such case the regular elections to the Milli Majlis of the Republic of Azerbaijan shall be held on the first Sunday of November of the fifth year of a term of office of the Milli Majlis of the Republic of Azerbaijan elected on extraordinary elections of Milli Majlis's convocation.

Chapter VI. EXECUTIVE POWER

Article 99. Belonging of executive power

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

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

Citizen of the Republic of Azerbaijan, 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.

Article 101. Procedure of elections of the President of the Republic of Azerbaijan

I. The President of the Republic of Azerbaijan is elected for a 7-year term by way of general, direct and equal elections, with free, personal and secret ballot. The President of the Republic of Azerbaijan is empowered to declare extraordinary presidential elections.

II. The President of the Republic of Azerbaijan is elected by a majority of half of the votes.

III. If required majority has not achieved in the first round of voting, then second round will be held on second Sunday after the first round. Only two candidates who gained more votes than others in the first round, or two candidates following closely the first ones, should they recall their candidatures, will take part in the second round of elections.

IV. The candidate having collected majority of votes in the second round of elections is considered elected the 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. Procedure of implementation of the present Article is specified in legislation.

Article 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.

Article 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/her official powers from the day when he/she took his/her oath.

Article 103.1. Vice-presidents of the Republic of Azerbaijan

I. The First Vice-President and Vice-Presidents of the Republic of Azerbaijan are appointed and dismissed by the President of the Republic of Azerbaijan.

II. A citizen of the Azerbaijani Republic, having voting right and university decree and having no obligations in other states can be appointed to the post of Vice-President of the Republic of Azerbaijan.

Article 104. Inability of the President of the Republic of Azerbaijan to carry out his/her powers

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

II. When the President of the Republic of Azerbaijan is going to resign, his/her 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/her resignation adopts the decision to accept such resignation. From that moment the President is considered having left his/her post due to resignation.

III. Having received notifications about complete inability of the President of the Republic of Azerbaijan to fulfil his/her 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. The Constitutional Court of the Republic of Azerbaijan makes a decision on this matter by a majority of six votes. Should the Constitutional Court of the Republic of Azerbaijan confirm this fact the issue is settled.

Article 105. Implementation of powers of the President of the Republic of Azerbaijan on his/her resignation

I. Whenever the President of the Republic of Azerbaijan resigns from his/her post ahead of time, extraordinary elections of the President of the Republic of Azerbaijan are held within 60 days. In such case, until new President of the Republic of Azerbaijan is elected, the First Vice-President of the Republic of Azerbaijan will carry out powers of the President of the Republic of Azerbaijan.

II. If during this term the First Vice-President acting as President of the Republic of Azerbaijan resigns or completely loses the ability to fulfill his/her official duties due to poor health, the Vice-President of the Republic of Azerbaijan receives the status of First Vice-President in a specified sequence and shall carry out the powers of the President.

III. Due to the reasons specified in Part II of this article, in case that First Vice-President is unable to carry out the powers of the President of the Republic of Azerbaijan, the powers of the President of the Republic of Azerbaijan shall be carried out by Prime-Minister of the Republic of Azerbaijan.

IV. Due to the reasons specified in Part II of this article, in case that Prime Minister is not able to carry out the powers of the President of the Republic of Azerbaijan, the powers of the President of the Republic of Azerbaijan shall be carried out by Speaker of the Milli Majlis of the Republic of Azerbaijan. If the Speaker of the Milli Majlis of the Republic of Azerbaijan is unable to fulfill the powers of the President of the Republic of Azerbaijan due to aforementioned reasons, the Milli Majlis of the Republic of Azerbaijan passed a resolution about the fulfillment of the powers of the President of the Republic of Azerbaijan by other official.

Article 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.

Article 106.1. Immunity of the Vice-President of the Republic of Azerbaijan

I. The Vice-President of the Republic of Azerbaijan enjoys immunity during the whole term of his/her powers.

II. The Vice-President of the Republic of Azerbaijan may not be arrested, brought to criminal responsibility except cases when he/she has been caught red-handed, disciplinary measures may not be applied to him/her by court, he/she may not be searched.

III. The Vice-President of the Republic of Azerbaijan may be arrested if he/she has been caught red-handed. In such case body detained the vice-president must immediately notify Prosecutor-General of the Azerbaijan Republic about the fact.

IV. Immunity of the Vice-President of the Republic of Azerbaijan might be stopped only by the President of the Azerbaijan Republic, based on application of Prosecutor-General of the Republic of Azerbaijan.

Article 107. Dismissal of the President of the Republic of Azerbaijan from his/her 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/her post by resolution of Milli Majlis of the Republic of Azerbaijan taken by majority of 95 votes of deputies. This resolution 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 resolution within one week it shall not come into force.

III. Resolution about dismissal of the President of the Republic of Azerbaijan from his/her post must be adopted 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 resolution is not taken within said term, then accusation against the President of the Republic of Azerbaijan is considered rejected.

Article 108. Provisions for the President of the Republic of Azerbaijan

I. The President of the Republic of Azerbaijan and his/her family are provided for by the state. Security of the President of the Republic of Azerbaijan and his/her family is ensured by special security teams

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 108.1. Provisions of the First Vice-President of the Republic of Azerbaijan

The Vice-President of the Republic of Azerbaijan and his/her family are provided for by the state. Security of the Vice-President of the Republic of Azerbaijan and his/her family is ensured by special security services.

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

The President of the Republic of Azerbaijan:

1. announces elections to Milli Majlis of the Republic of Azerbaijan;

2. submits for approval by Milli Majlis of the Republic of Azerbaijan state budget of the Republic of Azerbaijan;
3. approves state economic and social programs;
4. by consent of Milli Majlis of the Republic of Azerbaijan appoints Prime-minister of the Republic of Azerbaijan, dismisses Prime-minister of the Republic of Azerbaijan;
5. appoints and dismisses members of Cabinet of Ministers of the Republic of Azerbaijan; whenever necessary takes chair at the meetings of Cabinet of Ministers of the Republic of Azerbaijan;
6. takes a decision about resignation of Cabinet of Ministers of the Republic of Azerbaijan;
7. establishes central and local executive power bodies within the limits of sums allotted in state budget of the Republic of Azerbaijan;
8. cancels the resolutions and orders of Cabinet of Ministers of the Republic of Azerbaijan and Cabinet of Ministers of Nakhichevan Autonomous Republic, acts of central and local executive power bodies;
9. submits proposals to Milli Majlis of the Republic of Azerbaijan about appointment of judges of Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan and the Courts of Appeal of the Republic of Azerbaijan; appoints judges of other courts of the Republic of Azerbaijan; by consent of Milli Majlis of the Republic of Azerbaijan appoints and dismisses General prosecutor of the Republic of Azerbaijan;
10. presents proposals to the Milli Majlis of the Republic of Azerbaijan concerning the appointment and dismissal of the members of the Board of Directors of the Central Bank of the Republic of Azerbaijan and 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 to Milli Majlis of the Republic of Azerbaijan for approval military doctrine of the Republic of Azerbaijan;
12. appoints and dismisses officers of higher rank to Military Forces of the Republic of Azerbaijan;
13. forms the executive office administration of the President of the Republic of Azerbaijan, appoints its head;
14. makes recommendation to the Milli Majlis of the Republic of Azerbaijan for the election of the Commissioner for human rights.
15. submits recommendations to Milli Majlis of the Republic of Azerbaijan about establishment of diplomatic representations of the Republic of Azerbaijan in foreign countries and under international organizations, appoints and dismisses diplomatic representatives of the Republic of Azerbaijan in foreign countries and in international organizations;
16. receives credential papers and letters of recall from diplomatic representatives of foreign countries;
17. concludes international treaties and intergovernmental agreements, submits 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 ratification or denunciation, and signs decrees on the ratification of international treaties and agreements;
18. announces referendum;
19. signs and issues the laws;

20. settles questions concerning citizenship;
21. settles questions concerning granting political refuge;
22. grants pardon;
23. gives state awards;
24. assigns higher military and higher special ranks;
25. announces total or partial mobilization and also demobilization;
26. takes decision about calling up citizens of the Republic of Azerbaijan to urgent military service and transfer to the reserve of soldiers of urgent military service;
27. forms Security Council of the Republic of Azerbaijan;
28. submits recommendation to Milli Majlis of the Republic of Azerbaijan about consent for use of Military Forces of the Republic of Azerbaijan in implementation of duties other than their normal duties;
29. announces state of emergency and martial law;
30. on consent of Milli Majlis of the Republic of Azerbaijan announces a war and concludes peace agreements;
31. forms special security bodies within the limits of sums allotted from state budget of the Republic of Azerbaijan;
32. settles other questions which under the present Constitution do not pertain to the competence of Milli Majlis of the Republic of Azerbaijan and law courts of the Republic of Azerbaijan;

Article 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/she may return it to Milli Majlis of the Republic of Azerbaijan within specified term without signing, together with his/her 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.

Article 110.1. Delegation of authority to sign international interstate and intergovernmental agreements

The President of the Republic of Azerbaijan can delegate the authority to the Vice-President, Members of the Cabinet of Ministers of the Republic of Azerbaijan and other officials, appointed by the President of the Republic of Azerbaijan to sign international interstate and intergovernmental agreements.

Article 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.

Article 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.

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

I. The President of the Republic of Azerbaijan establishes the general rules by way of decree and issues the orders to determine other matters.

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.

Article 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 forms the 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.

Article 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/her deputies, ministers and heads of other central bodies of executive power.

Article 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/her rights and begins carrying out his/her powers Cabinet of Ministers of the Republic of Azerbaijan resigns.

Article 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.

Article 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/her 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 adopts a resolution 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.

Article 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.

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

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

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

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

A citizen of the Republic of Azerbaijan, having voting right, with university degree, having no liabilities in other states can be appointed to be Prime-Minister of the Republic of Azerbaijan, Deputy Prime-Minister, Minister, head of other central body of executive power.

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

Prime-minister of the Republic of Azerbaijan, his/her 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.

Article 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/her powers.

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

III. Prime-minister of the Republic of Azerbaijan may be arrested if he/she 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 Prosecutor 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 Prosecutor of the Republic of Azerbaijan.

Article 124. Local bodies of executive power

I. Heads of executive power bodies carry out executive power locally.

II. 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 in Azerbaijan is implemented by law courts.

II. Judicial power is implemented through the Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, Courts of Appeal of the Republic of Azerbaijan, ordinary and specialized law courts of the Republic of Azerbaijan.

III. Judicial power is implemented by way of constitutional, civil and criminal legal proceedings and other forms of legislation provided for by law.

IV. In the criminal legal proceedings, Prosecutor"s Office of the Republic of Azerbaijan and lawyers take part.

V. Judicial system and legal proceedings in the Republic of Azerbaijan are determined by law.

VI. Use of legal means aimed to change of authority of law courts and establishment of extraordinary law courts which are not envisaged by the law are prohibited.

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

Article 126. Requirements to candidates to judges posts

I. Judges shall be citizens of the Republic of Azerbaijan, 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.

Article 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.

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.

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

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

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

IX. Justice is based on presumption of innocence.

X. 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.

Article 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/her request.

V. Resolution 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; resolution about dismissal of other judges is taken by Milli Majlis of the Republic of Azerbaijan with majority of 63 votes.

Article 129. Decisions of law courts and their implementation

I. Law courts take decisions on behalf of the state; implementation of these decisions is obligatory.

II. Failure to execute a court decision shall entail 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. Constitutional Court of the Republic of Azerbaijan consists of 9 judges.

II. Judges of Constitutional Court of the Republic of Azerbaijan are appointed by Milli Majlis of the Republic of Azerbaijan on recommendation by the President of the Republic of Azerbaijan.

III. Constitutional Court of the Republic of Azerbaijan based on inquiry of the President of the Republic of Azerbaijan, Milli Majlis of the Republic of Azerbaijan, Cabinet of Ministers of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, Prosecutor's Office of the Republic of Azerbaijan, Ali Majlis of Nakhichevan Autonomous Republic takes decisions regarding the following:

1. correspondence of laws of the Republic of Azerbaijan, decrees and orders of the President of the Republic of Azerbaijan, resolutions of Milli Majlis of the Republic of Azerbaijan, resolutions and orders of Cabinet of Ministers of the Republic of Azerbaijan, normative-legal acts of central bodies of executive power to Constitution of the Republic of Azerbaijan;

2. correspondence of decrees of the President of the Republic of Azerbaijan, resolutions of Cabinet of Ministers of the Republic of Azerbaijan, normative-legal acts of central bodies of executive power to the laws of the Republic of Azerbaijan;

3. correspondence of resolutions of Cabinet of Ministers of the Republic of Azerbaijan and normative-legal acts of central bodies of executive power to decrees of the President of the Republic of Azerbaijan;

4. in cases envisaged by law, correspondence of decisions of Supreme Court of the Republic of Azerbaijan to Constitution and laws of the Republic of Azerbaijan;

5. correspondence of acts of municipalities to Constitution of the Republic of Azerbaijan, laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan, resolutions of Cabinet of Ministers of the Republic of Azerbaijan (in Nakhichevan Autonomous Republic - also to Constitution and laws of Nakhichevan Autonomous Republic and resolutions of Cabinet of Ministers of Nakhichevan Autonomous Republic);

6. correspondence of interstate agreements of the Republic of Azerbaijan, which have not yet become valid, to Constitution of the Republic of Azerbaijan; correspondence of intergovernmental agreements of the Republic of Azerbaijan to Constitution and laws of the Republic of Azerbaijan;

7. correspondence of Constitution and laws of Nakhichevan Autonomous Republic, resolutions of Ali Majlis of Nakhichevan Autonomous Republic, resolutions of Cabinet of Ministers of Nakhichevan Autonomous Republic to Constitution of the Republic of Azerbaijan; correspondence of laws of Nakhichevan Autonomous Republic, resolutions of Cabinet of Ministers of Nakhichevan Autonomous Republic to laws of the Republic of Azerbaijan; correspondence of resolutions of Cabinet of Ministers of Nakhichevan Autonomous Republic to decrees of the President of the Republic of Azerbaijan and decrees of Cabinet of Ministers of the Republic of Azerbaijan;

8. settlement of disputes connected with division of authority between legislative, executive and judicial powers.

IV. Constitutional Court of the Republic of Azerbaijan gives interpretation of the Constitution and laws of the Republic of Azerbaijan based on inquiries of the President of the Republic of Azerbaijan, Milli Majlis of the Republic of Azerbaijan, Cabinet of Ministers of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, Prosecutor's Office of the Republic of Azerbaijan and Ali Majlis of Nakhichevan Autonomous Republic.

V. Everyone who claims to be the victim of a violation of his/her rights or liberties by a decision of the legislative, executive and judiciary or by one of the municipal acts set forth in the items 1-7 of section III of this Article may appeal, in accordance with the procedure provided for by law, to the Constitutional Court of the Republic of Azerbaijan with the view of the restoration of his/her violated human rights and liberties.

VI. In accordance with the procedure provided by the laws of the Republic of Azerbaijan, courts may apply to the Constitutional Court of the Republic of Azerbaijan for an interpretation of the Constitution and the laws of the Republic of Azerbaijan with regard to issues arising out of the implementation of rights and liberties of a person and citizen.

VII. The Commissioner for human rights of the Republic of Azerbaijan shall apply to the Constitutional Court of the Republic of Azerbaijan in cases where the rights and liberties of a person have allegedly been violated by legislative acts in force, normative acts of the executive or of municipalities, or court decisions in accordance with the procedure provided for by the laws of the Republic of Azerbaijan on the adjudication of the cases and applications listed in items 1-7 in section III of the present Article.

VIII. Constitutional Court of the Republic of Azerbaijan exercises also other authorities envisaged in the present Constitution.

IX. Constitutional Court of the Republic of Azerbaijan takes decisions as regards the questions of its competence. Decisions of Constitutional Court of the Republic of Azerbaijan are obligatory all over 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, individual provisions of these documents, intergovernmental agreements of the Republic of Azerbaijan cease to be valid in term specified in the decision of Constitutional Court of the Republic of Azerbaijan, and interstate agreements of the Republic of Azerbaijan do not come into force.

Article 131. Supreme Court of the Republic of Azerbaijan

I. Supreme Court of the Republic of Azerbaijan is the highest judicial body on civil, criminal, administrative and other cases directed to general and specialized law courts; it administers justice by cassation procedure; it, via the cassation procedure, shall administer the justice; gives explanations as per practices in activity of law courts in an order envisaged by legislation;

II. Judges of Supreme Court of the Republic of Azerbaijan are appointed by Milli Majlis of the Republic of Azerbaijan on recommendation of the President of the Republic of Azerbaijan

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

Article 132. Courts of Appeal of Republic of Azerbaijan

I. The Courts of Appeal of the Republic of Azerbaijan are the courts of last instance in matters assigned to them by law.

II. Judges of the Courts of Appeal are appointed by the Milli Majlis of the Republic of Azerbaijan on the recommendation of the President of the Republic of Azerbaijan.

Article 133. Prosecutor's Office of the Republic of Azerbaijan

I. Via procedure and in cases specified by legislation, Prosecutor's Office of the Republic of Azerbaijan exercises control over fulfilment 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. Prosecutor's Office of the Republic of Azerbaijan is an integral centralized body based on subordination of territorial and specialized prosecutors to General Prosecutor of the Republic of Azerbaijan.

III. General Prosecutor of the Republic of Azerbaijan is appointed to his/her 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 Prosecutor of the Republic of Azerbaijan, prosecutors supervising specialized republican prosecutor's offices, prosecutor of Nakhichevan Autonomous Republic are appointed to their posts and dismissed from their posts by the President of the Republic of Azerbaijan on recommendation of General Prosecutor of the Republic of Azerbaijan.

V. Territorial and specialized prosecutors are appointed to their posts and dismissed by General Prosecutor of the Republic of Azerbaijan on agreement with the President of the Republic of Azerbaijan.

Chapter VIII. NAKHICHEVAN AUTONOMOUS REPUBLIC

Article 134. Status of Nakhichevan Autonomous Republic

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

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

III. Nakhichevan 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 resolutions of Cabinet of Ministers of the Republic of Azerbaijan are obligatory on the territory of Nakhichevan Autonomous Republic.

V. Constitution and laws of Nakhichevan Autonomous Republic adopted by Ali Majlis of Nakhichevan Autonomous Republic shall not contradict respectively to Constitution and laws of the Republic of Azerbaijan; resolutions adopted by Cabinet of Ministers of Nakhichevan Autonomous Republic-to Constitution and laws of

the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan and resolutions 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 be approved by the Constitutional Law.

VI. The Constitution of the Nakhichevan Autonomous Republic shall be presented to the Milli Majlis of the Republic of Azerbaijan by the President of the Republic of Azerbaijan and is confirmed by a Constitutional Law.

Article 135. Division of powers in Nakhichevan Autonomous Republic

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

II. Ali Majlis of Nakhichevan Autonomous Republic independently settles questions which according to Constitution and laws of the Republic of Azerbaijan fall under its competence; Cabinet of Ministers of Nakhichevan Autonomous Republic independently settles the issues 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 Nakhichevan Autonomous Republic independently settle the issues which according to Constitution and laws of the Republic of Azerbaijan fall under their competence.

Article 136. The highest official of Nakhichevan Autonomous Republic

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

Article 137. Ali Majlis of Nakhichevan Autonomous Republic

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

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

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

Article 138. Competence of Ali Majlis of Nakhichevan Autonomous Republic

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

1. elections to Ali Majlis of Nakhichevan Autonomous Republic;
2. taxes;
3. routes of economic development of Nakhichevan Autonomous Republic;
4. social maintenance;

5. protection of environment;
6. tourism;
7. protection of health, science, culture.

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

Article 139. Issues solved by Ali Majlis of Nakhichevan Autonomous Republic

I. Ali Majlis of Nakhichevan Autonomous Republic adopts the resolutions concerning the following issues:

1. organisation of work in Ali Majlis of Nakhichevan Autonomous Republic;
2. approval of the budget of Nakhichevan Autonomous Republic;
3. approval of economic and social programs of Nakhichevan Autonomous Republic;
4. appointment and dismissal of Prime-minister of Nakhichevan Autonomous Republic;
5. approval of composition of Cabinet of Ministers of Nakhichevan Autonomous Republic;
6. resolutions concerning vote of confidence in Cabinet of Ministers of Nakhichevan Autonomous Republic.

II. Ali Majlis of Nakhichevan Autonomous Republic adopts the resolutions concerning the issues specified in the present Article.

Article 140. Cabinet of Ministers of Nakhichevan Autonomous Republic

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

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

III. Cabinet of Ministers of Nakhichevan Autonomous Republic:

- prepares draft of budget of Autonomous Republic and presents it for approval by Ali Majlis of Nakhichevan 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 issues delegated to it by the President of the Republic of Azerbaijan.

IV. Cabinet of Ministers of Nakhichevan Autonomous Republic adopts the resolutions and orders.

Article 141. Local executive power in Nakhichevan Autonomous Republic

In Nakhichevan 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 Nakhichevan Autonomous Republic.

SECTION FOUR: LOCAL SELF-GOVERNMENT

Chapter IX. MUNICIPALITIES

Article 142. Organisation of local self-government

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

II. Municipalities are formed based on elections.

III. The foundation of the status of municipalities is established by the Constitution and the rules of elections to municipalities by law.

Article 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.

Article 144. Authority of municipalities

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

1. recognition of authority of municipality members, loss of their authority and termination of their authority according to legislation;

2. approval of in-house regulations of municipality;

3. elections of the chairman of municipality, his/her deputies, permanent and other commissions;

4. establishment of local taxes and duties;

5. approval of local budget and reports on its implementation;

6. possession of municipal property, use and disposal thereof;

7. adoption and implementation of local programs of social protection and social development;

8. adoption and implementation of local programs of economic development;

9. adoption 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.

Article 145. Resolutions of municipalities

I. Concerning the issues considered in the agenda of the meetings of municipality the resolutions shall be taken.

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

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

Article 146. Guarantee of inviolability of municipalities

I. Municipalities are independent to exercise their power; this does not exclude their responsibility before the citizens residing in the territory of the municipality. The regulations and procedure for the selection of the municipality members, the termination of their powers, as well as the regulation for early dissolution of municipalities shall be laid down by law.

II. The independent exercise of their powers by the municipalities may not infringe the sovereignty of the Azerbaijani state.

III. The state oversees the activities of municipalities.

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

V. Legal protection of municipalities, compensation of additional expenditures resulted from resolutions adopted by state bodies are guaranteed.

Article 146.1. Responsibility of municipalities

The municipalities and municipal servants shall bear civil responsibility for the damage caused to human rights and liberties, as well as the guarantees thereto, in the result of the activity or inactivity, which contradicts the legislation, committed by municipal servants.

SECTION FIVE. LAW AND LEGISLATION

Chapter X. LEGISLATIVE SYSTEM

Article 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.

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

I. Legislative system consists of the following normative-legal acts:

1. Constitution;
2. acts adopted by referendum;
3. laws;
4. orders;
5. resolutions of Cabinet of Ministers of the Republic of Azerbaijan;
6. 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 Nakhichevan Autonomous Republic Constitution and laws of Nakhichevan Autonomous Republic, resolutions of the Cabinet of Ministers of Nakhichevan Autonomous Republic also possess legal power.

IV. Legislative system of Nakhichevan 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 should be based on law and justice (same attitude to equal interests).

II. Use and implementation of acts taken by referendum is obligatory for citizens, legislative, executive and judicial power bodies, legal entities and municipalities only after their publication.

III. The laws should not contradict the Constitution. Use and implementation of published laws is obligatory for all citizens, legislative, executive and judicial power bodies, legal entities and municipalities.

IV. Decrees of the President of the Republic of Azerbaijan should not contradict the Constitution and laws of the Republic of Azerbaijan. Use and implementation of published decrees is obligatory for all citizens, executive power bodies, legal entities.

V. Resolutions of Cabinet of Ministers of the Republic of Azerbaijan should not contradict the Constitution, laws of the Republic of Azerbaijan and decrees of the President of the Republic of Azerbaijan. Use and implementation of published resolutions of the Cabinet of Ministers is obligatory for citizens, central and local executive power bodies, legal entities.

VI. Acts of central bodies of executive power should not contradict the Constitution, laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan, resolutions of Cabinet of Ministers of the Republic of Azerbaijan.

VII. Normative-legal acts improving legal situation of physical persons and legal entities, eliminating or mitigating their legal responsibility have reverse power. Other normative-legal acts have no reverse power

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. The procedure for publication of regulations shall be set forth by a Constitutional law.

Article 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, resolutions of Cabinet of Ministers of the Republic of Azerbaijan (in Nakhichevan Autonomous Republic-also to Constitution and laws of Nakhichevan Autonomous Republic, resolutions of Cabinet of Ministers of Nakhichevan 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.

Article 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

Article 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.

Article 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.

Article 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.

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

Proposals for a referendum cannot be introduced concerning Articles 1, 2, 6, 7, 8 and 21 of this Constitution, regarding restrictions or the abolition of the rights and liberties of man and citizen, provided for in Chapter III of the present Constitution, to a higher degree than is provided for by international agreements to which the Republic of Azerbaijan is a party.

Chapter XII. AMENDMENTS TO THE CONSTITUTION OF THE REPUBLIC OF AZERBAIJAN

Article 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.

Article 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.

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

There cannot be proposed any amendment to the Constitution of the Republic of Azerbaijan regarding the provisions in Chapter I of the present Constitution.

TRANSITIONAL CLAUSES

1. Constitution of the Republic of Azerbaijan comes into force after it has been adopted 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 adoption 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" adopted 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 adoption 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 adoption of the present Constitution remain valid if they do not contradict the present Constitution.

9. Law courts of the Republic of Azerbaijan acting before adoption 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.

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