

# **CONSTITUTION OF THE KYRGYZ REPUBLIC**

(As amended October 21, 1998 by the Law of the Kyrgyz Republic , N134)

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 our ancestors precepts to live in unity, peace and concord;

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

filled with a determination to develop an economy, political and legal institutions and a culture which provide appropriate living standards for everyone;

proclaiming our adherence to national ethnic 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 a system of state bodies on the basis of this Constitution and 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 (national vote). The grounds and procedure for holding a referendum shall be established by constitutional law.

6. Citizens of the Kyrgyz Republic elect the President, deputies of the Legislative Assembly of the Jogorku Kenesh and the Assembly of Peoples' Representatives of the Jogorku Kenesh and their representatives to bodies of local 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 are allowed to 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 of the State. The usurpation of State 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, state, communal, private, and other forms of property shall be recognised and protected.

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

2. The land, its underlying resources, air space, forests, flora and fauna, and other natural resources in the Kyrgyz Republic shall be used as the basis of life and activity of people of Kyrgyzstan and shall have special protection of the state.

3. The land may be in state, communal, private, or other type of property.

Limits to and procedure for execution of rights by land owners and guarantees of their protection shall be set forth in law.

4. The Kyrgyz Republic shall protect the rights of ownership of its citizens and juridical persons to property, and also their property and ownership located within territories of other governments.

## **Article 5**

1. The state language of the Kyrgyz Republic is 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 permitted.

## **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, 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 bodies 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 chambers: the Legislative Assembly of the Jogorku Kenesh and the Assembly of People's Representatives of the Jogorku Kenesh;

the Pravitel'stvo 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 justice system;

**Article 8**

1. In the Kyrgyz Republic political parties, trade unions and other public associations may be organized on the basis of free will and common interests. The State ensures the observation of rights and legal interests of public associations.

2. Political parties may participate in State affairs only in the following ways:

by nominating their candidates for election to the Jogorku Kenesh, for state positions and for bodies of local self-government;  
by forming fractions in representative bodies;

3. Religion, all faiths, shall be separated from the State.
4. In the Kyrgyz Republic the following are not allowed:
  - the merger of State and party institutions, as well as subordination of State activity to party programs and decisions;
  - the formation and activity of party organizations within state institutions and organizations; civil servants shall have the right to conduct party activities unrelated to their work activity;
  - membership in parties and rendering support to any political party by those serving in the military, and by officials working in bodies of internal affairs, national security, justice, the procuracy and the courts;
  - the creation of political parties on a religious basis. Religious organizations shall not pursue political goals and tasks;
  - interference by members of religious organizations and sects with the activity of state bodies;
  - activities of political parties of other governments.

## **Article 9**

1. The Kyrgyz Republic has no goals of expansion, aggression and territorial claims, which are to be resolved by military force. It rejects militarization of state life, the subordination of the state and its activity to purposes of war. The Armed Forces of the Kyrgyz Republic shall be formed in accordance with principles of self-defense and defensive sufficiency.

2. The right to initiate war shall not be acknowledged except in cases of aggression against Kyrgyzstan and other states bound by responsibilities for collective defense. In each instance, permission for military units of the Armed Forces to cross the borders of the Kyrgyz Republic shall be granted by decision of the Legislative Assembly to be adopted by no less than by two thirds of the total number of deputies.

3. The use of Armed Forces to resolve internal State political issues is prohibited. Military forces may be used to liquidate the aftermath of natural disasters and in other similar circumstances directly provided by the law.

4. The Kyrgyz Republic strives toward universal and just peace, mutually beneficial cooperation, resolution of global and regional problems by peaceful means, and shall observe the universally recognized principles of international law.

Activities directed at disturbing the peaceful communal life of the people, propagandizing and igniting international strife are unconstitutional.

## **Article 10**

1. A state of emergency in Kyrgyzstan may be imposed only in cases of natural disaster, direct threat to the constitutional structure, mass disorder accompanied by violence and threat to human life, according to circumstances and subject to time limits established by constitutional law.

2. A state of emergency throughout the Kyrgyz Republic may be imposed only by the Legislative Assembly, but for particular localities where circumstances demand urgent measures, by the President of the Kyrgyz Republic, with immediate, same day notification to the Legislative Assembly which must confirm the act of the President within three days. In absence of such confirmation, the state of emergency is canceled.

3. Martial law in Kyrgyzstan may be introduced by the Legislative Assembly only in case of aggression against the Kyrgyz Republic.

4. Recess of a session of the Legislative Assembly is not allowed during a state of emergency or martial law. In the event that the Legislative Assembly is not in session, and a state of emergency already has been imposed by the President, the Legislative Assembly shall assemble without notice not later than the day after the state of emergency has been imposed.

5. During a period of a state of emergency or martial law, referenda or elections to state bodies and any changes in the structure, functions and authority of state bodies established by the Constitution are not permitted.

## **Article 11**

1. The state budget of the Kyrgyz Republic consists of republican and local budgets and includes all expenditures and income of the state. The

republican budget shall be approved by the Assembly of People's Representatives upon presentation by the Pravitel'stvo.

2. Income of the republican budget shall be raised from taxes established by law, other obligatory payments, revenue from state property and other receipts.

A single tax system applies on the territory of the Kyrgyz Republic. The Jogorku Kenesh of the Kyrgyz Republic has the right to establish taxes. Laws establishing new taxes and negatively affecting the condition of taxpayers shall not have retroactive force.

3. The Jogorku Kenesh has the right to establish non-budgetary targeted funds. Sources for contributions into non-budgetary funds may be attracted.

4. A report on implementation of the republican budget and extra-budgetary funds is to be approved by the Jogorku Kenesh.

## **Article 12**

1. The Constitution shall have supreme legal force and direct application in the Kyrgyz Republic.

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

3. Interstate treaties and other normatives of international law ratified by the Kyrgyz Republic are a constituent and directly effective part of the Legislation of the Kyrgyz Republic.

## **CHAPTER TWO** **CITIZENS** **Section One.** **CITIZENSHIP**

## **Article 13**

1. The affiliation of an individual to the Kyrgyz Republic and his status is determined by citizenship. A citizen of the Kyrgyz Republic must observe the Constitution and the laws of the republic, and must respect the rights, freedom, honor and dignity of other people.

2. Citizens of the Kyrgyz Republic shall not be recognized as citizens of other states.

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

4. The Kyrgyz Republic guarantees the defense and protection of its citizens beyond its borders.

#### **Article 14**

1. Every citizen of the Kyrgyz Republic by virtue of his/her citizenship enjoys rights and bears responsibilities.

2. In the Kyrgyz Republic, foreigners and persons without citizenship enjoy the rights and freedoms of citizens, and also bear responsibilities on the grounds, terms and according to procedures, provided by laws, international treaties and agreements.

#### **Article 15**

1. The dignity of individuals in the Kyrgyz Republic is absolute and inviolable.

2. Every person from birth is entitled to basic human rights and freedoms. These rights shall be recognized as absolute, inalienable, and protected by law and the courts from infringement by any other person.

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

No one shall be subject to any type of discrimination, violation of his rights and freedoms, on the grounds of ethnic origin, sex, race, nationality, language, religious belief, or other conditions or circumstances of a personal or social nature.



4. Human rights and freedoms are valid in the Kyrgyz Republic. As such, they determine, the meaning, content and application of laws, and obligate legislative and executive powers, local self-government and are guaranteed by the judiciary.

5. In the Kyrgyz Republic, folk customs and traditions which do not contradict human rights and freedoms are supported by the state.

## **Article 16**

1. In the Kyrgyz Republic, basic human rights and freedoms are recognized and guaranteed in accordance with universally accepted norms and principles of international law, international treaties and agreements concerning human rights which are ratified by the Kyrgyz Republic.

2. Every person in the Kyrgyz Republic has the right:
- to life, to physical and moral inviolability;
  - to personal freedom and safety;
  - to free development of his individuality;
  - to freedom of religious belief, spiritual freedom and freedom of worship;
  - to free expression and dissemination of thoughts, ideas and opinions, freedom of literary, artistic, scientific and technical creativity, freedom of press, transmission and dissemination of information;
  - to freedom of movement, choice of destination and residence throughout the territory of Kyrgyzstan, and the right to travel freely abroad and to return home without hindrance;
  - to associate;
  - to assemble peacefully and without arms, to freely conduct meetings and demonstrations;
  - to the inviolability of residence;
  - to the freedom and secrecy of correspondence;
  - to honor and freedom of private life, to private and family secrets;
  - to secrecy of postal, telephonic and telegraphic communications;
  - to own property and to possess, use and dispose of it at one`s own discretion;
  - to economic freedom, free use of one`s abilities and property for

- any economic activity;
- to freedom of labor, free choice of activity and profession.

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

### **Article 17**

1. In the Kyrgyz Republic, no laws shall be issued which abolish or infringe upon human rights and freedoms.

2. Restrictions to the exercise of rights and freedoms is allowed by the Constitution and laws of the Kyrgyz Republic only for the purposes of protecting the rights and freedoms of other persons, public safety and the protection of the constitutional structure. But in doing so, the essence of constitutional rights and freedoms shall not be affected.

### **Article 18**

1. Limitations, which affect the physical and moral inviolability of an individual, are allowed only on the basis of law by the decision of a court as punishment for the commission of a crime. No one may be tortured, subjected to mistreatment or inhuman, degrading punishments.

2. Medical, biological, and psychological experiments on people are prohibited without the properly expressed and verified voluntary agreement of the person participating in the experiment.

3. No one may be subjected to arrest or detention except on the basis of law. Any actions aimed at imposing responsibility for a crime on a person before a decision has been made by a court are not allowed, and are grounds for compensation to the victim through the court for the material and moral harm suffered.

4. Capital punishment may be imposed only in exceptional cases by court order. Any person sentenced to capital punishment shall have the right to seek a pardon.

### **Article 19**

1. Private ownership in the Kyrgyz Republic is 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 is inviolable. No person can be deprived of his/her property arbitrarily; Confiscation against the will of the owner is allowed by decision of a court.

3. In the Kyrgyz Republic the right of inheritance is guaranteed and protected by law.

## **Article 20**

The Kyrgyz Republic may grant political asylum to foreign citizens and persons without citizenship on the basis of violation of human rights.

### **Section Three. RIGHTS AND DUTIES OF A CITIZEN**

## **Article 21**

1. Citizens of the Kyrgyz Republic and their associations shall be allowed to engage in any act or activity, except those prohibited or restricted by this Constitution and laws of the Kyrgyz Republic.

2. The exercise of rights and freedoms by a citizen of the Kyrgyz Republic shall be inseparable from his/her duties, which must be performed for the security of personal and national interests.

## **Article 22**

Laws of the Kyrgyz Republic concerning the rights and duties of citizens are to be applied equally to all citizens and do not bestow on anyone advantages and privileges, except those provided by the Constitution and by laws for the social protection of citizens.

## **Article 23**

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

#### **Article 24**

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

#### **Article 25**

Citizens of the Kyrgyz Republic are obliged to pay taxes and fees in accordance with legislation.

#### **Article 26**

1. The family shall be the primary unit of society; family, fatherhood, motherhood, and childhood are the concern of the whole society and preferential protection by law; child care and upbringing is a natural right and civic duty of parents. Able-bodied, legal aged children are obligated to care for their parents.

2. The state provides maintenance, upbringing, education for orphans and children without parental support.

3. Respect for the elderly and caring for relatives and friends are sacred traditions of the people of Kyrgyzstan.

#### **Article 27**

1. In the Kyrgyz Republic social security at the expense of the state is guaranteed in old age, in sickness and in the event of work disability or loss of the main provider.

2. Pensions and social security in accordance with economic resources of the society shall provide a standard of living not below the minimum wage established by law.

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

## **Article 28**

1. A citizen of the Kyrgyz Republic has the right to job protection in all its forms and appearances, and to working conditions which comply with requirements of security and hygiene, as well as the right to social protection against unemployment.

2. The state will concern itself with professional training and improvement of professional qualification of citizens, and encourages and promotes international agreements and international organizations, which have the aim of strengthening and securing the right to work.

3. Forced labor of citizens is prohibited, except in cases of war, natural disaster, epidemic, or in other extraordinary circumstances, as well as in accordance with execution of punishment per order of court.

## **Article 29**

Citizens of the Kyrgyz Republic, working under a labor agreement (contract), shall have the right to remuneration not 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 prescribed by law.

## **Article 31**

1. Citizens of the Kyrgyz Republic have the right to time off.

2. The maximum duration of working hours, the minimum weekly time off and annual paid leave, as well as other conditions for exercising of the right to time off, shall be prescribed by law.

## **Article 32**

1. Every citizen of the Kyrgyz Republic has the right to education.
2. Basic education shall be compulsory and free of charge; everyone shall have the right to receive it at state educational institutions. In state educational institutions every citizen has the right to a free education.
3. The state provides every person in accordance with individual aptitude access to vocational, special secondary and higher education.
4. Paid education of citizens in state and other educational institutions is allowed on the basis and in the procedure established by legislation.
5. The state exercises control over the activity of educational institutions.

## **Article 33**

Citizens of the Kyrgyz Republic have the right to housing. The state facilitates the fulfillment of the right to housing by supplying and selling housing from the state-owned housing fund and by encouraging construction of individual dwellings.

## **Article 34**

1. Citizens of the Kyrgyz Republic have the right to the protection of health and to free use of 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 have the right to a healthy, safe environment and to compensation for damage caused to one=s health or property by activities utilizing nature.
2. The protection of the environment, natural resources and historical monuments is the sacred duty of every citizen.

### **Article 36**

1. Culture, art, literature, science and the mass media are free [uncontrolled].
2. The state protects historical monuments, cares for and creates necessary conditions for the development of literature, art, science, mass media and sports.
3. Citizens have the right of access to cultural treasures and to be involved in artistic and scientific activities.

### **Article 37**

Social activity of the State shall not lead to the substitution of state guardianship over a citizen's own economic freedom, activity and the opportunity of the citizen to achieve economic welfare for himself/herself and his/her own family.

### **Article 38**

1. It is the duty of the state, all its bodies and state officials to provide for full, absolute and immediate protection of the rights and freedoms of citizens, to prevent the infringement upon rights in this area and to restore a violated status.
2. The Kyrgyz Republic guarantees judicial defense of all rights and freedoms of citizens fixed by the Constitution and the laws.

### **Article 39**

1. A citizen is presumed innocent of committing a criminal offense until determined guilty by an order of court in force.
2. The state guarantees everyone protection from arbitrary and unlawful interference into one's private and family life, infringement upon one's honor and dignity, and violation of secrecy of correspondence and telephone conversations.

3. No one shall have the right to enter a dwelling 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 qualified legal assistance and defense of the rights and freedoms guaranteed by the Constitution.

#### **Article 41**

The publication of laws and other normative legal acts concerning the rights, freedoms and duties of an individual and a citizen is a prerequisite for their utilization.

### **CHAPTER THREE** **THE 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 the people and state power, the guarantor of the Constitution of the Kyrgyz Republic, and of rights and freedoms of the person 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, adopts measures to protect 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 bodies 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. A citizen of the Kyrgyz Republic who has command of the state language and who has been a resident of the republic for not less than 15 years before the nomination of his candidature to the office of the President, may be elected President of the Kyrgyz Republic if he is not less than 35 years of age and not older than 65 years of age.

4. The President of the Kyrgyz Republic cannot be a deputy of the Jogorku Kenesh, hold any other posts or engage in entrepreneurial activity.

5. The President of the Kyrgyz Republic must suspend his activity in political parties and organizations during the term of office until the beginning of a new presidential election in the Kyrgyz Republic.

#### **Article 44**

1. A new presidential election in the Kyrgyz Republic is held two months before the date on which the powers of the President of the Kyrgyz Republic expire.

2. The President of the Kyrgyz Republic is 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 office of the President of the Kyrgyz Republic is not limited. A person, who has registered and who has collected not less than 50,000 voters' signatures may be a candidate for the President of the Kyrgyz Republic.

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

In the first ballot, a candidate is considered elected to the office of the President if he/she obtains more than a half of the votes of voters who have

taken part in the elections.

If no candidate receives more than half of the votes cast in the first ballot, only the two candidates who received the most votes shall appear on the second ballot. In the second ballot, a candidate who receives more than half of the votes cast shall be considered elected if not less than fifty per cent of all voters participate.

## **Article 45**

1. The results of the election for the President of the Kyrgyz Republic must be confirmed by the Constitutional Court of the Kyrgyz Republic within 7 days after their completion.

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

3. Upon entering office, the President of the Kyrgyz Republic takes an oath to the people of Kyrgyzstan:

*AI, ..., assuming the office of the President of the Kyrgyz Republic, before my People and the Sacred homeland Ala-Too do swear:  
to sacredly observe and defend the Constitution and laws of the Kyrgyz Republic;  
to defend the sovereignty and independence of the Kyrgyz State;  
to respect and guarantee the rights and freedoms of all citizens of the Kyrgyz Republic;  
with honor and tirelessly to perform the great responsibility of the President of the Kyrgyz Republic entrusted to me by the confidence of all the People!*

4. The term of the Presidential mandate begins from the moment of taking the oath of office. The powers of the President terminate upon the moment when the newly elected President takes office.

## **Section Two. POWERS OF THE PRESIDENT**

## Article 46

1. The President of the Kyrgyz Republic:

- A) determines the structure of the Pravitel'stvo of the Kyrgyz Republic;
- B) appoints the Prime Minister of the Kyrgyz Republic with the approval of the Assembly of People`s Representatives;
- C) appoints in consultation with the Prime Minister of the Kyrgyz Republic, the members of the Pravitel'stvo of the Kyrgyz Republic and also the heads of administrative departments, and relieves them of their offices;
- D) accepts requests by the Prime Minister, the Pravitel'stvo, or an individual member of the Pravitel'stvo to resign; adopts decisions on his own initiative regarding dismissal of the Prime Minister or Pravitel'stvo;
- E) appoints with the consent of the appropriate local keneshes the heads of state administration of oblasts, rayons and cities; and relieves them of their offices;
- F) appoints the State Secretary of the Kyrgyz Republic and determines his status and powers; forms the Administration of the President of the Kyrgyz Republic;
- G) forms and abolishes executive organs not included in the composition of the Pravitel'stvo;
- H) forms and heads the Security Council of the Kyrgyz Republic and other coordinated organs;
- I) forms services of Government defense and the National Guard, which are under his purview;
- J) confirms, in consultation with the Prime Minister, a unified system of training and selection of personnel for bodies maintained at the expense of the state budget, and of the financing of state bodies and payment of those working in the service of the state.

2. The President of the Kyrgyz Republic:

- 1) appoints, with the consent of the Assembly of People's Representatives, the Procurator General of the Kyrgyz Republic; appoints the deputy of the Procurator General, procurators of oblasts, the City of Bishkek and the military procurator of the Kyrgyz Republic; and relieves them of office;
- 2) appoints with the approval of the Assembly of the People's Representatives, the Chairman of the board of the National Bank of the Kyrgyz Republic, and relieves him of office;
- 3) presents to the Legislative Assembly and to the Assembly of People's Representatives candidates for election to the offices of Chairman of the Constitutional Court of the Kyrgyz Republic, his deputy, and judges of the Constitutional Court of the Kyrgyz Republic;
- D) 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 Supreme Arbitration Court of the Kyrgyz Republic, their deputies, and judges of the Supreme Court of the Kyrgyz Republic and of the Supreme Arbitration Court of the Kyrgyz Republic;
- E) appoints the chairmen, their deputies, and judges of the courts of oblasts, the city of Bishkek, rayons, cities, arbitration courts of the oblasts and the city of Bishkek, and also of the military courts of the Kyrgyz Republic, and relieves them of office under circumstances prescribed by the Constitution and laws.

3. The President of the Kyrgyz Republic:

- A) directs the foreign policy of the Kyrgyz Republic;
- B) conducts negotiations and signs international treaties of the Kyrgyz Republic;
- C) signs instruments of ratification;
- D) appoints and recalls diplomatic representatives of the Kyrgyz

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

E) decides questions of acceptance and forfeiture of citizenship in the Kyrgyz Republic and of granting political asylum.

4. 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.

5. The President of the Kyrgyz Republic:

A) presents draft laws to the Jogorku Kenesh;

2) signs laws or returns them with his objections to the appropriate chamber of the Jogorku Kenesh for further consideration; publishes laws; has the right to protest laws and international treaties ratified by the Kyrgyz Republic to the Constitutional Court of the Kyrgyz Republic;

C) speaks to the people in yearly messages on the state of affairs in the country, to be delivered at a joint sitting of both Chambers of the Jogorku Kenesh;

D) has the right to suspend or annul the effectiveness of acts of the Pravitel'stvo of the Kyrgyz Republic and acts of other bodies of executive power;

E) has the right to decide issues of financing urgent matters at state expense; and establishes funds;

F) exercises legislative power under the circumstances and in

accordance with the procedure set forth in Article 68 of this Constitution.

6. The President of the Kyrgyz Republic:

- 1) has the right to call early meetings of the Legislative Assembly and early sessions of the Assembly of People`s Representatives and to determine issues subject to consideration;
- 2) designates referenda on his own initiative, or decides to call referenda upon the initiative of no less than 300, 000 voters or a majority of the total number of deputies of both Chambers of the Jogorku Kenesh;
- 3) calls elections to the Legislative Assembly and the Assembly of People`s Representatives, carries out early dissolution of the Legislative Assembly and Assembly of People`s Representatives under the circumstances set forth in this Constitution;
- 4) calls elections to local Keneshes and carries out their early dissolution under the circumstances set forth in the laws of the Kyrgyz Republic;
- 5) appoints the Chairman of the Central Commission on Elections and the Conducting of Referenda and one-third of its members;
- 6) appoints the Chairman of the Chamber of Auditors and one-third of its auditors.

7. The President of the Kyrgyz Republic upon grounds specified by law, warns of the possibility of introducing a state of emergency, and when necessary introduces a state of emergency in specific localities without prior declaration, of which action he promptly informs the Legislative Assembly.

8. The President of the Kyrgyz Republic declares universal or partial mobilization; announces a state of war in the event of aggression or direct threat of aggression to the Kyrgyz Republic, promptly submits the issue for consideration of the Legislative Assembly; declares a state of war in the interests of the defense of the country and the safety of its citizens, and promptly submits the issue for consideration of the Legislative Assembly.

9. The President of the Kyrgyz Republic is 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. Decrees and orders of the President of the Kyrgyz Republic must be executed within the entire territory of the Kyrgyz Republic.
3. Decrees issued by the President of the Kyrgyz Republic while executing legislative powers in accordance with subpoint 6 of point 5 of Article 46 of the Constitution have the force of law.

#### **Article 48**

The President of the Kyrgyz Republic has the right to transfer powers specified in subpoint 2 of point 3 of Article 46 of the Constitution to the Prime Minister, members of the Pravitel'stvo, 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 enjoys the right of immunity. The honor and dignity of the President of the Kyrgyz Republic is protected by law.
2. The support, service and protection of the President of the Kyrgyz Republic, as well as his family, is provided at state expense.

#### **Article 50**

1. The powers of the President may be terminated as a result of resignation on his own petition made by him at a joint session of the Chambers of the Jogorku Kenesh or upon his dismissal from office in accordance with the procedure specified in this Constitution or also upon inability to execute his powers 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 due to illness, both Chambers of the Jogorku Kenesh are to adopt a

decision on early dismissal of the President of the Kyrgyz Republic from office based upon the conclusion of a State Medical Commission created by them upon a vote of no less than two-thirds of the total number of the deputies of each of the Chambers.

## **Article 51**

1. The President of the Kyrgyz Republic may be dismissed from office by the Assembly of Peoples' Representatives only on the basis of a charge made by the Legislative Assembly of high treason or commission of another grievous crime confirmed by a ruling of the Constitutional Court of the Kyrgyz Republic.

2. The decision by the Legislative Assembly to bring a charge against the President of the Kyrgyz Republic for dismissal of him from office must be made by a vote of not less than two-thirds of the total number of deputies of the Legislative Assembly upon the initiative of a majority of the total number of deputies of that chamber, and is to be accompanied by 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 result in 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 fewer than two-thirds of the total number of deputies of that chamber, no later than two months after the bringing of the charge against the President by the Legislative Assembly. If a decision shall not be reached by the Assembly within this period, the charge shall be considered 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 the this Constitution, the Prime Minister thereafter shall carry out his duties until the election of a new President of the Kyrgyz Republic. Elections for 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, does 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 Pravitel'stvo, 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 the this Constitution, shall have the title of ex-President of the Kyrgyz Republic.

2. 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 body which has legislative power.

2. The Jogorku Kenesh consists of two chambers:

The Legislative Assembly, with 60 deputies, which acts continuously and is elected on the basis of representation of the interests of the total population of the republic;

The Assembly of People's Representatives, with 45 deputies, which shall work in sessions and shall be elected on the basis of representing territorial interests.

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

Procedure for election of deputies of the Legislative Assembly and Assembly of People's Representatives shall be stipulated by law.

## **Article 55**

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

2. The eldest deputy of each chamber of the Jogorku Kenesh shall open the first session of that chamber.

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

4. From the day work of the newly convened Legislative Assembly and the Assembly of People's Representatives begins, the powers of the prior sessions of the Legislative Assembly and the Assembly of People's Representatives end.

## **Article 56**

1. A citizen of the Kyrgyz Republic who has reached 25 years of age by the day of the elections, has the right to participate in the elections, and has permanently resided in the Republic for not less than 5 years prior to nomination as a Deputy, may be elected a Deputy of the Legislative Assembly of the Jogorku Kenesh.

A citizen of the Kyrgyz Republic who has reached 25 years of age by the day of the elections, has the right to participate in the elections, and has permanently resided in the Republic for not less than 5 years prior to nomination as a Deputy, of which not than 3 years have been within the territory of the respective region or city of Bishkek, may be elected a Deputy of the Assembly of People's Representatives of the Jogorku Kenesh.

2. Deputies of the Legislative Assembly of the Jogorku Kenesh and deputies of the Assembly of People's Representatives of the Jogorku Kenesh are representatives of the people of Kyrgyzstan, and are subordinate to the

Constitution and to their conscience.

3. A Deputy of the Legislative Assembly and a Deputy of the Assembly of People's Representatives within the entire term of powers may not be prosecuted or held liable for opinion expressed or for voting in the course of execution of their powers as a Deputy.

4. One and the same 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 can not simultaneously be a deputy of a local Kenesh.

A deputy of the Legislative Assembly can not work in other state service and can not engage in entrepreneurial 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.

A deputy of the Assembly of People's Representatives can not simultaneously be employed as a member of the Pravitel'stvo, a procurator, a judge, or another office of state service specified by law. A deputy of the Assembly of People's Representatives working in state service may be relieved from an occupied position without the consent of the chamber.

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 the procedure established by law.

6. Powers of a Deputy of the Legislative Assembly or a Deputy of the Assembly of People's Representatives may be terminated early in the event of submission of resignation in writing, a court decision that the Deputy is not legally capable, dissolution of their chamber, entry into force of a court decision on announcing the Deputy deceased, and death of a Deputy.

A Deputy of the Legislative Assembly or a Deputy of the Assembly of People's Representatives shall be deprived of his powers in the event of his recall by voters, entry into force of a guilty verdict against him by court, acceptance of a job or failure to quit a job not compatible with fulfilment of his duties as a Deputy, annulment of the election, change of permanent residents beyond the borders of the Kyrgyz Republic, renunciation of citizenship of the Kyrgyz Republic, or loss of Kyrgyz citizenship.

Early termination of powers of a Deputy of the Legislative Assembly and a Deputy of the Assembly of People's Representatives, and their deprivation of powers, shall be executed based on a Resolution of the Central Committee on Elections and Referenda.

#### **Article 57**

A deputy of the Legislative Assembly and the Assembly of People's Representatives has the right of inquiry to bodies 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**

1. The work of the Legislative Assembly of the Jogorku Kenesh includes:

- A) introduction of amendments and supplements to the Constitution of the Kyrgyz Republic in the procedure established by the Constitution;
- B) adoption of laws of the Kyrgyz Republic;
- C) official interpretation of the Constitution and of laws adopted by it;
- D) alteration of the borders of the Kyrgyz Republic;
- E) approval of laws adopted by the Assembly of the People's Representatives;
- F) 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; determining issues of dismissing them from their positions under the circumstances and according to the procedures set forth in this Constitution;

- G) election of one-third of the members of the Central Commission on Elections and Conduct of Referenda;
  - H) appointment of one-third of the auditors of the Accounting Chamber;
  - I) ratification and denunciation of international treaties, except cases envisaged in Article 48 of this Constitution;
  - J) introduction of states of emergency, authorization of annulment of decrees of the President of the Kyrgyz Republic concerning this issue;
  - K) deciding matters of war and peace; introducing the state of war; and authorization or annulment of decrees of the President of the Kyrgyz Republic about these issues;
  - L) deciding matters about 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;
  - M) establishing of military ranks, diplomatic ranks, class categories and other special titles of the Kyrgyz Republic;
  - N) establishment of state awards and honorary titles of the Kyrgyz Republic;
  - O) issuing acts of amnesty;
  - P) hearing annual reports of the Prime Minister as well as of bodies and officials appointed and elected by it, with account taken of the rules of autonomy and independence of such bodies and officials established in this Constitution;
  - Q) bringing charges against the President of the Republic for dismissal from office.
2. The Legislative Assembly adopts resolutions on issues envisaged in sub-points 5-8, 16, and 17 of point 1 of this Article.
  3. The work of the Assembly of People's Representatives of the

Jogorku Kenesh includes:

- A) introduction of amendments and supplements to the Constitution of the Kyrgyz Republic; adoption of laws in cases envisaged by the Constitution;
- B) approval of the laws adopted by the Legislative Assembly in cases set forth by the Constitution;
- C) official interpretation of the Constitution and of laws adopted by it;
- D) authorization of the republican budget and of reports on its implementation;
- E) alteration of the borders of the Kyrgyz Republic;
- F) deciding matters of the administrative and territorial structure of the Kyrgyz Republic;
- G) calling elections for President of the Kyrgyz Republic;
- H) approval of appointments of the Prime Minister of the Kyrgyz Republic;
- I) approval of appointments of the Procurator General of the Kyrgyz Republic;
- J) approval of appointments of the Chairman of the Board of the National Bank of the Kyrgyz Republic;
- K) 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;
- L) election, upon nomination by the President of the Kyrgyz Republic, of the Chairmen of the Supreme Court and Supreme Arbitration Court of the Kyrgyz Republic, their deputies, and the judges of the Supreme Court and Supreme Arbitration Court of the Kyrgyz Republic;

- M) election of one-third of the members of the Central Commission on Elections and Conduct of Referenda;
  - N) deciding issue about dismissing judges in cases according to the procedure set forth in this Constitution;
  - O) appointing one-third of the auditors of the Chamber of Auditors;
  - P) dismissal of the President of the Kyrgyz Republic from office;
  - Q) hearing reports of the Prime Minister as well as of bodies and officials appointed or elected by the Assembly of People's Deputies, with consideration taken of the rules of autonomy and independence of such bodies and officials established in this Constitution;
  - R) expression of a no confidence vote to the Prime Minister;
  - S) hearing of the reports of the Procurator General and the Chairman of the Board of the National Bank.
4. The Assembly of People's Representatives adopts resolutions on issues described in subpoints 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, are adopted by both Chambers of the Jogorku Kenesh by majority vote of no less than two-thirds of the total number of deputies of each Chamber.

2. Laws adopted by the Legislative Assembly on matters of taxes and fees, financial and customs regulations, banking activities, the ratification or denunciation of international treaties of the Kyrgyz Republic, and amnesty, are subject to consideration by the Assembly of People's Representatives and are considered approved if they receive yes votes from no fewer than half the total number of deputies of the Assembly of People's Representatives. In the event the Assembly of People's Representatives disapproves a decision taken by the Legislative Assembly, the decision on the matter under consideration may be approved by 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 subpoints 4 and 6 of point 3 of Article 58 of this Constitution, are subject to consideration by the Legislative Assembly and shall be considered approved if they receive yes votes from no fewer than half of the total number of deputies of the Legislative Assembly. In the event the Legislative Assembly disapproves a law, 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 described in the first paragraph of point 2 and the first paragraph of point 3 of this Article are deemed approved if not reviewed by the respective chamber of the Jogorku Kenesh within 60 days of adoption.

## **Article 60**

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

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

3. The Toraga of the Legislative Assembly and the Assembly of People's Representatives conduct the sessions of their respective chambers, generally carry out the preparation of issues for consideration during sessions of the chambers, manage internal routine, and sign resolutions adopted by their respective Chambers.

4. The Deputy Toraga of the respective Chamber of the Jogorku Kenesh is elected by secret vote, fulfills specific functions of the Toraga as authorized by him, and substitutes for the Toraga in his absence.

## **Article 61**

Committees and temporary commissions of the chambers of the Jogorku Kenesh perform law drafting work, preliminarily review issues referred to their



competency, and control implementation of the adopted laws and resolutions.

## **Article 62**

1. The Legislative Assembly conducts its business during conventions. The Legislative Assembly convenes once per year; the convention begins the first work day of September and ends the last work day of June.

2. The Assembly of People's Representatives conducts its business during sessions. Sessions of the Assembly of People's Representatives are called no fewer than two times a year.

3. A convention of the Legislative Assembly or session of the Assembly of People's Representatives is legally valid upon the attendance of no fewer than two-thirds of the total number of deputies of the given Chamber. The procedure for conducting business of the Chambers of the Jogorku Kenesh shall be defined by their Regulations.

## **Article 63**

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

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

3. In the case foreseen under point 3 of Article 51 of this Constitution, the Legislative Assembly is considered dissolved from the moment of issuance of a resolution by the Constitutional Court of the Kyrgyz Republic.

4. The chambers of the Jogorku Kenesh may not be dissolved in time of a state emergency or war, during consideration by the chambers of the Jogorku Kenesh of the issue of dismissing the President of the Kyrgyz Republic from

office or when there shall be 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 chambers of the Jogorku Kenesh, the President of the Kyrgyz Republic designates the date for elections of deputies of the given chamber or chambers, so that the newly elected chamber or chambers convene their first session no later than six months after the moment of dissolution.

## **Section Two.** **LEGISLATIVE ACTIVITIES**

### **Article 64**

The right to initiate legislative belongs to:

30.000 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 Pravitel'stvo of the Kyrgyz Republic;  
the Supreme Court of the Kyrgyz Republic, and the Supreme Arbitration Court of the Kyrgyz Republic, on matters within their jurisdiction.

### **Article 65**

1. Draft laws are introduced in both chambers of the Jogorku Kenesh. Upon introduction the respective chamber of the Jogorku Kenesh is obligated to decide within one month the issue of introducing the draft law for review by that chamber, and either to determine the order of priority of review or to state a reason for rejection.

2. Amendments to a draft law on the republican budget may be introduced with the consent of the Pravitel'stvo.

3. Amendments to the Law on national budget, draft laws on introducing or lifting taxes, providing tax exemptions, on changes in financial obligations of the state, and other draft law providing for increased costs to be covered from the national budget or for decreases in revenues of the budget, may only be adopted with consent of the Government.

4. A draft law shall be considered adopted if a majority of the total number of deputies of a chamber vote for it.

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

6. Drafts of laws introducing amendments and supplements to the Constitution, of Constitutional laws, of laws altering the borders of the Kyrgyz Republic, and of laws interpreting of the Constitution and constitutional laws, are considered adopted after no fewer than two readings if no fewer than two-thirds of the total number of deputies of each chamber of the Jogorku Kenesh have voted for them. The date of adoption of the draft law is considered to be the day when the vote on adopting the draft was held in both chambers. If the chambers voted on different days then the date of adoption of the law is the day when the second chamber voted for its adoption.

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

8. No laws restricting freedom of speech and freedom of the press may be adopted.

## **Article 66**

1. An adopted law shall be sent within five days to the President of the Kyrgyz Republic for signing.

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 is subject to reconsideration in the chamber which adopted it. If upon reconsideration the law is approved in the earlier adopted wording by majority vote of no less than two-thirds of the total number of deputies, then the law is to be signed 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 chamber of the Jogorku Kenesh, is to be signed by the President within the period established in point 2 of this Article if upon reconsideration 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 chambers of the Jogorku Kenesh.

#### **Article 67**

A law enters into effect ten days from the moment of its publication if no other stipulation is made in the law itself or in a law on the procedure for its entering into force.

#### **Article 68**

1. The chambers of the Jogorku Kenesh may delegate their legislative powers to the President of the Kyrgyz Republic for a period of no more than one year.

2. Legislative powers transfer to the President of the Kyrgyz Republic in the event of dissolution of chambers of the Jogorku Kenesh.

3. Legislative powers are 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 dissolution of one of the chambers of the Jogorku Kenesh, the President of the Kyrgyz Republic carries out the legislative powers of that chamber only.

### **CHAPTER FIVE** **EXECUTIVE POWER**

#### **Article 69**

Executive power in the Kyrgyz Republic is carried out by the Pravitel'stvo of the Kyrgyz Republic, by ministries accountable to it, by state committees, administrative departments and local state administration.

**Section One.**  
**THE PRAVITEL'STVO**

**Article 70**

1. The Pravitel'stvo of the Kyrgyz Republic is the highest body of state executive power in the Kyrgyz Republic.

2. The activity of the Pravitel'stvo of the Kyrgyz Republic is headed by the Prime Minister of the Kyrgyz Republic. The Pravitel'stvo of the Kyrgyz Republic consists 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 the newly elected President of the Kyrgyz Republic results in resignation from power of the Pravitel'stvo of the Kyrgyz Republic.

4. The Prime Minister, the Pravitel'stvo of the Kyrgyz Republic or an individual member of it has 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 results in the resignation of all members of the Pravitel'stvo. In the event of acceptance of the resignation, the Pravitel'stvo may continue to act upon authorization from the President of the Kyrgyz Republic, until the formation of a new Pravitel'stvo 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. A nomination of a candidate for Prime Minister is 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 Pravitel'stvo, or within one week from the day of rejection of a nominee by the Assembly of People's Representatives.

3. The Assembly of People's Representatives shall make its decision concerning the giving of 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 appoints a Prime Minister and dissolves the Assembly of People's Representatives.

5. The Assembly of Peoples' Representatives may express lack of confidence in the Prime Minister. A resolution of no confidence in the Prime Minister is 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 Pravitel'stvo, organizes its work, and is personally responsible for its activities.

## **Article 72**

1. The President of the Kyrgyz Republic exercises control over the Pravitel'stvo of the Kyrgyz Republic.

2. The Prime Minister presents a report on the work of the Pravitel'stvo to the Legislative Assembly and the Assembly of People's Representatives annually.

## **Article 73**

1. The Pravitel'stvo of the Kyrgyz Republic shall decide all issues about state administration, excluding the powers relegated by the Constitution to the competency of the President of the Kyrgyz Republic and to the Jogorku

Kenesh.

2. The Pravitel'stvo of the Kyrgyz Republic:  
prepares the republican budget and submits it to the Assembly of People's Representatives, and ensures its implementation;  
exercises budgetary-financial, tax and price policy;  
organizes and exercises management over state property;  
takes measures to secure the defense of the country, state security, and the realization of foreign policy of the Kyrgyz Republic;  
carries out measures to guarantee lawful activity, rights and freedoms of citizens, the protection of property and public order, the fighting of crime.

3. The Pravitel'stvo of the Kyrgyz Republic and the National Bank of Kyrgyzstan ensure the provision of a unitary monetary - credit and hard currency policy.

#### **Article 74**

The Pravitel'stvo of the Kyrgyz Republic issues decrees and instructions binding throughout the territory of the Kyrgyz Republic for all bodies, organizations, officials and citizens and organizes, supervises and secures their fulfillment.

#### **Article 75**

1. The Pravitel'stvo of the Kyrgyz Republic oversees the activity of all ministries, government committees, administrative agencies and state organs of local administration.

2. Ministries, state committees, and administrative departments, within the limits of their competency, issue orders and instructions on the basis of and as part of implementing of the Constitution, laws of the Kyrgyz Republic, resolutions of the chambers of the Jogorku Kenesh, acts of the President, resolutions and instructions of the Pravitel'stvo of the Kyrgyz Republic, and organize, check and ensure their implementation.

3. The Pravitel'stvo of the Kyrgyz Republic hears reports of the heads of the ministries, state committees administrative agencies and also heads of the local state administrations and annuls their acts which contradict the legislation

of the Kyrgyz Republic.

**Section Two.**  
**LOCAL STATE ADMINISTRATION**

**Article 76**

Executive power in oblasts, rayons and cities is carried out by the local state administration.

**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 a local state administration adopted within the bounds of its competency is mandatory on the respective territory.

**Section Three.**  
**THE PROCURATOR GENERAL'S OFFICE**

**Article 78**

Auditing accurate and uniform implementation of legislative is performed by the Procuracy of the Kyrgyz Republic within the bounds of its competency.

Bodies of the procuracy conduct criminal investigations and participate in trials of cases in circumstances and procedures set forth by law.

**CHAPTER SIX**  
**COURTS AND JUSTICE**

**Article 79**

1. Justice in the Kyrgyz Republic is administered only by the court.

2. The Courts of the Kyrgyz Republic are the Constitutional Court of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic, the Supreme Arbitration Court of the Kyrgyz Republic, local courts (oblast courts, courts of



the City of Bishkek, courts of rayons, cities, arbitration courts of oblasts and the city of Bishkek, military courts).

The creation and founding of extraordinary, special courts and the position of judges is not allowed.

3. The status of courts and judges in the Kyrgyz Republic is specified by Constitutional laws. The organization and procedure for activity of the courts is specified by law.

4. A Judge is subordinated only to the Constitution and to the law. Judges shall enjoy the right of inviolability and immunity; a judge, in accordance with his status, is ensured social, material and other guarantees of his independence.

## **Article 80**

1. A citizen of the Kyrgyz Republic who is not younger than 35 years of age and no older 70 years of age and who has an advanced legal education and no less than 10 years of experience in the legal profession may be a judge of the Constitutional Court, the Supreme Court or the Supreme Arbitration Court of the Kyrgyz Republic.

Judges of the Constitutional court of the Kyrgyz Republic are elected by the Legislative Assembly and the Assembly of People's Representatives upon nomination by the President of the Kyrgyz Republic for a term of 15 years.

Judges of the Supreme Court and the Supreme Arbitration Court of the Kyrgyz Republic are elected by the Assembly of People's Representatives upon nomination by the President of the Kyrgyz Republic for a term of 10 years.

2. A citizen of the Kyrgyz Republic not older than 65 years of age who has a higher legal education and a record of service in his specialty for no less than 5 years may serve as a judge of a local court.

Judges of local courts are appointed by the President of the Kyrgyz Republic the first time for a term of 3 years, and the next time for a term of 7 years.

## **Article 81**

1. Judges are removed from office on the basis of health, by their own request, for commission of a crime where there is a conviction of a court in force and for other reasons specified by law. Judges of local courts also may be

relieved from their offices on the basis of results of attestation.

2. Judges of the Constitutional Court of the Kyrgyz Republic may be dismissed from their office upon the petition of the President of the Kyrgyz Republic by a majority vote of no fewer than two-thirds of the total number of deputies of each of the chambers of the Jogorku Kenesh of the Kyrgyz Republic.

3. Judges of the Supreme Court and the Supreme Arbitration Courts may be relieved from their office on the petition of the President of the Kyrgyz Republic by a majority vote of no fewer than two-thirds of the total number of deputies of the Assembly of People's Representatives.

## **Article 82**

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

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

3. The Constitutional Court:

A) declares laws and other normative legal acts unconstitutional if they contradict the Constitution;

B) decides disputes concerning the effect, use and interpretation of the Constitution;

C) determines the validity of elections of the President of the Kyrgyz Republic;

D) issues a determination concerning the removal from office of the President of the Kyrgyz Republic as well as judges of the Constitutional Court, the Supreme Court and the Supreme Arbitration Court of the Kyrgyz Republic;

E) gives its consent to the criminal prosecution of judges of local courts;

- F) issues a determination concerning issues about amendments and alterations to the Constitution of the Kyrgyz Republic;
- G) annuls the decisions of bodies of local self-government which contradict the Constitution of the Kyrgyz Republic;
- H) renders a decision concerning the constitutionality of practices concerning the application of laws which affect the constitutional rights of citizens.

4. The decision of the Constitutional Court is final and no appeal is allowed.

The determination of the unconstitutionality of laws and other acts by the Constitutional Court annuls their application on the territory of the Kyrgyz Republic and also cancels the effect of other normative and other acts based on the act determined to be unconstitutional.

### **Article 83**

1. The Supreme Court of the Kyrgyz Republic is the highest body of judicial power in the sphere of civil, criminal and administrative legal proceedings.

2. The Supreme Court of the Kyrgyz Republic oversees the judicial activity of the oblast, City of Bishkek, rayon, municipal and military courts of the Kyrgyz Republic.

### **Article 84**

1. The Supreme Arbitration Court of the Kyrgyz Republic and arbitration courts of oblasts and the City of Bishkek form a unified system of arbitration courts of the Kyrgyz Republic.

2. Arbitration courts settle economic disputes arising in the economic sphere and in the process of its management of disputes between business entities based on different forms of ownership.

3. The Supreme Arbitration Court of the Kyrgyz Republic oversees judicial activities of arbitration courts in oblasts and in the City of Bishkek.

## **Article 85**

1. Pursuant to a decision of a gathering of citizens, local keneshes, or other representative body of local self-government in villages, settlements and towns, aksakal courts (courts of elders) may be organized from elders or other citizens who enjoy respect and authority.

2. Courts of elders consider property, family disputes and any other matters allowed by law which are submitted to them for review by agreement of the parties with the aim of reaching reconciliation by the parties and delivery of a just verdict which does not contradict law.

3. Decisions of courts of elders and courts of arbitration may be appealed to the corresponding rayon and municipal courts of the Kyrgyz Republic.

## **Article 86**

1. Decisions of the courts of the Kyrgyz Republic which are in effects are binding for all state bodies, entities conducting economic activities, public associations, state officials and citizens and are enforceable throughout of the Kyrgyz Republic.

2. Failure to implement a court decision in legal force and also interference with the activities of courts results in the responsibility established by Law.

## **Article 87**

1. The court does not have the right to apply a normative act which contradicts the Constitution of the Kyrgyz Republic.

2. If during consideration of a case in any court matter there arises an issue about the constitutionality of the law or other act, on which determination of the case rests, the court shall send an inquiry to the Constitutional Court of the Kyrgyz Republic.

## **Article 88**

1. In the event of a public or other accusation, a citizen has the right to

defend his dignity and right in court; under no circumstance shall he be denied such court protection.

2. [The right of] Defense is an inalienable right of a person at any stage of review of a judicial matter.

In case of a citizen's lack of a financial means, legal assistance and defense is ensured to him at the expense of the State.

3. In court, every participant in the legal process shall have the right to be heard.

### **Article 89**

1. The burden of proving guilt in criminal and administrative cases is on the accuser.

2. Evidence obtained in violation of the law shall be considered non-existent and reference to it in court is not allowed.

### **Article 90**

Principles of justice established by this Constitution are general and unified for all courts and judges of the Kyrgyz Republic.

## **CHAPTER SEVEN** **LOCAL SELF-ADMINISTRATION**

### **Article 91**

Local self-government in the Kyrgyz Republic is carried out by local associations which manage affairs of a local character within the bounds of the law and under their own responsibility.

### **Article 92**

Local self-government is exercised through the local keneshes and other bodies, which may be formed by the population itself in the procedure established by law. Bodies of local self-government may have communal property in their own possession and at their own use and disposal.

### **Article 93**

The basis for organization and the activities of bodies of local self-government is established by the laws of the Kyrgyz Republic, which also regulate their mutual relations with bodies of state power.

### **Article 94**

Bodies of local self-government may be endowed with separate governmental powers, accompanied by transfer [to them] of the material, financial, and other means necessary for their execution. Bodies of local self-government are accountable to state bodies concerning transferred power.

### **Article 95**

1. Local keneshes:  
approve and control programs of social-economical development of the territory and social protection of the population;  
approve the local budget and report on its implementation and also hear information on the use of extra-budgetary funds;
2. Local keneshes of rayons, towns and oblasts have the right to express by majority vote of two-thirds of the total number of deputies, no confidence in the head of the local state administration of the corresponding territorial unit.
3. Local keneshes act independently from local state administration.
4. Local keneshes, within the limits of their powers adopt acts binding for implementation on their territory.
5. Local keneshes and other bodies of local self-government are responsible before the state for observation and implementation of laws and before local society for the results of their activities.

## **CHAPTER EIGHT** **PROCEDURE FOR AMENDMENTS AND SUPPLEMENTS TO THE CONSTITUTION OF THE KYRGYZ REPUBLIC**

## **Article 96**

1. Amendments and supplements to this Constitution are adopted by referendum called by the President of the Kyrgyz Republic.

2. Amendments and supplements may be adopted in the Chambers 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 to introduce amendments and supplements to the Constitution of the Kyrgyz Republic are 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 the 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 are considered adopted by the Jogorku Kenesh if no fewer than two-thirds of the total number of deputies of each of its chambers have voted for them.

2. A rejected proposal may be re-submitted to the Jogorku Kenesh no earlier than after one year.

***President of the Kyrgyz Republic***

**A. Akaev**