

# **CONSTITUTION OF THE KYRGYZ REPUBLIC**

Adopted on May 5, 1993 at the session of the Supreme Soviet of the Kyrgyz Republic of the 12th convocation; in the wording of the Law of the Kyrgyz Republic of 16 February 1996 N1.

We, the People of the Kyrgyz Republic, aspiring to secure the national revival of the Kyrgyz, the protection and development of interests of representatives of all nationalities, who together with the Kyrgyz form the people of Kyrgyzstan, following ancestors' precepts to live in unity, peace and concord;

confirming our adherence to human rights and freedoms and the idea of national statehood;

full of determination to develop the economy, political and legal institutes, and culture to insure appropriate living standards for everyone;

proclaiming our adherence to national ethnical traditions and to moral principles common to all mankind;

desiring to establish ourselves among peoples of the world as a free and democratic civil society;

through our authorized representatives, hereby adopt this Constitution.

## **Chapter One - THE KYRGYZ REPUBLIC**

### **Section One - GENERAL PRINCIPLES**

#### **Article 1**

1. The Kyrgyz Republic (Kyrgyzstan) is a sovereign, unitary, democratic Republic, constructed on the basis of a legal secular state.
2. The sovereignty of the Kyrgyz Republic is not limited and shall extend throughout its territory.
3. The people of Kyrgyzstan are the holders of sovereignty and are the single source of state power in the Kyrgyz Republic.
4. The people of the Kyrgyz Republic exercise their power directly and through the system government agencies on the basis of this Constitution and the laws of the Kyrgyz Republic.

Only the Jogorku Kenesh and the President of the Kyrgyz Republic, elected by the People of the Kyrgyz Republic have the right to act on behalf of the People of the Kyrgyz Republic.

5. Amendments and supplements to the Constitution of the Kyrgyz Republic, the Laws of the Kyrgyz Republic, and other important matters of state life may be referred for a referendum (nationwide vote). The grounds and procedure for holding a referendum shall be established by a constitutional law.

6. Citizens of the Kyrgyz Republic shall elect the President, deputies of the Legislative Assembly of the Jogorku Kenesh and the House of People's Representatives of the Jogorku Kenesh and their representatives to the bodies of self-government.

Elections shall be free and shall be held on the basis of universal equal and direct suffrage by secret ballot. Citizens who have attained the age of 18 may participate in elections.

## **Article 2**

1. The State and its bodies shall serve the whole society, and not a particular group.
2. No separate group of people, no association, nor any individual person shall have the right to usurp power in the government. The usurpation of Government Power shall be the gravest crime.

## **Article 3**

1. The territory of the Kyrgyz Republic, within its existing boundaries, is inviolable and indivisible.
2. For purposes of governmental management, the territory of the Kyrgyz Republic is divided into administrative territorial units, determined by law.

## **Article 4**

1. In the Kyrgyz Republic there may be state and private ownership of property.

The Kyrgyz Republic guarantees the diversity of forms of ownership and their equal legal protection.

2. In the Kyrgyz Republic the land, its underground resources, water, air space, forests, flora and fauna, and all natural wealths is the property of the State.
3. In the circumstances and amounts established by the law of the Kyrgyz Republic the use of plots of land may be transferred to individual citizens and their associations. The purchase and sale of land is not allowed.
4. The Kyrgyz Republic shall protect the rights of its citizens and legal entities to property, and also their property, and related ownership rights located within territories of other States.

## **Article 5**

1. The state language of the Kyrgyz Republic shall be the Kyrgyz language.
2. The Kyrgyz Republic guarantees the preservation, equal and free development and functioning of the Russian language and all the other languages, used by the population of the Republic.
3. Infringement upon citizens' rights and freedoms based upon lack of knowledge or command of the state language is not allowed.

## **Article 6**

The Kyrgyz Republic has state symbols -- the State Flag, Emblem, and Anthem. The Capital of the Kyrgyz Republic is the City of Bishkek. The unit of currency of the Kyrgyz Republic is the Som.

## **Section Two**

### **THE STRUCTURE AND ACTIVITIES OF THE STATE**

## **Article 7**

1. State power in the Kyrgyz Republic is based on the following principles:

- the supremacy of the power of the people, which is represented and ensured by the nationally elected head of the state -- the President of the Kyrgyz Republic;
- division of state power into legislative, executive, and judicial branches, and their coordinated functions and interaction;
- the responsibility of state organs to the people and execution by them of their authority on behalf of the people;
- differentiation between functions of state power and local self-government.

2. Within the bounds of authority created by this Constitution, the following represent and carry out state power in the Kyrgyz Republic:

- the President of the Kyrgyz Republic;
- the Jogorku Kenesh of the Kyrgyz Republic, comprised of two houses: the Legislative Assembly of the Jogorku Kenesh and the Assembly of People's Representatives of the Jogorku Kenesh;
- the Government of the Kyrgyz Republic and local state Administrations;
- the Constitutional Court, the Supreme Court, the Supreme Arbitration Court and the courts and judges of the system of justice.

### **Article 8**

1. Political parties, trade unions and other public associations may be organized in the Kyrgyz Republic on the bases of free will and unity or interests. The State shall guarantee the rights and lawful interests of public associations.

2. Political parties may participate in state affairs only in the following forms:

- to nominate their candidates for the election to the Jogorku Kenesh, state posts and to bodies of self-administration;
- to form fractions in representative bodies.

3. Religions and all cults shall be separated from the State.

4. The following shall not be allowed in the Kyrgyz Republic:

- amalgamation of State and party institutions, as well as subordination of State activity to party programs and decisions;
- formation and activity of party organizations in state institutions and establishments. Government employees shall be entitled to carry out the party activities out of their offices;
- membership and activity in support of any political party by military men, officials in the organs of internal affairs, national security, justice, procuracy and courts;
- formation of political parties on religious grounds. Religious organizations must not pursue political goals and objectives;

- interference by members of religious organizations and cults with the activity of state bodies;
- activities of political parties of foreign countries.

### **Article 9**

1. The Kyrgyz Republic does not pursue the policy of expansion, aggression and territorial claims, resolved by military force. It shall reject any kind of miniaturization of national life, subordination of the state or its activity for the purposes of conducting a war. Military forces of the Kyrgyz Republic shall be organized in accordance with the principles of self-defense and defensive sufficiency.
2. The right to conduct a war shall not be acknowledged, unless there is aggression against Kyrgyzstan and other states, bound by obligations of the collective defense. In any event, a military unit may cross the borders of the Kyrgyz Republic only with the permission of no less than two thirds of the total number of the deputies of the Legislative Assembly of the Jogorku Kenesh.
3. The use of military forces for resolution of internal State political issues shall be prohibited. Military personnel may be called upon in case of natural disasters, or other similar cases, directly provided by the law.
4. The Kyrgyz Republic seeks universal and just peace, mutually beneficial cooperation, resolution of global and regional problems in a peaceful way, and shall observe the universally recognized principles of international law.

Actions aimed at disturbing the peaceful co-existence of people, propaganda and encouragement of ethnic clashes shall be deemed unconstitutional.

### **Article 10**

1. A state of emergency in Kyrgyzstan may be introduced in Kyrgyzstan only in the events of natural calamity, direct threat to the constitutional system, mass riots, accompanied by the violence and threat to lives of people, as well as in the circumstances and within the limits of the terms, provided by the constitutional law.
2. A state of emergency throughout the territory of the Kyrgyz Republic may be imposed only by the Legislative Assembly, and at separate territories of the Kyrgyz Republic, in the circumstances which require urgent measures -- by the President of the Kyrgyz Republic, with immediate notification of the Legislative Assembly, which must confirm the Presidential act within three days term.  
  
If such confirmation is not made within this term, the emergency situation shall be terminated.
3. The Legislative Assembly may introduce martial law on the territory of the Kyrgyz Republic only in the event of aggression against the Kyrgyz Republic.
4. Adjournment of a session of the Legislative Assembly during a state of emergency of martial law shall not be allowed. In those cases, when the sessions of the Legislative Assembly is not in session, and the emergency state was introduced by the President, the Legislative Assembly shall convene without announcement of convocation, no later than the next day after introduction of the state of emergency.

5. No referenda or elections in the state bodies, nor changes in the structure, functions and authority of the state bodies, established by the Constitution, shall be allowed.

### **Article 11**

1. The state budget of the Kyrgyz Republic shall consist of the republican and local budgets, and shall comprise all expenditures and revenues of the state. The republican budget shall be approved by the Assembly of People's Representatives, upon presentation by the Government.

2. Revenue in the republican budget shall be derived from taxes established by law, other liabilities, revenue from state property and other incomes.

A single system of taxation shall function in the territory of the Kyrgyz Republic. The right to impose taxes shall belong to the Jogorku Kenesh of the Kyrgyz Republic. The laws, imposing new taxes and aggravating the state of the taxpayers shall not have retroactive force.

3. The Jogorku Kenesh shall be entitled to establish extra-budgetary targeted financial funds. The sources of income for such extra-budgetary funds may be raised means.

4. The report on execution of the republican budget and extra-budgetary funds shall be approved by the Jogorku Kenesh.

### **Article 12**

1. The Constitution shall have the superior juridical force and the direct effect in the Kyrgyz Republic.

2. Laws and other normative acts shall be adopted on the basis of the Constitution.

3. International treaties and other norms of the international law, which have been ratified by the Kyrgyz Republic, shall be a constituent and directly applicable part of the Legislation of the Kyrgyz Republic.

## **Chapter Two - CITIZENS**

### **Section One - CITIZENSHIP**

#### **Article 13**

1. Belonging of an individual to the Kyrgyz Republic and his/her status shall be determined by citizenship. A citizen of the Kyrgyz Republic shall be obliged to observe the Constitution and the laws of the Kyrgyz Republic, respect the rights, freedoms, honor and dignity of other persons.

2. Individuals, who are citizens of the Kyrgyz Republic, shall not be recognized as citizens of other states.

3. No citizen of the Kyrgyz Republic shall be deprived of his/her citizenship and the right to change his/her citizenship.

4. The Kyrgyz Republic shall guarantee protection and patronage of its citizens outside its territory.

#### **Article 14**

1. Every citizen of the Kyrgyz Republic, by virtue of his/her citizenship, shall enjoy rights and perform obligations.

2. Foreigners and stateless persons in the Kyrgyz Republic shall enjoy the rights and freedoms of citizens and perform duties, based on the grounds, conditions, and in accordance with the procedure, provided by law, international treaties and agreements.

### **Article 15**

1. The dignity of an individual in the Kyrgyz Republic shall be absolute and inviolable.

2. Every person shall enjoy the basic human rights and freedoms since birth. These rights shall be recognized as absolute, inalienable, and protected from any person's encroachments by law and the court.

3. All persons in the Kyrgyz Republic shall be equal before the law and the court.

No one may be exposed to any discrimination, infringement of rights and freedoms, on the motives of origin, sex, race, nationality, language, creed, political and religious convictions or by any other public or personal conditions or circumstances.

4. Human rights and freedoms in the Kyrgyz Republic shall be valid. They shall determine, as such, the meaning, content, and application of the laws, and shall obligate the legislative, executive and judicial powers, and self-administration, and shall be provided by justice.

5. In the Kyrgyz Republic, the state shall encourage folk customs and traditions, which do not contradict human rights and freedoms.

### **Article 16**

1. In the Kyrgyz Republic, basic human rights and freedoms shall be recognized and guaranteed in accordance with universally accepted norms and principles of international law and international treaties on the issues of human rights, which have been ratified by the Kyrgyz Republic.

2. Every person in the Kyrgyz Republic shall enjoy the right:

- to life, physical and moral immunity;

- to personal freedom and security;

- to freedom of personal development;

- to freedom of creed, spirit and worship;

- to free expression and dissemination of ones thoughts, ideas, opinions, freedom of literary, artistic, scientific and technical creative work, freedom of the press, transmission and dissemination of information;

- to freedom of movement, and freedom of choice of ones place of destination and residence throughout the territory of Kyrgyzstan, and the right to free travel abroad freely and to unimpeded return;

- to association;

- to assemble peacefully and without weapons, to free meetings and demonstrations;
- to inviolability of residence;
- to freedom and secrecy of correspondence;
- to honor and freedom of private life, personal and family secrets;
- to secrecy of postal, telephone, and telegraph communication;
- to have property, and to possess, use and dispose of it at ones own discretion;
- to economic freedom, and to free use of ones abilities and property for any economic activity;
- to freedom of labor, and to free choice of a type of activities and profession.

The enumeration of the rights and freedoms in the Constitution shall not be interpreted as negating or diminishing other universally recognized human rights and freedoms.

#### **Article 17**

1. No laws must be enacted in the Kyrgyz Republic abolishing or infringing human rights and freedoms.
2. Restrictions on the exercise of rights and freedoms shall be allowed by the Constitution and laws of the Kyrgyz Republic only for the purposes of guaranteeing rights and freedoms of other persons, and providing public safety and constitutional order. In such cases, the essence of constitutional rights and freedoms shall not be affected.

#### **Article 18**

1. Limitations of physical and moral inviolability shall be allowed only on the basis of the law by the decision of a court as punishment for a committed crime. No one may be exposed to torment, torture, or inhuman and humiliating punishments.
2. Medical, biological, and psychological experiments on people without a voluntary agreement, properly expressed and confirmed by the examinee, shall be prohibited.
3. No one may be arrested and detained on the basis other than the law. Any actions aimed at imposing a liability on a person before the sentence has been passed by the court, shall not be allowed, and shall be grounds for the material and moral indemnification to the victim by the court.
4. Capital punishment may be imposed only in exceptional cases under the sentence of a court.

Any person sentenced to capital punishment shall have the right to appeal for pardon.

#### **Article 19**

1. Private property in the Kyrgyz Republic shall be recognized and guaranteed as an inalienable human right, as a natural source of one's welfare, business and creative activity, and as a guarantor of one's economic and personal independence.

2. Property shall be inviolable. No person can be arbitrarily deprived of his/her property, and it may be withdrawn against the proprietor's will only by a court decision.
3. The right of inheritance in the Kyrgyz Republic shall be guaranteed and protected by law.

#### **Article 20**

The Kyrgyz Republic may grant political asylum to foreign citizens and stateless persons by the motives of violation of human rights.

### **Section Three**

## **RIGHTS AND DUTIES OF A CITIZEN**

#### **Article 21**

1. Citizens of the Kyrgyz Republic and their organizations, shall be allowed to engage in any action or activity, except those prohibited or restricted by the present Constitution and laws of the Kyrgyz Republic.
2. Enjoyment of the rights and freedoms by a citizen of the Kyrgyz Republic shall be inseparable from his/her duties that are necessary for the security of private and national interests.

#### **Article 22**

Laws of the Kyrgyz Republic on the rights and freedoms of citizens must be equally applied to all citizens and shall not bestow on anyone privileges and preferences, except those provided by the Constitution and laws for the social protection of citizens.

#### **Article 23**

Citizens of the Kyrgyz Republic shall participate in governing both directly and through their representatives, in the discussion and adoption of laws, decisions of republican and local significance and they shall have equal access to governmental services.

#### **Article 24**

Citizens of the Kyrgyz Republic have the right and duty to defend the Motherland. Citizens shall perform military service within the limits and in the forms established by law.

#### **Article 25**

Citizens of the Kyrgyz Republic must pay taxes and fees in accordance with legislation.

#### **Article 26**

1. The family is the primary unit of society; family, fatherhood, maternity and childhood shall be a subject of concern for the whole society and primary protection by law; child care and upbringing shall be the natural right and duty of parents. Able-bodied, adult children must take care of their parents.
2. The government shall provide material assistance, up bringing and education for orphans and children deprived of parental support.



3. Respect for old people and support for relatives is a sacred tradition of the people of Kyrgyzstan.

#### **Article 27**

1. Social maintenance at the expense of the government in old age, in sickness and in the event of complete or partial disability or loss of the main provider shall be guaranteed in the Kyrgyz Republic.

2. In accordance with the economic resources of society, pensions and social maintenance must provide a standard of living not below the minimum of wage established by the law.

3. Voluntary social insurance and the establishment of additional forms of security and charity shall be encouraged.

#### **Article 28**

1. A citizen of the Kyrgyz Republic shall have the right to protection of labor in all its forms and displays, including the right to working conditions, which comply with norms of security and hygiene, as well as the right to social protection against unemployment.

2. The government shall provide professional training and improvement of professional qualification of citizens, and shall encourage and promote international agreements and international organizations, which have the aim to consolidate and secure the right to work.

3. The forced labor of citizens shall be prohibited, except in cases of war, natural disaster, epidemic, or other extraordinary circumstances, as well as in the execution of punishment upon sentence by the court.

#### **Article 29**

Citizens of the Kyrgyz Republic, working under a labor agreement (contract), shall have the right to fair remuneration no less than the minimum wage, established by the state.

#### **Article 30**

Citizens of the Kyrgyz Republic shall have the right to strike.

The procedure and conditions for holding strikes shall be determined by the law.

#### **Article 31**

1. Citizens of the Kyrgyz Republic shall have the right to rest.

2. The maximum duration of the working hours, the minimum weekly rest and annual paid leave, as well as other basic conditions of exercise of the right to rest, shall be determined by the law.

#### **Article 32**

1. Every citizen of the Kyrgyz Republic shall have the right to education.

2. General secondary education shall be compulsory and free of charge, and everyone shall be entitled to receive it in the state educational institutions.

3. The state shall provide for accessibility of vocational, special secondary and higher education for every person, in accordance with individual aptitude.
4. Paid education for citizens at national and other educational institutions shall be allowed on the basis and in the procedure established by the legislation.
5. The state shall exercise control over the activity of educational institutions.

### **Article 33**

Citizens of the Kyrgyz Republic shall have the right to housing. The state shall promote the enjoyment of the right to housing, by granting and selling apartments from the state-owned fund, and by encouraging individual housing construction.

### **Article 34**

1. Citizens of the Kyrgyz Republic shall have the right to health protection and to benefit freely from the network of state public health institutions.
2. Paid medical service shall be allowed on the basis and in the procedure established by law.

### **Article 35**

1. Citizens of the Kyrgyz Republic shall have the right to a healthy and safe environment and to the indemnification of damage, caused to one's health or property by the improper use of the nature.
2. Protection of the environment, natural resources and historical monuments shall be a sacred duty of every citizen.

### **Article 36**

1. Culture, art, literature, science and mass media shall be free.
2. The state shall protect the historical monuments, take care and create necessary conditions for the development of literature, art, science, mass media and sports.
3. Citizens shall have the right of access to cultural benefits, and to be involved in artistic and scientific activities.

### **Article 37**

The economic freedom and activity of a citizen, and his/her opportunity to achieve economic welfare for himself/herself and his/her family, must not be replaced by state guardianship, as a result of the social activity of the state.

### **Article 38**

1. The full, absolute, and immediate protection of the rights and freedoms of citizens, prevention of infringement of rights in this area and restoration of the violated provision shall be the duty of the state, of all bodies and officials.
2. The Kyrgyz Republic shall guarantee the protection by the court of all the rights and freedoms of citizens, provided by the Constitution and the laws.

### **Article 39**

1. A citizen charged with an offence shall be presumed innocent until he/she is found guilty by the sentence of the court, which has come into effect.
2. The state shall guarantee everyone a protection from arbitrary and unlawful interference with one's private and family life, infringement of one's honor and dignity, breach of secrecy of correspondence and telephone conversations.
3. No one shall have the right to enter a residence, except in cases when it is necessary to conduct a sanctioned search or seizure of property, to secure public order, to arrest a criminal or to save the life, health or property of an individual.

#### **Article 40**

Every citizen in the Kyrgyz Republic shall be provided with the qualified legal assistance and protection of rights and freedoms guaranteed by the Constitution.

#### **Article 41**

Publication of laws and other normative legal acts, concerning the rights, freedoms and duties of an individual and a citizen shall be a compulsory condition for their enforcement.

### **Chapter Three - PRESIDENT**

#### **Article 42**

1. The President of the Kyrgyz Republic is the head of state and the highest official of the Kyrgyz Republic.
2. The President of the Kyrgyz Republic is the symbol of the unity of people and state power, and is the guarantor of the Constitution of the Kyrgyz Republic, and of an individual and citizen.
3. The President of the Kyrgyz Republic defines the fundamental directions of internal and external policy of the state, represents the Kyrgyz Republic within the country and in international relations, takes measures to guard the sovereignty and territorial integrity of the Kyrgyz Republic, and ensures the unity and continuity of state power and the coordinated functioning and interaction of state organs and their responsibility to the people.

#### **Section One**

#### **ELECTION**

#### **Article 43**

1. The President of the Kyrgyz Republic shall be elected for a term of five years.
2. The same person cannot be elected President for more than two consecutive terms.
3. The President of the Kyrgyz Republic must be a citizen of Kyrgyzstan, no younger than 35 years of age, and no older than 65 years of age, who has command of the state language, and who has resided in the Republic for no less than 15 years before the nomination of his/her candidacy to the President's Office.
4. The President of the Kyrgyz Republic cannot be a deputy of the Jogorku Kenesh, occupy other positions, carry out entrepreneurial activities.

5. The President of the Kyrgyz Republic must suspend his activity in political parties and organizations for the period of stay in office until new presidential election in the Kyrgyz Republic.

#### **Article 44**

1. A new presidential election shall be held in the Kyrgyz Republic two months before the date of expiration of the powers of the President of the Kyrgyz Republic.

2. The President of the Kyrgyz Republic shall be elected by citizens of the Kyrgyz Republic by a majority of actual votes cast; elections shall be held on the basis of universal, equal and direct suffrage, and by secret ballot.

3. The number of candidates for the presidential office shall not be limited. Any person, who has obtained not less than 50 thousand voters' signatures may be registered as a candidate.

4. The election of the President of the Kyrgyz Republic shall be considered valid if more than fifty per cent of the total number of voters in the republic have taken part in the election.

A candidate shall be considered elected to the presidential office, if in the first ballot he/she has obtained more than a half of the votes cast in the first ballot.

If none of the candidates obtained more than a half of the votes cast in the first ballot, only the two candidates who have obtained the biggest number of votes shall participate in the second ballot.

A candidate, who will obtain more than half of the votes cast in the second ballot shall be considered, elected if not less than fifty per cent of all voters have taken part in the second ballot.

#### **Article 45**

1. The result of the presidential elections must be confirmed by the Constitutional Court of the Kyrgyz Republic not later than within 7 days after the date of the election.

2. After the Chairman of the Constitutional Court of the Kyrgyz Republic announces the results of the voting, the President shall bring the oath within 30 days in the presence of the deputies of the Legislative Assembly and the Assembly of People's Representatives.

3. While entering into office, the President of the Kyrgyz Republic shall bring the oath to the people of Kyrgyzstan:

"I, ..., while taking the obligations of the President of the Kyrgyz Republic, before my People and the Sacred Motherland Ala-Too do swear:

to observe and protect the Constitution of the Kyrgyz Republic;

to guard the sovereignty and independence of the Kyrgyz State;

to respect and guarantee the rights and freedoms of all citizens of the Kyrgyz Republic; to perform faithfully the high duties of the President of the Kyrgyz Republic entrusted to me by the confidence of all the People!"

4. Duration of the term of presidential mandate shall start as of the moment of bringing the oath of office. The powers of the President shall terminate upon the moment when the newly-elected President enters office.

## **Section Two**

### **POWERS OF THE PRESIDENT**

#### **Article 46**

##### **I. The President of the Kyrgyz Republic:**

- 1) Determines the structure of the Government of the Kyrgyz Republic;
- 2) Appoints the Prime Minister of the Kyrgyz Republic with the consent of the Assembly of People's Representatives;
- 3) Appoints, in consultation with the Prime Minister of the Kyrgyz Republic, the members of the Government of the Kyrgyz Republic and also the directors of the administrative departments, and relieves them of their offices;
- 4) Accepts requests by the Prime Minister, the Government, or an individual member of the Government to resign; decides on his own initiative for the Prime Minister or Government to resign;
- 5) Appoints with the consent of the appropriate local keneshes, the heads of state administration of districts, and cities; and relieves them of their offices;
- 6) Appoints the State Secretary of the Kyrgyz Republic and determines his status and authorities; forms the Administration of the President of the Kyrgyz Republic;
- 7) Forms and abolishes executive organs not included in the makeup of the Government;
- 8) Forms and heads the Security Council of the Kyrgyz Republic and other coordinating organs;
- 9) Forms the state guards and the National Guard, which are subject to him;
- 10) Authorizes, in consultation with the Prime Minister, a unified system of training and selection of personnel for organs maintained at the expense of the state budget, and of the financing of state organs and payment of those working in the service of the state.

##### **II. The President of the Kyrgyz Republic:**

- 1) makes appointments, with the consent of the Assembly of People's Representatives, to the office of the Procurator General of the Kyrgyz Republic; to the offices of deputies of the Procurator General, procurators of oblasts, City of Bishkek and military procurator of the Kyrgyz Republic; and relieves them of their office;
- 2) makes appointments with the consent of the Assembly of the People's Representatives, to the office of Chairman of the Board of the National Bank of the Kyrgyz Republic; and relieves him of his office;

3) nominates to the Legislative Assembly and Assembly of People's Representatives candidates for election to the offices of Chairman of the Constitutional Court of the Kyrgyz Republic, his deputy, and the judges of the Constitutional Court of the Kyrgyz Republic;

4) presents to the Assembly of People's Representatives candidates for election to the offices of Chairman of the Supreme Court of the Kyrgyz Republic and of the Higher Arbitration Court of the Kyrgyz Republic, their deputies, and the judges of the Supreme Court of the Kyrgyz Republic and of the Higher Arbitration Court of the Kyrgyz Republic;

5) appoints the chairmen, their deputies, and judges of the courts of the regions, the city of Bishkek, districts, and cities, and of the economic courts of the regions and the city of Bishkek, and also of the military tribunals of the Kyrgyz Republic, and relieves them of their positions in cases provided by the Constitution and laws.

### **III. The President of the Kyrgyz Republic:**

1) directs the foreign policy of the Kyrgyz Republic;

2) conducts negotiations and signs the international treaties of the Kyrgyz Republic;

3) signs instruments of ratification;

4) appoints and recalls diplomatic representatives of the Kyrgyz Republic in foreign states and international organizations; accepts the credentials and letters of recall and of the heads of diplomatic missions of foreign states and representatives of international organizations accredited to the President of the Kyrgyz Republic;

5) decides questions of assumption and forfeiture of citizenship in the Kyrgyz Republic and of granting political asylum.

### **IV. The President of the Kyrgyz Republic:**

1) confers state awards of the Kyrgyz Republic;

2) confers honorary titles of the Kyrgyz Republic;

3) confers higher military ranks, diplomatic ranks, class ranks, and other special titles;

4) grants pardons.

### **V. The President of the Kyrgyz Republic:**

1) presents draft laws to the Jogorku Kenesh;

2) signs laws and returns them with his objections to the appropriate house of the Jogorku Kenesh for further consideration; publishes laws; is entitled to appeal through the Constitutional Court of the Kyrgyz Republic against the laws and international treaties, ratified by the Kyrgyz Republic;

3) speaks to the people in annual addresses on the state of affairs in the country, to be delivered at a joint meeting of both houses of the Jogorku Kenesh;

4) is entitled to halt or annul the effect of acts of the Government of the Kyrgyz Republic and acts of other organs of executive power;

5) has the right to decide on questions of financing measures of an urgent nature at state expense, and to establish funds;

6) exercises full legislative authority in cases and by the procedure stipulated in Article 68 of this Constitution.

## **VI. The President of the Kyrgyz Republic:**

1) is entitled to call ahead of time sessions of the Legislative Assembly and the Assembly of People's Representatives, and to determined matters eligible for consideration;

2) call referenda on his own initiative, or takes decisions on calling referenda on the initiative of no less than 300, 000 voters or a majority of the total number of deputies of both houses of the Jogorku Kenesh;

3) calls elections to the Legislative Assembly and the Assembly of People's Representatives, and carries out ahead of time dissolution of the Legislative Assembly and Assembly of People's Representatives in cases, provided in this Constitution;

4) calls elections to local Keneshes and carries out their early dissolution in cases provided in this Constitution;

5) appoints the Chairman of the Central Committee on Elections and Conduct of Referenda and one-third of its members;

6) appoints the Chairman of the Counting Board and one-third of its auditors.

7. The President of the Kyrgyz Republic in the presence of grounds provided by law, shall warn of the possibility of introducing a state of emergency, and when necessary introduce a state of emergency in individual locations without prior declaration, of which action he shall promptly inform the Legislative Assembly.

8. The President of the Kyrgyz Republic declares universal or partial mobilization; shall announce the status of war in the event of aggression or direct threat of aggression to the Kyrgyz Republic, and shall promptly submit this matter for the consideration of the Legislative Assembly; and declares the martial law and shall promptly submit this matter for the consideration of the Legislative Assembly.

9. The President of the Kyrgyz Republic shall be the Commander in Chief of the Armed Forces, and appoints and dismisses commanders of the Armed Forces of the Kyrgyz Republic.

### **Article 47**

1. The President of the Kyrgyz Republic issues decrees and orders.

2. Execution of decrees and orders of the President of the Kyrgyz Republic shall be mandatory for the whole territory of the Kyrgyz Republic.

3. Decrees and orders made by the President of the Kyrgyz Republic in carrying out full legislative authority in accordance with sub-point 5 of point 5 of Article 46 of the Constitution, shall have the force of law.

### **Article 48**

The President of the Kyrgyz Republic shall be entitled to assign the authority, provided by sub-point 2 of point 3 of Article 46 of the Constitution to the Prime Minister, members of the Government, and other officials; and also has the right to ratify international financial contracts and credit agreements signed by them.

#### **Article 49**

1. The President of the Kyrgyz Republic, his honor and dignity shall be inviolable.
2. Provision, maintenance and protection of the President of the Kyrgyz Republic, as well as of his family, shall be carried out at the state expense.

#### **Article 50**

1. The term of office of the President may be terminated as a result of: resignation by his own petition, made by him to a joint meeting of the houses of the Jogorku Kenesh; his dismissal from office in the procedure provided by this Constitution; or inability to perform his authority due to illness or as a result of his death.
2. If the President of the Kyrgyz Republic is unable to carry out his duties because of illness, both houses of the Jogorku Kenesh shall take the decision on early dismissal of the President of the Kyrgyz Republic from the office on the basis of the conclusion of a State

Medical Commission created thereby and with a vote of no less than two-thirds of the total number of deputies of each of the houses.

#### **Article 51**

1. The President of the Kyrgyz Republic may be dismissed from office by the Assembly of People's Representatives only on the basis of a charge made by the Legislative Assembly of state treason or commission of another grievous crime supported by a ruling of the Constitutional Court of the Kyrgyz Republic.
2. A decision by the Legislative Assembly to bring a charge against the President of the Kyrgyz Republic and dismissing him from office must be made by a vote of two-thirds of the total number of deputies of the Legislative Assembly, and in the presence of a ruling by a special commission formed by the Legislative Assembly.
3. A negative ruling by the Constitutional Court of the Kyrgyz Republic on a charge made by the Legislative Assembly shall entail the dissolution of the Legislative Assembly.
4. A resolution of the Assembly of People's Representatives on dismissal of the President of the Kyrgyz Republic from office must be adopted by a majority vote of no less than two-thirds of the total number of deputies of that house, no later than two months after the laying of the charge against the President by the Legislative Assembly. If a decision is not reached by the Assembly within this period, the charge shall be considered to be refuted.

#### **Article 52**

1. If the President of the Kyrgyz Republic is unable to carry out his duties for reasons stated in Article 50 of this Constitution, the Prime Minister shall carry out his duties thenceforward until the election of the new President of the Kyrgyz Republic.



Election of a new President of the Kyrgyz Republic must in this case be conducted within three months of the termination of the term of office of the President of the Kyrgyz Republic.

2. The Prime Minister, while executing the duties of the President of the Kyrgyz Republic, shall not have the right to dissolve the Legislative Assembly or the Assembly of People's Representatives, to call a referendum, to terminate the authority of the Government, or to make proposals for introducing amendments and supplements to the Constitution of the Kyrgyz Republic.

### **Article 53**

1. All former Presidents of the Kyrgyz Republic, except those who have been dismissed from office by the procedure established in Article 51 of this Constitution, shall have the title of ex-President of the Kyrgyz Republic.

2. An ex-President of the Kyrgyz Republic and his honor and dignity are inviolable.

3. Provision, maintenance, and protection of an ex-President of the Kyrgyz Republic shall be made at state expense by a procedure established by law.

## **Chapter Four - THE JOGORKU KENESH**

### **Article 54**

1. The Jogorku Kenesh -- the parliament of the Kyrgyz Republic -- is the representative organ which effects legislative power.

2. The Jogorku Kenesh consists of two houses:

the Legislative Assembly, with 35 deputies, sits continuously and is elected on the basis of representation of the interests of the total population of the republic;

and the Assembly of People's Representatives, with 70 deputies, which works in sessions and is elected on the basis of representing territorial interests.

3. Deputies of the Legislative Assembly and Assembly of People's Representatives are elected for five years.

The procedure for electing deputies of the Legislative Assembly and Assembly of People's Representatives is determined by constitutional law.

### **Article 55**

1. Each house of the Jogorku Kenesh shall assemble for its first meeting after election with no less than two-thirds of the members of the given house and no later than 30 days after the publication of the results of the election.

2. The eldest deputy of the Jogorku Kenesh shall open the first meeting of that house.

3. The Legislative Assembly and the Assembly of People's Representatives shall meet separately. The houses shall meet jointly for taking oaths of judges to the Constitutional Court of the Kyrgyz Republic, for hearing addresses and declarations of the President of the Kyrgyz Republic, and addresses of the leaders of foreign states, and also in other cases envisaged by the regulations of the houses of the Jogorku Kenesh.

4. From the day of the start of work of the new convocation of the Legislative Assembly and the Assembly of People's Representatives, the authority of the old convocation of the Legislative Assembly and the Assembly of People's Representatives shall be terminated.

#### **Article 56**

1. A citizen of the Kyrgyz Republic, who has attained the age of 25 and has permanently resided in the Republic for no less than 5 years before the election, may be elected a Deputy of the Legislative Assembly of the Jogorku Kenesh or a Deputy of the People's Representatives of the Jogorku Kenesh.

2. A Deputy of the Legislative Assembly of the Jogorku Kenesh and a Deputy of the Assembly of People's Representatives of the Jogorku Kenesh shall be subordinate to the Constitution of the Kyrgyz Republic and his/her conscience.

3. A Deputy of the Legislative Assembly and a Deputy of the Assembly of People's Representatives shall possess the right of immunity: he/she may not be detained or arrested, subjected to search or personal examination, except in cases of arrest at the scene of a crime or of commission of a grievous crime. Subjection of a deputy to criminal or administrative liability, to be imposed by judicial procedure, shall be allowed only with the consent of the appropriate house.

4. One person may not simultaneously be a deputy of the Legislative Assembly and of the Assembly of People's Representatives. A deputy of the Legislative Assembly or Assembly of People's Representatives may not simultaneously be a Deputy of a local kenesh.

Deputies of the Legislative Assembly may not work in another state service and may not engage in business activity. A deputy of the Legislative Assembly has the right to engage in teaching, scientific, or other creative activity, if such activity does not interfere with the performance of his duties as deputy.

Deputies of the Assembly of People's Representatives may not simultaneously be engaged in the office of a member of the Government, a procurator, a judge, or another office of state service provided by the law. A deputy of the Assembly of People's Representatives working in state service may be relieved of the position occupied without the consent of his House.

5. A deputy of the Legislative Assembly or Assembly of People's Representatives who has not warranted the trust of the voters may be dismissed by decision of a majority of voters in a procedure established by law.

6. A deputy of the Legislative Assembly or the Assembly of People's Representatives shall be deprived of his mandate by resolution of the Central Commission on Elections and Conduct of Referenda in the event of [his] submitting a resignation, delivery of a guilty verdict against him by a court, acknowledgment of his inability to function, recall by voters, dissolution of his house, or removal of permanent residence beyond the borders of the Kyrgyz Republic.

7. Preparation of questions connected with employing prosecution measures on deputies, observance by them of the requirements of point 4 of this Article, rules of parliamentary ethics, termination of office of deputies, and deprivation of their authority and parliamentary immunity, shall be the work of the Central Commission on Elections and Conduct of Referenda.

#### **Article 57**

A deputy of the Legislative Assembly and the Assembly of People's Representatives has the right of inquiry to organs of executive power and their officials, who are obliged to answer the inquiry within 10 days.

## **Section One**

### **POWERS OF THE LEGISLATIVE ASSEMBLY AND ASSEMBLY OF PEOPLE'S REPRESENTATIVES**

#### **Article 58**

I. The work of the Legislative Assembly shall include:

- 1) introduction of amendments and supplements to the Constitution of the Kyrgyz Republic in the procedure established by the Constitution;
- 2) adoption of laws of the Kyrgyz Republic;
- 3) official interpretation of the Constitution and the laws adopted thereby;
- 4) alteration of the borders of the Kyrgyz Republic;
- 5) approval of laws adopted by the Assembly of the People's Representatives;
- 6) election, upon nomination by the President of the Kyrgyz Republic, of the Chairman of the Constitutional Court of the Kyrgyz Republic, his deputy, and judges of the Constitutional Court of the Kyrgyz Republic; deciding matters of relieving of the position of the Chairman of the Constitutional Court, his deputy and judges of the Constitutional Court of the Kyrgyz Republic in cases and by the procedures envisaged by this Constitution;
- 7) election of one-third of the members of the Central Commission on Elections and Conduct of Referenda;
- 8) appointment of one-third of the auditors of the Counting Board;
- 9) ratification and denunciation of international treaties, except cases provided by Article 48 of this Constitution;
- 10) introduction of states of emergency, authorization of annulment of decrees of the President of the Kyrgyz Republic on this issue;
- 11) deciding matters of war and peace; introduction of the state of war, and declaration of war; and authorization or annulment of decrees of the President of the Kyrgyz Republic on these issues;
- 12) deciding matters for the possibility of using the Armed Forces of the Kyrgyz Republic beyond its borders when necessary to fulfill international treaty obligations in support of peace and security;
- 13) establishment of military ranks, diplomatic ranks, class ranks and other special titles of the Kyrgyz Republic;
- 14) establishment of state awards and honorary titles of the Kyrgyz Republic;
- 15) issuing acts of amnesty;

16) hearing annual reports of the Prime Minister as well as of organs and officials appointed and elected by it, with account taken to the rules of autonomy and independence of such organs and officials established in this Constitution;

17) bringing charges against the President of the Republic toward his dismissal from office.

II. The Legislative Assembly adopts resolutions on issues, provided by sub-points 5-8, 16, and 17 of Point 1 of this Article.

III. The work of the Assembly of People's Representatives of the Jogorku Kenesh includes:

1) introduction of amendments and supplements to the Constitution of the Kyrgyz Republic; adoption of laws in cases envisaged by the Constitution;

2) approval of laws adopted by the Legislative Assembly in cases provided by the Constitution;

3) official interpretation of the Constitution and of the laws adopted by the Assembly;

4) authorization of the republican budget and or reports on its implementation;

5) alteration of the borders of the Kyrgyz Republic;

6) deciding matters of the administrative and territorial structure of the Kyrgyz Republic;

7) calling elections for President of the Kyrgyz Republic;

8) approval of appointments of the Prime Minister of the Kyrgyz Republic;

9) approval of appointments of the Procurator General of the Kyrgyz Republic;

10) approval of appointments of the Chairman of the Board of the National Bank of the Kyrgyz Republic;

11) election, upon nomination by the President of the Kyrgyz Republic, of the Chairman of the Constitutional Court of the Kyrgyz Republic, his deputy, and the judges of the Constitutional Court of the Kyrgyz Republic;

12) election, upon nomination by the President of the Kyrgyz Republic, of the Chairmen of the Supreme Court and the Higher Arbitration Court of the Kyrgyz Republic, their deputies, and the judges of the Supreme Court and the Higher Arbitration Court of the Kyrgyz Republic;

13) election of one-third of the members of the Central Commission on Elections and Conduct of Referenda;

14) deciding issues of dismissing judges in the events and by the procedures provided by this Constitution;

15) c appointment of one-third of auditors of the Counting Board;

16) dismissal of the President of the Kyrgyz Republic from office;

17) hearing reports of the Prime Minister as well as of organs and officials appointed and elected by the Assembly, with account taken of the rules of autonomy and independence of such organs and officials established in this Constitution;

18) expression of no confidence vote to the Prime Minister;

19) hearing reports of the Procurator General and the Chairman of the Board of the National Bank.

IV. The Assembly of People's Representatives adopts resolutions on issues provided by sub-points 2 and 7-19 of point 3 of this Article.

### **Article 59**

1. Laws on the introduction of amendments and supplements to the Constitution, constitutional laws, laws on the alteration of the borders of the Kyrgyz Republic, and on interpretation of the Constitution and constitutional laws, shall be adopted by both houses of the Jogorku Kenesh by a majority vote of no fewer than two-thirds of the total number of deputies of each of the houses.

2. Laws adopted by the Legislative Assembly on matters of taxes and levies, financial and customs regulation, banking activities, ratification and denunciation of international treaties of the Kyrgyz Republic, and amnesty, shall be subject to consideration by the Assembly of People's Representatives and shall be considered approved if they receive yes votes from more than half of the total number of deputies of the Assembly of People's Representatives. In the event of non-approval by the Assembly of People's Representatives of a decision taken by the Legislative Assembly, the decision on the matter under consideration may be approved by a majority vote of no fewer than two-thirds of the total number of deputies of the Legislative Assembly.

3. Laws adopted by the Assembly of People's Representatives on matters stated in sub-points 4 and 6 of point 3 of Article 58 of this Constitution, shall be subject to consideration by the Legislative Assembly and shall be considered approved if they receive yes votes from more than half of the total number of deputies of the Legislative Assembly. In the event of non-approval of a law by the Legislative Assembly, the decision on the matter under consideration may be approved by a majority vote of no fewer than two-thirds of the total number of deputies of the Assembly of People's Representatives.

4. Laws stated in the first paragraph of point 2 and the first paragraph of point 3 of this Article shall also be considered approved if they are not discussed by the appropriate house of the Jogorku Kenesh within 60 days of their adoption.

### **Article 60**

1. Each house of the Jogorku Kenesh shall elect from among its members a Toraga of the House and his deputy, and form committees and commissions.

2. The Toraga of each house shall be elected by secret vote. He is accountable to the appropriate house and may be removed from office by a decision of this house, adopted by a vote of no fewer than two-thirds of the total number of deputies.

3. The Toragas of the Legislative Assembly and of the Assembly of People's Representatives conduct the meetings of their respective houses, generally direct the preparation of questions for consideration at the meetings of the house, manage internal routine, and sign resolutions adopted by their respective houses.

4. The Deputy Toraga of a given house of the Jogorku Kenesh shall be elected by secret vote. The Deputy Toraga fulfills individual functions of the Toraga as relegated to him, and substitutes for the Toraga in his absence.

#### **Article 61**

Committees and provisional commissions of the houses shall draft the laws, preliminarily consider the issues referred to their competence, and monitor implementation of the adopted words and decisions.

#### **Article 62**

1. The activity of the Legislative Assembly shall be carried out in the form of meetings of the Legislative Assembly. Meetings of the Legislative Assembly shall be conducted once a year, beginning on the first working day of September and ending on the last working day of June.

2. The activity of the Assembly of People's Representatives shall be carried out in the form of sessions of the Assembly of People's Representatives. Sessions of the Assembly of People's Representatives shall be convened no less than two times a year.

3. A meeting of the Legislative Assembly or session of the Assembly of People's Representatives shall be legitimate with the attendance of no fewer than two-thirds of the total number of deputies of the given house. The procedure of activity of the houses of the Jogorku Kenesh shall be defined by the Regulations.

#### **Article 63**

1. The Legislative Assembly and the Assembly of People's Representatives may be dissolved ahead of time by a decision adopted by a majority vote of no fewer than two-thirds of the total number of deputies of the respective houses.

2. The Legislative Assembly or the Assembly of People's Representatives, or both houses of the Jogorku Kenesh simultaneously, may be dissolved ahead of time by the President of the Kyrgyz Republic: as the result of a referendum; in the event of three-time refusal to approve the appointment of a Prime Minister; or in the event of another crisis caused by insurmountable differences between the houses of the Jogorku Kenesh or between one or both houses of the Jogorku Kenesh and other branches of state power.

3. In the case envisaged in Point 3 of Article 51 of this Constitution, the Legislative Assembly shall be considered dissolved from the moment of the pronouncement of the resolution by the Constitutional Court of the Kyrgyz Republic.

4. The houses of the Jogorku Kenesh may not be dissolved; in time of a state emergency or war; during consideration by the houses of the Jogorku Kenesh of the issue of dismissing the President of the Kyrgyz Republic from office; or when there are fewer than six months remaining until the end of the term of office of the President of the Kyrgyz Republic.

5. In the event of dissolution of the Legislative Assembly, the Assembly of People's Representatives, or both houses of the Jogorku Kenesh, the President of the Kyrgyz Republic shall appoint the date of elections of deputies of the given house or houses, so that the newly elected house or houses convenes for its first meeting no later than six months after the moment of dissolution.

### **Section Two**

## **LEGISLATIVE ACTIVITIES**

### **Article 64**

The right to legislative initiative shall belong to:

3000 voters (a popular initiative);

the President of the Kyrgyz Republic;

deputies of the Legislative Assembly;

deputies of the Assembly of the People's Representatives;

the Government of the Kyrgyz Republic;

the Supreme Court of the Kyrgyz Republic, and the Higher Arbitration Court of the Kyrgyz Republic, on matters within their jurisdiction.

### **Article 65**

1. Draft laws may arise in both houses of the Jogorku Kenesh. A given house of the Jogorku Kenesh shall be obliged to decide within one month the question of introducing the draft law for consideration of that house, and either to determine the order of priority of consideration or to state a motivated rejection.

2. Amendments to draft laws on the republican budget may be introduced with the consent of the Government.

3. Draft laws or amendments to laws envisaging a reduction of revenues or an increase of expenditures of the state may be adopted only in the presence of a ruling by the Government.

4. A draft law shall be considered to be adopted if a majority of the total number of deputies of a house have voted for it.

5. A draft law which has been adopted by one house, on a matter which requires approval from the other house in accordance with the Constitution, shall be presented to that house no later than five days after its adoption by the first house. These draft laws shall be considered adopted from the moment of approval by the other house, or in cases when such approval is not obtained, from the moment of authorization in accordance with Points 2 and 3 of Article 59 of this Constitution.

6. Drafts of laws on introducing amendments and supplements to the Constitution, of Constitutional laws, of laws on altering the borders of the Kyrgyz Republic, and on interpretation of the Constitution and constitutional laws, shall be considered adopted after no fewer than two readings if no fewer than two thirds of the total number of deputies of each house of the Jogorku Kenesh has voted for them. The date of adoption of the draft law shall be considered to be the day when the vote on adopting the draft was taken in both houses. If one house has voted on one day and the other on another day, then the date of adoption of the law shall be considered to be the day when the second house voted for its adoption.

7. Introduction of amendments and supplements to the Constitution and constitutional laws during states of emergency shall not be allowed.

### **Article 66**

1. An adopted law shall be sent to the President of the Kyrgyz Republic for signing within five working days.
2. The President of the Kyrgyz Republic, no later than 15 working days after receiving the law, shall sign it or return it with his objections. The given law shall be subject to a second consideration in the house which adopted it. If under second consideration the law is approved in the earlier adopted wording by a majority vote of no less than two-thirds of the total number of deputies, then the law shall be subject to signing by the President of the Kyrgyz Republic within seven working days.
3. A law rejected by the President which, in accordance with this Constitution, has been adopted by a majority vote of no fewer than two-thirds of the total number of deputies of each house of the Jogorku Kenesh, shall be subject to signing by the President within the period established in point 2 of this Article if under second consideration it is approved in the earlier adopted wording by a majority vote of no fewer than three-fourths of the total number of deputies of each of the houses of the Jogorku Kenesh.
4. The law signed by the President of the Kyrgyz Republic shall be subject to publication within time periods established by law.

#### **Article 67**

A law shall enter into effect from the moment of its publication if no other stipulation is made in the law itself or in a law on the procedure of its implementation.

#### **Article 68**

1. The houses of the Jogorku Kenesh may delegate their legislative authority to the President of the Kyrgyz Republic for a period of no more than one year.
2. Legislative authority shall be transferred to the President of the Kyrgyz Republic in the event of dissolution of the houses of the Jogorku Kenesh.
3. Legislative authority shall be carried out by the President of the Kyrgyz Republic by the adoption of decrees, which have the force of law.
4. In the event of the dissolution of one of the houses of the Jogorku Kenesh the President of the Kyrgyz Republic shall carry out the legislative authority of that house only.

### **Chapter Five - EXECUTIVE POWER**

#### **Article 69**

Executive power in the Kyrgyz Republic shall be carried out by the Government of the Kyrgyz Republic, ministries subordinate to the Government, state committees, administrative agencies, and local state administration

#### **Section One**

### **THE GOVERNMENT**

#### **Article 70**

1. The Government of the Kyrgyz Republic shall be the highest executive body of State Power in the Kyrgyz Republic.



2. The activity of the Government of the Kyrgyz Republic shall be headed by the Prime Minister of the Kyrgyz Republic. The Government of the Kyrgyz Republic shall consist of the Prime Minister of the Kyrgyz Republic, Vice-Prime Ministers, Ministers and Chairmen of State Committees of the Kyrgyz Republic.

3. Entry into office of a newly elected President of the Kyrgyz Republic shall entail resignation of the Government of the Kyrgyz Republic.

4. The Prime Minister, the Government of the Kyrgyz Republic, or an individual member of the Government shall have the right to submit his resignation, which shall be accepted or declined by the President of the Kyrgyz Republic.

5. Acceptance of the resignation of the Prime Minister of the Kyrgyz Republic shall entail the resignation of all members of the Government. In the event of an accepted resignation, the Government may continue to act, by instruction of the President of the Kyrgyz Republic, until the formation of a new Government of the Kyrgyz Republic.

### **Article 71**

1. The Prime Minister shall be appointed by the President of the Kyrgyz Republic with the consent of the Assembly of People's Representatives.

2. Nomination of a candidate for Prime Minister shall be submitted to the Assembly of People's Representatives no later than two weeks after entry into office of the newly elected President of the Kyrgyz Republic, or after resignation of the Prime Minister or Government, or within one week from the day of rejection of a nominee by the Assembly of People's Representatives.

3. The Assembly of the People's Representatives shall take its decision on giving consent to the appointment of a Prime Minister no later than seven days from the day of submission of the nominee.

4. After three refusals by the Assembly of People's Representatives of nominees for Prime Minister, the President of the Kyrgyz Republic shall appoint a Prime Minister and dissolve the Assembly of People's Representatives.

5. The Assembly of the People's Representatives may express a no confidence vote to the Prime Minister. A resolution of no confidence in the Prime Minister shall be adopted by a majority vote of no fewer than two-thirds of the total number of deputies of the Assembly of People's Representatives. After an expression of no confidence in the Prime Minister by the Assembly of People's Representatives, the President of the Kyrgyz Republic shall have the right either to announce the resignation of the Prime Minister or to reject the decision of the Assembly of People's Representatives. In the event that the Assembly of People's Representatives expresses no confidence in the Prime Minister a second time within three months, the President of the Kyrgyz Republic shall either announce the resignation of the Prime Minister or dissolve the Assembly of People's Representatives.

6. The Prime Minister, in accordance with the Constitution of the Kyrgyz Republic, laws, and decrees of the President of the Kyrgyz Republic, determines the fundamental directions of the activities of the Government, organizes its work, and personally answers for its activities.

### **Article 72**

1. The President of the Kyrgyz Republic shall monitor the work of the Government of

the Kyrgyz Republic. The President shall have the right to preside at meetings of the Government.

2. The Prime Minister shall present a report on the work of the Government to the Legislative Assembly and the Assembly of People's Representatives annually.

### **Article 73**

1. The Government of the Kyrgyz Republic shall decide all matters of state governing except authorities vested in the President of the Kyrgyz Republic and the Jogorku Kenesh by the Constitution.

2. The Government of the Kyrgyz Republic shall:

prepare the Republican budget, submit it to the Assembly of People's Representatives, and provide its implementation;

pursue budgetary, financial, tax, and price policy;

organize and manage state property;

take measures on the defense of the country, state security, and implementation of foreign policy of the Kyrgyz Republic;

take measures to provide rule of law, and the rights and freedoms of citizens, to protect property and public order, and to fight crime.

3. The Government of the Kyrgyz Republic and the National Bank of Kyrgyzstan shall provide the implementation of a uniform monetary, credit and currency policy.

### **Article 74**

The Government of the Kyrgyz Republic shall issue decrees and ordinances binding throughout the territory of the Kyrgyz Republic for all bodies, organizations, officials and citizens and organize, supervise and secure their fulfillment.

### **Article 75**

1. The Government of the Kyrgyz Republic shall guide the activity of ministries, state committees, administrative departments and bodies of local state administration.

2. Ministries, state committees, and administrative departments shall issue within their competence, decrees and ordinances on the basis and for the implementation of the Constitution, laws of the Kyrgyz Republic, resolutions of the houses of the Jogorku Kenesh, acts of the President, and organize, verify and secure their implementation.

3. The Government of the Kyrgyz Republic shall hear reports of the heads of local state administration and invalidate their acts, which contradict the legislation of the Kyrgyz Republic.

## **Section Two**

### **LOCAL STATE ADMINISTRATION**

## **Article 76**

The local state administration shall carry out executive power in the regions, districts, and cities.

## **Article 77**

1. Local state administrations act on the basis of this Constitution and the laws of the Kyrgyz Republic.
2. Implementation of decisions of local state administrations adopted within the bounds of their competencies shall be mandatory on the given territory.

## **Section Three**

### **The Procurator's GENERAL OFFICE**

## **Article 78**

The Procurator's General Office shall supervise, within the bounds of its competency, the accurate and uniform implementation of legislative acts. The organs of the Procurator's General Office shall carry out criminal investigations and participate in court examinations of cases in circumstances and procedures provided by law.

## **Chapter Six - COURTS AND JUSTICE**

## **Article 79**

1. Justice in the Kyrgyz Republic shall be administered only by the courts.
2. In the Kyrgyz Republic there shall be the following courts: the Constitutional Court of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic, the Higher Arbitration Court of the Kyrgyz Republic, and local courts (courts of oblasts, Bishkek City court, district and municipal courts, arbitration courts of oblasts and of City of Bishkek, military courts).

Creation and establishment of extraordinary or ad hoc courts and judicial positions shall not be allowed.

3. The status of courts and judges in the Kyrgyz Republic shall be defined by the Constitutional laws. The organization of and procedure for court operation shall be specified by law.
4. A judge shall be subordinated only to the Constitution and the Law. A judge shall enjoy the right to immunity and inviolability, and in accordance with his status, shall be provided with social, material and other guarantees of his independence.

## **Article 80**

1. A judge of the Constitutional Court, the Supreme Court, and Higher Arbitration Court may be a citizen no younger than 35 years and no older 70, who has a degree in law and no less than 10 years of experience in the legal profession.

Judges of the Constitutional court of the Kyrgyz Republic shall be elected for a term of fifteen years by the Legislative Assembly and the Assembly of People's Representatives upon nomination by the President of the Kyrgyz Republic.

Judges of the Supreme Court and of the Higher Arbitration Court of the Kyrgyz Republic shall be elected for a term of ten years by the Assembly of People's Representatives upon nomination by the President of the Kyrgyz Republic.

2. A judge of a local court may be a citizen of the Kyrgyz Republic, no older than 65 years, who has a degree in law and no less than 5 years experience of work in the legal profession.

Judges of the local courts shall be appointed by the President of the Kyrgyz Republic initially for a term of 3 years, and subsequent terms for 7 years.

### **Article 81**

1. Judges may be removed from office on the basis of bad health, at their personal request, for commission of crime, based on a binding court judgement and on other grounds, provided by law.

2. Judges of the Constitutional Court of the Kyrgyz Republic may be removed from office upon presentation by the President of the Kyrgyz Republic by the majority of not less than 2/3 of votes of the total number of deputies of each house of the Jogorku Kenesh of the Kyrgyz Republic.

3. Judges of the Supreme Court and Higher Arbitration Court may be removed from office upon presentation by the President of the Kyrgyz Republic by the majority of no less than 2/3 of the votes of the total number of deputies of the Assembly of People's Representatives.

### **Article 82**

1. The Constitutional Court shall be the highest body of the judicial power for the protection of the Constitution of the Kyrgyz Republic.

2. The Constitutional Court shall consist of the Chairman, the Deputy Chairman and seven judges of the Constitutional Court.

3. The Constitutional Court shall:

1) find laws and other normative legal acts unconstitutional in the event they contradict the Constitution;

2) resolve disputes, concerning the effect, application and interpretation of the Constitution;

3) determine the validity of the elections of the President of the Kyrgyz Republic;

4) issue a judgement concerning the removal from office of the President of the Kyrgyz Republic as well as judges of the Constitutional Court, the Supreme Court, the Higher Arbitration Court of the Kyrgyz Republic;

5) give its consent for initiation of criminal prosecution of judges of local courts;

6) issue a judgement concerning amendments and changes to the Constitution of the Kyrgyz Republic;

7) annul the decisions of bodies of local self-government which contradict the Constitution of the Kyrgyz Republic;

8) render decisions concerning the constitutionality of practices in the application of laws which affect the constitutional rights of citizens.

4. The decision of the Constitutional Court shall be final and shall not be subject to appeal.

Finding laws or other acts unconstitutional by the Constitutional Court shall terminate the effect of these laws on the territory of the Kyrgyz Republic; such finding shall also abrogate normative and other acts, which had been based on the act declared unconstitutional.

### **Article 83**

1. The Supreme Court of the Kyrgyz Republic shall be the highest body of judicial power in the area of civil, criminal, and administrative court proceedings.

2. The Supreme Court of the Kyrgyz Republic shall supervise the operation of courts of oblasts, City of Bishkek, districts, cities and military courts of the Kyrgyz Republic.

### **Article 84**

1. The Higher Arbitration Court of the Kyrgyz Republic, regional arbitration courts, and arbitration court of the City of Bishkek shall form a single system of arbitration courts of the Kyrgyz Republic.

2. Arbitration courts shall resolve disputes, which emerge in the economic area and in the process of management thereof between economic subjects, based on different forms of property.

3. The Higher Arbitration Court of the Kyrgyz Republic shall carry out oversight of the operation of arbitration courts of regions and City of Bishkek of the Kyrgyz Republic.

### **Article 85**

1. By the decision of the sessions of citizens, local keneshes, or other representative body of self-administration, aksakals' courts or third party's arbitration tribunals may be established on the territories of ails, settlements, cities, from the elder people or other citizens, held in respect and authority.

2. Aksakals' courts and third party's arbitration tribunals shall hear property, family disputes and other cases, provided by law, which were submitted to these courts by the consent of the parties to a dispute, with the purpose of conciliation and passing a just decision which would not contradict the law.

3. The decisions of aksakals' courts and third party's arbitration tribunals may be appealed to the appropriate district and city courts of the Kyrgyz Republic.

### **Article 86**

1. The decisions of the courts of the Kyrgyz Republic, which have come into force shall be binding upon all state bodies, economic subjects, public associations, officials and citizens on the territory of the Republic.

2. Failure to execute the decisions of the courts which came into force, as well as interference with the activity of courts shall entail liability, established by Law.

#### **Article 87**

1. A court shall not be entitled to adopt a normative act which contradicts the Constitution of the Kyrgyz Republic.

2. If in the course of a hearing in any instance, there arises a issue of the constitutionality of a law or other act, on which the resolution of the case depends, the court shall send an inquiry to the Constitutional Court of the Kyrgyz Republic.

#### **Article 88**

1. A citizen, charged publicly or otherwise, shall have the right to protection of his/her dignity and rights in the court; in no circumstances a citizen may be denied of the court protection.

2. The defense shall be an inalienable right of a citizen in any stage of the trial of the case.

If a citizen does not have funds, the legal assistance and defense shall be provided to him/her at the expense of the State.

3. Every participant of the court trial shall have the right to be heard.

#### **Article 89**

1. In criminal and administrative cases, the burden of proof shall stay with the prosecutor.

2. Evidence received by way of violation of law shall be recognized as void, and reference to such evidence during the trial shall not be allowed.

#### **Article 90**

Principles of justice, established by this Constitution, shall be universal and single for all courts and judges in the Kyrgyz Republic.

### **Chapter Seven**

#### **LOCAL SELF-ADMINISTRATION**

#### **Article 91**

Local self-administration in the Kyrgyz Republic shall be carried out by local associations, which manage affairs of local character within the bounds of the law and under their own responsibility.

#### **Article 92**

Local self-administration shall be carried out through local keneshes and other organs, which may be formed by the population itself in procedures established by law. Organs of local self-administration may have communal property in their own possession and at their own use and disposal.

#### **Article 93**

The fundamentals of the organization and activities of organs of local self-administration shall be established by the laws of the Kyrgyz Republic, and their mutual relations with organs of state power shall be regulated by the laws of the Kyrgyz Republic.

#### **Article 94**

Organs of local self-administration may be endowed with individual state powers, accompanied by the transfer [to them] of the material, financial, and other means necessary for their execution. Organs of local self-administration shall be accountable to state organs concerning transferred power.

#### **Article 95**

1. Local keneshes shall:

approve and monitor programs of social and economic development of the territory and social protection of the population;

approve the local budget and report on its implementation and hear information on the use of extra-budgetary funds.

2. Local keneshes of districts, cities, oblasts shall be entitled to express no confidence vote to the head of the local state administration of the appropriate territorial unit, by the majority of two-thirds of the total number of deputies.

3. Local keneshes shall operate independently from the local state administration.

4. Within their authority, local keneshes shall adopt acts, binding throughout their territory.

5. Local keneshes and other bodies of local self-administration shall be liable before the state for observation and implementation of laws, and before local community for the results of their activities.

### **Chapter Eight**

#### **THE PROCEDURE OF AMENDING AND SUPPLEMENTING**

#### **THE CONSTITUTION OF THE KYRGYZ REPUBLIC**

#### **Article 96**

1. Amendments and supplements of this Constitution shall be adopted by referendum, appointed by the President of the Kyrgyz Republic.

2. Amendments and supplements may be adopted in the houses of the Jogorku Kenesh after a proposal by the President of the Kyrgyz Republic, by a majority of the total number of deputies of the Legislative Assembly and Assembly of People's Representatives, or by no fewer than 300, 000 voters.

3. Proposals on introducing amendments and supplements to the Constitution of the Kyrgyz Republic shall be considered by the Legislative Assembly and Assembly of People's Representatives, taking into account the ruling of the Constitutional Court of the Kyrgyz Republic, no earlier than three months and no later than six months from the day of submission of the proposal to the Legislative Assembly and Assembly of People's Representatives.

4. The text of a draft law on introducing amendments and supplements to the Constitution of the Kyrgyz Republic may not be altered during discussion on it in the Legislative Assembly and Assembly of People's Representatives.

#### **Article 97**

1. Amendments and supplements to this Constitution shall be considered adopted by the Jogorku Kenesh if no fewer than two-thirds of the total number of deputies of each of its houses have voted for them.

2. The non-adopted proposal may be re-submitted to the Jogorku Kenesh no earlier than after one year.

#### **Section II**

Laws and other legal acts which are in effect on the territory of the Kyrgyz Republic before this Law enters into effect shall be employed insofar as they do not contradict the Constitution of the Kyrgyz Republic.

#### **Section III**

This Law shall enter into effect from the moment of its publication by the President of the Kyrgyz Republic according to the results of the referendum.

### **President of the Kyrgyz Republic**

#### **A. Akaev**