

CENTRAL EUROPEAN AND EURASIAN LAW INITIATIVE

LEGISLATIVE ASSISTANCE
AND
RESEARCH PROGRAM

**ANALYSIS OF THE CONSTITUTIONAL
AMENDMENTS FOR THE KYRGYZ REPUBLIC**

PROMOTING THE RULE OF LAW



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**ANALYSIS OF THE CONSTITUTIONAL AMENDMENTS FOR
THE KYRGYZ REPUBLIC**

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Analysis of the Constitutional Amendments for the Kyrgyz Republic

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Analysis of the Constitutional Amendments for the Kyrgyz Republic¹

I. Introduction

This report analyzes two amended versions of the Constitution of the Kyrgyz Republic: the Constitution of the Kyrgyz Republic in the New Wording as Submitted to the Referendum (Constitution in the New Wording) and the Law of the Kyrgyz Republic on the New Version of the Constitution of the Kyrgyz Republic (New Version of the Constitution). The commentators based their analysis on NDI's translation of the amended Constitution (Constitution in the New Wording); however, the most recent version of the amended Constitution is the New Version of the Constitution. Discrepancies have been found between the two translations, which are indicated below. Unless otherwise indicated, the language cited in this report has been taken from the New Version of the Constitution.

Overall this report will address the effect of the amendments on the Constitution and the political structure of the country. It aims to identify and assess changes to the Constitution as a whole, in particular its controversial aspects.

II. Background Information

The current Constitution of the Kyrgyz Republic was adopted on 5 May 1993. It was subsequently amended in 1996, 1998, and 2001. The latest process of constitutional change was initiated by a Presidential decree of 26 August 2002, which called for the establishment of a Constitutional Council (Council) to reconsider elements of the Constitution.² A forty-member Council (later expanded to 45), chaired by President Akaev, was created last September composed of opposition and pro-government political figures, judges and civil society leaders.³ The Council had a mandate to consider changes to the Constitution, including key issues, such as the powers of the President, Government and judiciary as well as provisions for local self-government.

In October 2002, draft amendments were offered to the public at large for comments and feedback. However, on 2 January 2003, the President issued a decree "On Completion of the Nationwide Discussion on Amendments to the Constitution" which concluded that since some of the many suggestions made by the public during the consultation process differed from the Council's proposal, an "experts group" should be established to prepare a new package of draft amendments by 13 January 2003. The experts group should have taken full account of the public's suggestions and the original proposals of the Constitutional Council.⁴ However, the final proposal of the experts group was presented to the Constitutional Council as a completed document and was not open to discussion.⁵

¹ Compiled by Theresa Vogel, CEELI Legal Analyst

² Kyrgyz Republic Constitutional Amendment, Political Assessment Report, March 20, 2003 http://www.osce.org/odihr/documents/reports/election_reports/kg/kg_constreffeb2003_asmrepor.php3#3

³ Recent Events in Kyrgyzstan FdR 487651, PE326.664 http://www.europarl.eu.int/meetdocs/delegations/kaza/20030212/004a_EN.pdf

⁴ Id.

⁵ OSCE Political Assessment Report.

A nationwide referendum was held on 2 February 2003. 76.61% of voters answered in the affirmative to the following question: Should the Law of the Kyrgyz Republic “On a New Version of the Constitution of the Kyrgyz Republic” be adopted? This Law is the subject of the discussion below.⁶

III. Balance of Powers

A. The President

1. Presidential Term and Elections

The President’s term of office appears to be limited to two consecutive five-year terms. However, there is a real possibility that an incumbent’s term could be extended. A President remains in office until his/her successor takes the oath of office. (Article 45 §4). A Presidential election is not valid unless more than “fifty percent of voters . . . shall have cast their ballots in the election.” (Article 44 §4). The constitution does not explain what is to happen in the not unlikely event that voter turnout falls below 50 percent. Should that occur, the incumbent President would have a constitutional justification for remaining in office because no successor has been elected. The incumbent might claim the right to remain in office until a new Presidential election can be held or even argue that the Constitution does not provide for another Presidential election for five more years.

2. The President and the Jogorku Kenesh

a) Joint Competencies

The President is empowered to declare a state of war or impose martial law if the country faces actual aggression or a direct threat of aggression.⁷(Article 46 §6.8, Constitution in the New Wording). However, in the New Version of the Constitution, the President can only declare a state of war when the country faces aggression or a direct threat of aggression or when the declaration of war is “in the interests of the defense of the country and the safety of its citizens,” but he/she does not have the power to declare martial law (Article 46 §6.8). In both instances, the President must “promptly” submit the matter to the Jogorku Kenesh for consideration.(Article 46 §6.8). The Jogorku Kenesh also has the power to impose martial law or declare a state of war in addition to the authority to nullify Presidential decrees concerning the declaration of war or martial law.⁸ (Article 58 §1.23, Constitution in the New Wording).

In the New Version of the Constitution, the Jogorku Kenesh has the power to declare a state of war, but does not have the power to impose martial law. (Article 58 §1.23). The duplication of the power to declare war and/or impose martial law may create a possibility for the Jogorku Kenesh and the President to conflict over matters of war, especially concerning which branch has supreme

⁶ There is discussion as to whether holding a referendum without passing a constitutional law (as required by Article 1§5) is constitutional in itself. This issue, however, is outside the scope of the discussion covered in this report.

⁷ Discrepancies exist between the Constitution in the New Wording and the New Version of the Constitution as mentioned above. This amendment has been analyzed in light of both versions.

⁸ Discrepancies exist between the Constitution in the New Wording and the New Version of the Constitution as mentioned above. This amendment has been analyzed in light of both versions.

competency over military actions.

b) Dissolution of Jogorku Kenesh

The President appoints the Prime Minister with the consent of the Jogorku Kenesh. (Article 46 §1.2). In the event that the Jogorku Kenesh votes three times to reject the President's appointment of a Prime Minister, the President can dissolve the Jogorku Kenesh, allowing him/her to appoint the Prime Minister without parliamentary approval. (Article 63 §2; Article 71 §4). The President, thus, has far greater leverage than the Jogorku Kenesh in the selection of the Prime Minister as he/she can confront the members of the parliament with the choice between accepting his/her candidate or facing the risk of an early parliamentary election at which all their seats will be at risk.(Article 63 §5; Article 71§4).

The President can dissolve the Jogorku Kenesh if, after three months, the Jogorku Kenesh for the second time agrees to a no confidence motion.

The President also has the power to dissolve the Jogorku Kenesh if decided by a referendum or “in the event of another crises caused by insurmountable differences between the Jogorku Kenesh of the Kyrgyz Republic and other branches of state power.”(Article 63 §2). If the President also has the power to determine whether “insurmountable differences” exist, he/she will have even greater authority to dissolve a parliament that is not sufficiently compliant with his/her demands. Once the Jogorku Kenesh is dissolved, six months may pass before the newly elected Jogorku Kenesh convenes. (Article 63 §5). During this six-month period, the President holds all legislative powers. (Article 68 §2). Thus, by dissolving the Jogorku Kenesh, the President assumes all legislative powers for as long as six months.

Additionally, Article 72 §7 permits the President to dissolve the Jogorku Kenesh if after three months the Jogorku Kenesh agrees to a no confidence motion for the second time.⁹

c) President's Law-making Power

The President is empowered to issue decrees and orders to be executed throughout the territory of the Kyrgyz Republic, which have “the force of law.” (Article 47; Article 68 §3). In addition, the Jogorku Kenesh can transfer its legislative powers to the President for a period of up to one year or, in the event of the dissolution of the Jogorku Kenesh, legislative powers will be transferred to the President automatically. (Article 68). The period of one year during which the President may hold legislative powers is too long and no provisions are provided that limit the transfer of legislative power to the President.¹⁰ Considering these provisions, the President could conceivably take on all legislative authority, including the power to amend the Constitution.¹¹

⁹ For further explanation and analysis of this amendment, Article 72 §7, please read the section (III.B.1.a) below titled “Votes for No Confidence in the Government.”

¹⁰ Opinion on the Draft Amendments to the Constitution of Kyrgyzstan Adopted by the Venice Commission at its 53rd Plenary Session (Venice, 13-14 December 2002), [http://www.venice.coe.int/docs/2002/CDL-AD\(2002\)033-e.html](http://www.venice.coe.int/docs/2002/CDL-AD(2002)033-e.html), paragraph 20.

¹¹ Venice Commission Opinion, paragraph 21.

The President also holds considerable authority over the Jogorku Kenesh in the exercise of its legislative powers. The Jogorku Kenesh must address any bill “identified as urgent” by the President or the Government before all other bills on the docket. (Article 65§ 2). This amendment infringes on the independence of the Jogorku Kenesh and leaves the President and Government in control of the work program of the parliament.

The Constitutional amendments also put time restraints on the Jogorku Kenesh in the passage of laws to which the President objects. The Jogorku Kenesh must wait six months before reconsidering a law returned by the President with his/her objections. (Article 66§ 2). Furthermore, a law introducing Constitutional amendments, interpreting the Constitution or altering the borders of the Kyrgyz Republic returned by the President for reconsideration by the Jogorku Kenesh cannot be addressed before a one-year period has expired.(Article 65 §6; Article 66§ 4). If the President returns a law mentioned in Article 65 §6 to the Jogorku Kenesh for reconsideration, the Jogorku Kenesh can only adopt the earlier version of the law by a super majority vote of four-fifths of the total number of deputies in the Jogorku Kenesh.

The six month waiting period for a vote to override the President’s objections to a piece of legislation does not apply if the Jogorku Kenesh agrees with the President’s objections to the legislation. (Article 66 §2, §4). Having this in mind, if the Jogorku Kenesh is unable to schedule a vote for six months concerning the President’s objections to the legislation, it may be unlikely that the Jogorku Kenesh can vote by a majority to accept the proposed objections either, leaving the law in limbo unnecessarily for six months.

These amendments preclude the enactment of timely legislation by the Jogorku Kenesh and serve to strengthen the President’s power while weakening that of the Jogorku Kenesh, disrupting the balance of power within the country and the system of checks and balances. The addition of a provision assuring that a bill not signed or returned by the President will become law automatically is also advisable in order to prevent further delays in the passage of legislation.

d) Removal of President’s Veto

The former expert group’s proposal concerning Article 66§3 that would have granted the President an absolute veto over legislation has been removed and does not exist in the current version of the Constitution.¹² However, according to the New Version of the Constitution, the President not only has the power to sign, enforce and return laws with his/her objections to the Jogorku Kenesh for reconsideration, but also to reject laws submitted to him/her.¹³(Article 46 §5.2). Contrastingly, the Constitution in the New Wording does not include the power of the President to reject laws.(Article 46 §5.2). Such an amendment, if in fact included in the Constitution, would grant the President considerably more power in the legislative realm than he/she held under the former Constitution of the Kyrgyz Republic.¹⁴

¹² OSCE Political Assessment Report.

¹³ Discrepancies exist between the Constitution in the New Wording and the New Version of the Constitution as mentioned above. This amendment has been analyzed in light of both versions.

¹⁴ 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.

e) Impeachment Procedure

The Jogorku Kenesh must obtain a super majority vote of four-fifths of the whole parliament in order to impeach the President. (Article 51 §4). This amendment has increased the required majority in the Jogorku Kenesh for the impeachment of the President from two-thirds to four-fifths. A requirement of a four-fifths majority may make it impossible to remove a President who has any significant support or political base within the Jogorku Kenesh, even in the event that the Constitutional Court has affirmed the charge that the President committed treason or a grievous crime. (Article 51 §1). An extraordinary majority is appropriate for removing a President, but a four-fifths majority allows a President to remain in office with limited backing of the legislative branch.

f) Security Services, Armed Forces, War and Emergency Powers

The Constitution grants the President the power to create and abolish the National Security Service, establish and head the Security Council and other coordinating bodies, and form the state security services and the National Guard under his supervision. (Article 46 §1. 7-9). The President is also the commander-in-chief of the armed forces (Article 46 § 9) and has the power to declare a state of war if the country faces “aggression or direct threat of aggression” or impose martial law, although he/she must “promptly submit this matter to the Jogorku Kenesh . . . for consideration.”¹⁵(Article 46 §8, Constitution in the New Wording). Furthermore, the President has the power to declare a state of emergency, although he/she must promptly inform the Jogorku Kenesh, which must confirm or reject the act of the President within three days. (Article 10 §2; Article 46 §7). These provisions grant the President almost complete control over instruments of government coercion, which is inappropriate in a democratic constitutional system.¹⁶ In particular, the President’s authority to “constitute and abolish the National Security Service,” without any participation or approval by the Jogorku Kenesh appears to be too great an allocation of power to the President. (Article 46§1.7).

The Jogorku Kenesh has the power to “authorize or annul” the declarations of war or martial law made by the President and to institute a state of war itself.¹⁷ (Article 58§1.23, Constitution in the New Wording). The President; however, has the authority to declare war or impose martial law without the requirement of confirmation from the Jogorku Kenesh within three days that applies to the President’s declaration of a state of emergency.¹⁸(Article 10§2;10§3;46§8, Constitution in the New Wording). In the event that the President declares war or imposes martial law, he/she is only required to “promptly” present the matter to the Jogorku Kenesh for

<http://www.kyrgyzstan.org/Law/constitution.htm>.

¹⁵ Please see the explanation on the discrepancies concerning Article 46§8 between the Constitution in the New Wording and the New Version of the Constitution in the section above (III.A.2.a) titled “Joint Competencies.” In this instance, the amendment, Article 46§8, as stated in the Constitution in the New Wording is used.

¹⁶ Venice Commission Opinion, paragraph 35.

¹⁷ Please see the explanation on the discrepancies concerning Article 58§1.23 between the Constitution in the New Wording and the New Version of the Constitution in the section above (III.A.2.a) titled “Joint Competencies.” In this instance, the amendment, Article 58§1.23, as stated in the Constitution in the New Wording is used.

¹⁸ Please see the explanation on the discrepancies concerning Article 46§8 between the Constitution in the New Wording and the New Version of the Constitution in the section above (III.A.2.a) titled “Joint Competencies.” In this instance, the amendment, Article 46§8, as stated in the Constitution in the New Wording is used.

consideration.¹⁹ (Article 46§8, Constitution in the New Wording). Taking these provisions together, the President could claim the constitutional authority to declare war or impose martial law for the remainder of his/her five-year term of office without the need for approval from the Jogorku Kenesh.

3. Presidential Immunity

The President enjoys the right of unlimited immunity while in office. (Article 49 §1). In addition, the “honor and dignity” of the President is protected by law, which may be utilized to silence the President’s critics or even criminalize any criticism of the President. The immunity of the President should not apply more broadly than to the performance of Presidential duties. The immunity granted to the President should be reduced, as immunity from prosecution for serious crimes unrelated to the Presidential office is unwarranted.

In addition to the immunity granted to the current President, ex-Presidents are also afforded immunity. (Article 53 §2-4). Although Article 53 §2 refers to actions a President may have taken while in office, it remains unclear whether the immunity of a former President does not also extend to his/her actions after leaving office. Although it may be reasonable for constitutional drafters to subordinate the interest of a President’s alleged victims in justice to the national interest for a time in order to prevent distractions to the President while in office, affording an ex-President immunity for life from prosecution for crimes committed in office is a denial of justice. Situations may arise in which the national interest may be better served when a President escapes prosecution for crimes against his own state and people, but immunity in such cases should be negotiated on a case-by-case basis rather than being fixed by the Constitution.

Furthermore, extending the grant of “financial support, services and security support” to the “spouse, underage children, and other dependant family members” of a former President, may become unduly burdensome as the number of former Presidents increases. (Article 53 §4).

4. The President and the Government

The President determines the structure of the Government with the approval of the Jogorku Kenesh. (Art. 46 §1.1). With regard to executive bodies, the President has unilateral power to constitute and eliminate executive bodies outside the Government. (Article 46 §1.10). This provision increases Presidential power and does not provide descriptions of the “executive bodies” referenced or explain the distinctions among government ministries, administrative agencies, and this additional class of “executive bodies.” In addition, Article 46§1.10 allows the President to constitute and eliminate executive bodies outside the Government with no parliamentary approval requirement. (Article 46 §1.1;§1.10). The President also has the authority to “suspend and invalidate legal acts of the Government of the Kyrgyz Republic, and of other executive bodies.” (Article 46 §5.4). The unilateral power of the President over the Government and executive bodies may invite abuse.

The President appoints the Prime Minister with the consent of Jogorku Kenesh (Art. 46§1.2). If the parliament votes three times to reject the President’s choice or choices as Prime

¹⁹ Please see the explanation on the discrepancies concerning Article 46§8 between the Constitution in the New Wording and the New Version of the Constitution in the section above (III.A.2.a) titled “Joint Competencies.” In this instance, the amendment, Article 46§8, as stated in the Constitution in the New Wording is used.

Minister, the President can dissolve the parliament and appoint whomever he/she chooses as Prime Minister.(Article 63 §2; Article 71§4). After the Prime Minister is chosen, the President then appoints other members of the Government with the advice of the Prime Minister and the consent of the Jogorku Kenesh. (Art. 46§1.3). The President appoints heads of administrative agencies with the advice of the Prime Minister but without the confirmation of the Jogorku Kenesh. (Art. 46§1.3). Thus, the President and the Jogorku Kensch share control over key appointments to the Government, but the President can make other appointments independently.

Furthermore, the President can dismiss the Prime Minister, members of the Government, heads of administrative agencies, and the Government as a whole, at his own discretion and without the need for parliamentary approval (Art. 46§1.3-4). Although the President cannot install a Prime Minister or members of Government without parliamentary approval, no Prime Minister, member of the Government or head of any “administrative agency” can remain in office without the President’s continuing support.

B. The Jogorku Kenesh

1. Unicameral Parliament

The amendments to the Constitution create a unicameral parliament eliminating the former bicameral parliament and reducing the number of deputies from 105 (60 in the Legislative Assembly and 45 in the People’s Representative Assembly) to 75.²⁰ (Article 54.2).

A bicameral legislature may be useful in limiting the influence of a powerful party or faction, particularly to the extent that the method of electing candidates to the second chamber differs from the method of electing candidates to the first.

2. Removal of a deputy

A deputy of the Jogorku Kenesh may be divested of his/her powers for consistent absences without due cause by a majority vote of the Jogorku Kenesh. (Article 56.9) This would seem to be too low a number to disenfranchise a deputy’s constituents and would seem to be vulnerable to potential political abuse. The deputy may be unfairly removed and his/her status may be weakened.²¹ A powerful party in the Jogorku Kenesh may act *en bloc* for the removal of any deputy deemed too independent. The power to remove a deputy for excessive absence should lie with constituents, at least to an extent equal with that of the parliament itself. If the business of the Jogorku Kenesh is frustrated by absences of deputies that may well be precisely the intent of the constituents whose interest is being represented by the absentee. This amendment may also impede the development of legislation as most parliaments work in committees and not in a general session.²²

The original parliament of the Kyrgyz Republic had 105 deputies while the current parliament, Jogorku Kenesh, due to the Constitutional amendments, has 75. (Article 54 §2). The Constitution mandates that the Jogorku Kenesh have no more than seven standing committees, but

²⁰ OSCE Political Assessment Report.

²¹ OSCE Political Assessment Report.

²² The Association of Advocates of Kyrgyzstan’s Preliminary Analysis of Proposed Constitutional Changes.

it can also form ad hoc commissions. (Art. 61 §1). A deputy; however, may only serve on one committee or commission. (Art. 61 §1). In the event that all deputies are assigned to committees and the parliament decides to empanel an ad hoc commission to study a pressing issue, conceivably there may be a lack of deputies available to assign to the ad hoc commission.

3. Prohibition of Abstention to Vote

According to the New Version of the Constitution, all deputies are obligated to vote during a legislative session and may not abstain from the voting process.²³ (Article 62 §4). This provision is not included in the Constitution in the New Wording.

4. The Jogorku Kenesh and the Government

a) Votes of No Confidence in the Government

The Jogorku Kenesh has the authority to hold votes of no confidence in the Government, but this power is so circumscribed as to be of little practical value. (Articles 58 §1.10; 72 §3). Based on the report submitted to the Jogorku Kenesh by the Prime Minister on the work of the Government, the Jogorku Kenesh can adopt a resolution of no confidence in the Government with a majority vote of not less than two-thirds of the total number of deputies of the Jogorku Kenesh. (Article 72 §4). Nevertheless, a parliamentary vote of no confidence neither compels the Government to resign nor does it require the President to dismiss the Government. (Article 72 §3, §6, §7). The President, upon the Jogorku Kenesh's vote of no confidence in the Government, can "announce the resignation" of the Government or "disagree with the decision of the Jogorku Kenesh." (Article 72 §6). If, within three months, the parliament again agrees to a no confidence motion, the President has a choice of dismissing the Government or dissolving the Jogorku Kenesh. (Article 72 §6, §7). Thus, the Jogorku Kenesh lacks the power to compel a Government to resign. If deputies of the Jogorku Kenesh cast repeated votes of no confidence, they are much more likely to find their own political careers placed in jeopardy when the President dissolves the Jogorku Kenesh instead of dismissing a Government that retains his support.

b) Taxing and Spending Powers

The amendments vest the substantial part of the taxing and spending powers in the Government, rather than in the Jogorku Kenesh. The Jogorku Kenesh is precluded from introducing or amending legislation concerning the national budget, the state's financial obligations, taxes and tax exemptions without the consent of the Government. (Article 65 §5). However, although the Jogorku Kenesh has the power to establish taxes, the Government has the authority "in exceptional cases, for the purposes of protecting economic interests of the Kyrgyz Republic," to take temporary measures with respect to the tax rate and "obligatory payments into the budget," with mere notice to the Jogorku Kenesh. (Article 11 §3; §4). There is no Constitutional requirement for the Jogorku Kenesh to approve the changes made by the Government to the tax rate or the budgetary charges. Such changes made by the Government should require the approval of the

²³ Discrepancies exist between the Constitution in the New Wording and the New Version of the Constitution as mentioned above. This amendment has been analyzed in light of both versions.

Jogorku Kenesh in order to preserve the balance of power.²⁴

C. The Judiciary

1. The Constitutional Court

The Constitutional Court has the authority to decide on the constitutionality of the activities of political parties, social and religious organizations. (Article 82 §3.8). However, these organizations and individuals no longer have the right to appeal to the Constitutional Court as a result of this amendment.²⁵ Article 82 §3.8 had previously granted the Constitutional Court the mandate to “render decisions concerning the constitutionality of practices in the application of laws which affect the constitutional rights of citizens.”²⁶

The Constitutional amendments have also removed the power of the Constitutional Court to overturn judicial decisions, in particular those of the Supreme Court. (Article 82 §4; Article 83 §3). The lack of such provisions allowing for the intervention of the Constitutional Court in the decisions of the Supreme Court may diminish the level of protection of human rights.²⁷

2. The Constitutional Court and the Jogorku Kenesh

The power of the Jogorku Kenesh under Article 58 §1.3 to provide the “official interpretation of the Constitution and laws adopted by it” may conflict with the power of the Constitutional Court under Article 82§3.2 to make decisions “concerning the effect, use and interpretation” of the Constitution. The question may arise of whether the interpretation of the Constitution made by the Jogorku Kenesh is binding on the Constitutional Court.²⁸ The Venice Commission suggests that the Constitutional Court should have the sole authority to interpret the Constitution.²⁹

IV. Human Rights and Freedoms

A. Prohibition of Activities of Foreign Parties, NGOs, Religious Organizations, Representative Offices and Branches

The amendments made to Article 8 §4 prohibit the political activity of “foreign political parties, public and religious organizations, their missions and branches” and the creation and activity of “political parties, public associations, religious and other organizations damaging the constitutional order, state and national security.” (Article 8§4). This amendment may be used to prevent activities important to the formation and improvement of a civil society and may even curtail the involvement of international NGOs with civil society groups in the country.³⁰ (OSCE and

²⁴ AAK’s Preliminary Analysis.

²⁵ AAK’s Preliminary Analysis.

²⁶ 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. <http://www.kyrgyzstan.org/Law/constitution.htm>.

²⁷ AAK’s Preliminary Analysis.

²⁸ Venice Commission Opinion, paragraph 28.

²⁹ Venice Commission Opinion, paragraph 28.

³⁰ OSCE Political Assessment Report. See also AAK’s Preliminary Analysis.

Preliminary Analysis).

1. Restrictions on Activities of Religious Organizations

Religious organizations are prohibited from pursuing “political goals and objectives.” (Article 8 §4). Religious organizations are a part of society and have an interest in participating in political goals and objectives. All organizations, including religious ones, should have the opportunity to express their views on government policies that impact them.

“Interference” with the operation of state bodies by members of religious organizations and sects is not permitted; however the amendment does not further define “interference” leaving open the possibility of a variety of understandings. (Article 8 §4). Some interpretations of this amendment could be used to silence and intimidate religious organizations.

2. General Problems of Vagueness (Article 16)

Numerous amendments were made to Article 16 that may provide a mechanism for abuse, especially in preventing organizations and individuals from performing legitimate activities. Any “propaganda or advocacy” considered an “incitement to social, racial, ethnic or religious hatred or hostility” is prohibited. (Article 16 §9). Insulting one’s “national dignity ... shall be prosecuted in accordance with the law.”(Article 16 §12). These amendments are particularly vague and may invite subjective interpretation that diminishes the right of all to the freedom of thought and speech and the unimpeded expression thereof.³¹ (Article 16 §9)

B. Gathering, Storage, Usage and Dissemination of Confidential Information

The “gathering, storage, usage and dissemination of confidential information” concerning a person without obtaining his/her consent is not permitted according to Article 16 §6. This provision may infringe on media freedom, especially considering the lack of definition of “confidential information.” Furthermore, Article 16 §6 may conflict with Article 16 §9, which ensures the right “to gather, store and use information freely and to disseminate it orally in writing, or otherwise.”

C. The Right to Assemble

Citizens have the right to peacefully assemble once they have notified the “executive authorities or local self-governance bodies” in advance.(Article 16 §14). This amendment may be used to prevent citizens from assembling in a peaceful manner if more than mere notification is required. City councils may still be able to ban demonstrations, such as the Bishkek and Osh city councils have done in the past.³²

Article 9§4 may also infringe on the right to assemble by designating actions that disturb the “peaceful communal life of the people, propagandizing and igniting interethnic or religious strife” as unconstitutional. This amendment may be interpreted either to mean that all actions producing the effect of “igniting interethnic or religious strife” are unconstitutional or actions performed only with

³¹ AAK’s Preliminary Analysis.

³² AAK’s Preliminary Analysis.

the intent or purpose to spread propaganda or ignite “interethnic or religious strife” are unconstitutional.

D. Use of Individual Rights

The Constitution prohibits a person from using their rights and freedoms to violate the rights and freedoms of others.(Article 16 §21). The exercise of one’s rights and freedoms can always be construed in some manner to infringe upon the rights and freedoms of others.

In addition, rights and freedoms may not be used to force “change of constitutional order” or instigate “racial, interethnic, social or religious hatred, for propaganda of violence and war.” (Article 16 §22). These amendments provide further examples of vague provisions open to abuse and subjective interpretations inviting the prosecution of legitimate activities.³³

E. Right to Approach the Constitutional Court

Individuals no longer have the right to appeal to the Constitutional Court due to the amendment of Article 82 §3.8. As over 60% of the cases heard by the Constitutional Court prior to this amendment were from individuals alleging the infringement of their rights and 95% of those cases were found in favor of the plaintiff, the right of citizens to be heard by the Constitutional Court should be revisited.³⁴

F. Right to Alienation of Property

The State can alienate property “in exceptional cases” with “fair” compensation. (Article 19§3). This amendment may be subject to abuse and used against investors.³⁵

G. Introduction of the Ombudsman’s Office

While the introduction of the Ombudsman office is a positive step in the protection of human rights, the amendments do not detail the Ombudsman’s powers besides indicating that they will be “established by law.”(Article 40 §3). On the one hand, if this reference to “law” means only legislation, ordinances or decrees, then the Ombudsman is left dependent for powers on government bodies that make law, which are the same government bodies whose agents and subordinates the Ombudsman is supposed to investigate. On the other hand, by leaving out provisions concerning the Ombudsman’s powers, two possibilities could be envisioned. First, the Ombudsman will be forced to appeal both publicly and politically for power, preventing the frustration of the people’s purpose in establishing the office. Second, the Constitutional Court may be persuaded to conclude that powers considered necessary to the office of the Ombudsman in other countries are implied in the Constitutional text establishing the office. (Article 40 §2).

The phrase “control over observance of human and civil rights and freedoms” is unclear in that it does not indicate the form of the control intended and whether a complaint concerning the interference with one’s rights and freedoms is required before review will be taken by the Ombudsman. (Article 40§2).

³³ OSCE Political Assessment Report. See also AAK’s Preliminary Analysis.

³⁴ OSCE Political Assessment Report.

³⁵ AAK’s Preliminary Analysis.

The power of the Jogorku Kenesh to appoint and dismiss the Ombudsman should be explained in further detail and procedures for the dismissal of the Ombudsman should be provided for by law and made possible only by a majority vote of the Jogorku Kenesh.³⁶ (Article 58 §20).

³⁶ Venice Commission Opinion, paragraph 40.

Appendix A

Biographical Statements of Experts Assessing the Amendments

Biographical Statements of Experts Assessing the Amendments

Stanley Bach

Stanley Bach has worked in and for the United States Congress since 1974. A graduate of the University of Chicago, he received a Ph.D. in political science from Yale University and then taught American politics at the University of Massachusetts. He has served on staffs in both the House of Representatives and the Senate as a legislative assistant, administrative assistant, and committee counsel. Since joining the Congressional Research Service (CRS) in 1976, where he is now Senior Specialist in the Legislative Process, he has provided expert, non-partisan assistance to Representatives, Senators, and their staffs and committees on legislative procedures and strategies. In addition to the many reports he has written for CRS on committee, floor, and conference procedures in the House and Senate, he has prepared videotapes and documents for congressional use and has been one of the featured participants in congressional staff training programs. His research and essays on Congress also have been published by the Brookings Institution and various scholarly journals. He has lectured on Congress and the legislative process for many organizations, including Congressional Quarterly, the Energy, Interior, and State Departments, and the Office of Personnel Management, and in Asia and Latin America for the United States Information Agency. He also has been a Visiting Scholar at the Hoover Institution at Stanford University. In recent years, he has contributed to parliamentary development activities, especially in Central and Eastern Europe and the former Soviet Union.

Louis Fisher

Louis Fisher is a senior specialist in separation of powers with the Congressional Research Service of the Library of Congress. He began work with CRS in 1970 and served as research director of the House Iran-Contra Committee in 1987, writing major sections of the final report.

His books include *President and Congress* (1972), *Presidential Spending Power* (1975), *The Constitution Between Friends* (1978), *The Politics of Shared Power* (4th ed. 1998), *Constitutional Conflicts Between Congress and the President* (4th ed. 1997), *Constitutional Dialogues* (1988), *American Constitutional Law* (5th ed. 2003), *Presidential War Power* (1995), *Political Dynamics of Constitutional Law* (with Neal Devins, 3d ed. 2001), *Congressional Abdication on War and Spending* (2000), *Religious Liberty in America: Political Safeguards* (2002), and *Nazi Saboteurs on Trial: A Military Tribunal and American Law* (2003). His textbook in constitutional law is available in two paperbacks: *Constitutional Structures: Separation of Powers and Federalism* and *Constitutional Rights: Civil Rights and Civil Liberties*. With Leonard W. Levy he edited the four-volume *Encyclopedia of the American Presidency* (1994). He has twice won the Louis Brownlow Book Award, the encyclopedia he co-edited was awarded the Dartmouth Medal, and in 1995 he received the Aaron B. Wildavsky Award “For Lifetime Scholarly Achievement in Public Budgeting” from the Association for Budgeting and Financial Management.

He received his doctorate in political science from the New School for Social Research (1967) and has taught at Queens College, Georgetown University, American University, Catholic University, Indiana University, Johns Hopkins University, the College of William and Mary law school, and the Catholic University law school.

Dr. Fisher has been invited to testify before Congress on such issues as war powers, executive spending discretion, Presidential reorganization authority, Congress and the Constitution, the legislative veto, the item veto, the Gramm-Rudman-Hollings Act, executive privilege, executive lobbying, CIA whistleblowing, covert spending, the pocket veto, recess appointments, the budget process, the balanced budget amendment, biennial budgeting, and Presidential impoundment powers.

He has been active with CEELI (Central and East European Law Initiative) of the American Bar Association, traveling to Bulgaria, Albania, and Hungary to assist constitution-writers, participating in CEELI conferences in Washington, D.C. with delegations from Bosnia-Herzegovina, Lithuania, Romania, and Russia, and serving on CEELI “working groups” on Armenia and Belarus. As part of CRS delegations he traveled to Russia and Ukraine to assist on constitutional questions.

Dr. Fisher’s specialties include constitutional law, war powers, budget policy, executive-legislative relations, and judicial-congressional relations. He is the author of more than 300 articles in law reviews, political science journals, encyclopedias, books, magazines, and newspapers. He has been invited to speak in Albania, Australia, Bulgaria, Canada, the Czech Republic, England, Germany, Greece, Holland, Israel, Macedonia, Malaysia, Mexico, Oman, the Philippines, Poland, Romania, Russia, Slovenia, Taiwan, Ukraine, and the United Arab Emirates.

Morgan Frankel

Morgan Frankel has been an attorney in the Office of Senate Legal Counsel of the United States Senate for fifteen years. He is currently the Deputy Senate Legal Counsel. Mr. Frankel has litigated major separation of powers controversies on behalf of the United States Senate, including *INS v. Chadba*, on the legislative veto, *Bonsber v. Synar*, on the Gramm-Rudman Act, and *Morrison v. Olson*, on the independent counsel provision. Additionally, he argued *Burke v. Barnes*, on congressional standing and the presidential pocket veto power, before the United States Supreme Court. Mr. Frankel was counsel on the Senate Impeachment Trial Committee on the Articles Against Judge Walter L. Nixon, Jr., counseling the committee conducting evidentiary proceedings in the impeachment trial of the federal judge. He was also Special Counsel to the Senate Select Committee to Investigate Law Enforcement Undercover Operations of Components of the Department of Justice, advising the committee investigating the United States Federal Bureau of Investigation’s conduct of the Abscam undercover operation. He earned his Juris Doctor from Yale Law School, where he was Article and Book Review Editor for *YALE LAW JOURNAL*. He graduated Phi Beta Kappa and with Highest Honors from Swarthmore College.

Professor John Paul Jones

John Paul Jones is currently a Professor at the University of Richmond School of Law. He received his Juris Doctor degree *magna cum laude* from the University of San Diego School of Law and later went on to receive his Master of Laws from Yale Law School. He also graduated with honors from the Naval Justice School and received a Bachelor of Arts Degree in History and Political Science from Marquette University. Professor Jones served as a Legal Specialist for CEELI,

working in Albania from November to December 1992. Previously, he worked as a judicial clerk for Judge David Schwartz of the United States Court of Claims in Washington, D.C.

Professor Robert Sharlet

Robert Sharlet is a professor of political science at Union College and an associate of the Harriman Institute of Columbia University. He received his Doctor of Philosophy and Master of Arts degrees from Indiana University and was an Exchange Fellow at Moscow University Law School. Professor Sharlet has been a visiting professor at Columbia, Georgetown, SUNY, Skidmore, Wisconsin, and Yale Universities. He has also been a guest lecturer at Cornell, CUNY, George Washington, Middlebury, Moscow Law School, University of North Carolina-Chapel Hill, and Princeton. From 1994 to 1996, Professor Sharlet was Senior Coordinator of the Rule of Law Consortium. Professor Sharlet has published six books and numerous chapters, essays, and journal articles on politics and law in the USSR, Russia, the NIS, and Eastern Europe. He is the editor of the series, “The New Russian Political System.”

Professor Sharlet has testified before Congress, appeared on the McNeil-Lehrer Report, been interviewed on Soviet Radio and “All Things Considered,” and been consulted by the *New York Times*, *U.S. News and World Report*, *USA Today*, *AP*, *Agence France Press*, *Time*, and other media. He participated in the Sakharov and CSCE conferences in Moscow, was a national coordinator for Amnesty International, and served as a consultant to the Russian Constitutional Commission.

Appendix B

Constitution of the Kyrgyz Republic in the New Wording as Submitted to the Referendum

CONSTITUTION OF THE KYRGYZ REPUBLIC

*Adopted on the twelfth session of the Supreme Council
of the Kyrgyz Republic of the twelfth convocation on May 5, 1993,
changed and amended by the Law of the Kyrgyz Republic on Changes and Amendments to the
Constitution of the Kyrgyz Republic of February 17, 1996 passed by the Referendum of
February 10, 1996,
and
changed and amended by the Law of the Kyrgyz Republic on Changes and Amendments to the
Constitution of the Kyrgyz Republic of October 21, 1998 passed by the Referendum of October
17, 1998
and
changed by the Law of the Kyrgyz Republic on Changes to Article 5 of the Constitution of the
Kyrgyz Republic of December 24, 2001*

IN THE NEW WORDING

AS SUBMITTED TO THE REFERENDUM OF FEBRUARY 2, 2003

(in bold)³⁷

With changes introduced by the Presidential Decree of 23 January 2003

(marked in yellow)

Translated³⁸ for NDI

by Irina Krapivina

on January 19, 2003

tel.: 41 38 69

³⁷ *Translator's note:* In this English version of the Constitution, the text is used in bold whenever it is enboldened in the Russian version of the proposed Constitution as submitted to the Referendum of 2 February 2003. Please **note** that, as has been noticed, the fact that this or that text is used in bold does not necessarily mean that it differs from the current wording of the Constitution; and, vice versa, some proposed changes in the wording of the current Constitution have not been marked in bold by the authors of the Russian version.

³⁸ A translation of the 1996 Constitution (see the website of IFES Central Asia) has been used as the basis for the

CONSTITUTION OF THE KYRGYZ REPUBLIC

We, the People of Kyrgyzstan,

striving to ensure the national revival of the Kyrgyz [nation], the protection and development of interests of all nationalities, which - together with the Kyrgyz - constitute the people of Kyrgyzstan, on the strength of the ancestors' behest to live in unity, peace and concordance;

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

full of resolution to develop the [country's] economy, political and legal institutes, and culture for providing a decent level of life for everyone;

proclaiming our devotion to common human moral principles and values of national traditions; and

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

in the person of our authorized representatives, hereby adopt this Constitution.

Chapter I. THE KYRGYZ REPUBLIC

Section One

GENERAL PRINCIPLES

Article 1

1. The Kyrgyz Republic (Kyrgyzstan) shall be a sovereign, unitary, democratic Republic, and it shall be founded as a rule-of-law and secular state.
 2. The sovereignty of the Kyrgyz Republic shall in no way be restricted, and it shall extend throughout its entire territory.
 3. The People of Kyrgyzstan shall bear the sovereignty, and they shall be the only source of state power in the Kyrgyz Republic.
 4. The People of Kyrgyzstan shall exercise their power directly [and] through the system of state bodies **and bodies of local self-government** on the basis of this Constitution and the laws of the Kyrgyz Republic.
- Only **the President of the Kyrgyz Republic and the Jogorku Kenesh of the Kyrgyz Republic**, which will be elected by the people of Kyrgyzstan, shall be entitled to act on behalf of the People of the Kyrgyz Republic.
5. Changes in and amendments to the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, and other **important issues of state life important issues of state significance** may be put to referendum (nationwide vote). Procedural rules of holding referendums shall be ascertained by constitutional law.
 6. The citizens of the Kyrgyz Republic shall elect a President **of the Kyrgyz Republic**, deputies of **the Jogorku Kenesh of the Kyrgyz Republic**, and their representatives to bodies of local self-government.

Elections shall be free and shall be held on the basis of the equal and direct universal suffrage by secret ballot. Citizens of the Kyrgyz Republic who have attained to the age of 18 years may cast their votes.

Article 2

1. The state and its bodies shall serve the whole society, and not any particular group.
2. No group of people, no organization, and no individual person shall be entitled to assume power of the state. Usurpation of state power shall be the gravest crime.

Article 3

1. The territory of the Kyrgyz Republic, within its current boundaries, shall be inviolable and indivisible.
2. For the purposes of organizing state government **and local self-government**, the territory of the Kyrgyz Republic shall be divided by law into administrative territorial units.
- 3. The cities of Bishkek and Osh shall be cities of the national significance, and their status shall be determined by law.**

Article 4

1. The Kyrgyz Republic shall recognize and protect **private, state, municipal, and other forms of ownership**.

The Kyrgyz Republic shall guarantee the diversity of the forms of ownership and equal legal protection thereof.

2. Land, minerals, air space, water, forests, flora and fauna, and all other natural resources shall be **the property of the Kyrgyz Republic**, and they shall be used as a basis for life and functioning of the People of Kyrgyzstan, and shall be under the special protection of the state.
3. Land may **also** be owned privately, **municipally** and otherwise.

Limits to and procedures for the execution of their rights by landowners and guarantees of the protection [of such rights] shall be ascertained by law.

4. The Kyrgyz Republic shall protect her citizens' and legal entities' title to property, and it shall protect their property, as well as state-owned property, located in other states.

Article 5

1. The Kyrgyz language shall be a state language of the Kyrgyz Republic.
2. The Russian language shall be used in the Kyrgyz Republic as an official language.
3. The Kyrgyz Republic shall guarantee that representatives of all the nationalities which constitute the People of Kyrgyzstan may enjoy the right to preserve their native languages, and the state shall provide [favorable] conditions for learning and developing them.
3. Rights and freedoms of citizens shall not be abridged on account of ignorance of the state or official languages.

Article 6

1. The Kyrgyz Republic shall have state symbols - the Flag, Emblem, and Anthem, **which description and the way they may be used shall be specified by law**.
2. The City of Bishkek shall be the capital of the Kyrgyz Republic.

3. The Som shall be a currency unit of the Kyrgyz Republic.

Section Two

STATE STRUCTURE AND FUNCTIONING OF THE STATE

Article 7

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

- supremacy of the power of the People, where such power shall be represented and ensured by the nationally elected head of the state - the President of the Kyrgyz Republic;
- division of the state power into legislative, executive, and judicial branches, and their coordinated functioning and interaction;
- responsibility of state bodies to the people and the exercise of their powers in the interests of the people; and
- separation of functions between state power and local self-government.

2. In the Kyrgyz Republic, state power shall be represented and exercised, within the bounds of authority ascertained by this Constitution, by:

- President of the Kyrgyz Republic;
- Jogorku Kenesh of the Kyrgyz Republic;
- Government of the Kyrgyz Republic and **executive bodies subordinate to the Government**; and
- Constitutional Court of the Kyrgyz Republic, Supreme Court of the Kyrgyz Republic and local courts and judges of the Kyrgyz Republic.

Article 8

1. Political parties, trade unions, and other public associations may be formed in the Kyrgyz Republic on the bases of free will and common interests. The state shall secure the rights and lawful interests of public associations.

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

- by nominating their candidates in elections to the Jogorku Kenesh **of the Kyrgyz Republic**, [as well as by nominating their candidates] for public offices, and for offices of local self-government;
- by forming groups and factions in representative bodies.

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

4. The following [activities] shall not be permitted in the Kyrgyz Republic:

- amalgamation of state and party institutions, as well as subordination of state activities to any party programs or decisions;
- formation and functioning of party organizations in state establishments and organizations. State officers may engage in party activities outside of discharging the powers and duties of their offices;
- membership in parties and public support of any political party by the military and officers of the interior, national security, justice, procurator's office, and of courts;
- formation of political parties on religious **and ethnic** grounds. No religious organizations shall pursue political goals and objectives;

- interference by members of religious organizations and cults with the functioning of state bodies; and
- activities of **foreign political parties, non-governmental and religious organizations, [including] their representative offices and branches, which pursue political goals; formation and functioning of political parties, non-governmental organizations, religious and other organizations, which jeopardize the constitutional system [or] state and national safety.**

Article 9

1. The Kyrgyz Republic shall not pursue the policy of expansion, aggression and territorial claims to be resolved by military force. It shall in no way militarize public life, subordinate the state [and] its activities to the purposes of conducting a war. The Armed Forces of Kyrgyzstan shall be organized under the principles of self-defense and defensive sufficiency.
2. The right to conduct a war shall not be acknowledged unless there is any aggression against Kyrgyzstan or other states which will be bound by the obligations of joint defense. In any event, no military unit shall cross the borders of the Kyrgyz Republic unless with such permission of the **Jogorku Kenesh of the Kyrgyz Republic** provided that a two-thirds majority of the whole number of the deputies of the Jogorku Kenesh shall concur.
3. The Armed Forces shall not be used in order to resolve internal political matters of the state. The military may be called upon in case of natural disasters, as well as in other similar circumstances, where such cases shall be directly envisaged by law.
4. The Kyrgyz Republic shall seek universal and just peace, mutually beneficial cooperation, [and] resolution of global and regional problems in a peaceful manner, [and she shall] observe universally recognized principles of international law.

Actions that may disturb peaceful coexistence of peoples, as well as propaganda and incitement of **ethnic or religious** clashes, shall be deemed unconstitutional.

Article 10

1. No state of emergency shall be proclaimed in Kyrgyzstan unless in cases of natural calamities, direct threat to the constitutional system, mass riots involving violence or threat to lives of people, or unless under such circumstances and within such time-limits as constitutional law may prescribe.
2. Only the **Jogorku Kenesh of the Kyrgyz Republic** may proclaim a state of emergency throughout the territory of the Kyrgyz Republic; while in particular localities, where circumstances may require urgent measures, a state of emergency may be proclaimed by the President of the Kyrgyz Republic, of which [he shall], on the same day, promptly notify the Jogorku Kenesh of the Kyrgyz Republic, [and the latter] shall, within three days, approve [or disapprove] such act of the President of **the Kyrgyz Republic**.
If no such approval shall have been made within the said term, the state of emergency shall be rescinded.
3. The **Jogorku Kenesh of the Kyrgyz Republic** may impose martial law in the Kyrgyz Republic only in the event of an aggression against the Kyrgyz Republic.
4. No adjournment of a session of the **Jogorku Kenesh of the Kyrgyz Republic** shall be permitted when [the country may be] in a state of emergency or in a state of martial law. In those cases where the **Jogorku Kenesh of the Kyrgyz Republic** shall be not in session when the President **of the Kyrgyz Republic** shall have proclaimed a state of emergency, the **Jogorku Kenesh of the Kyrgyz Republic** shall convene, without an announcement of the convocation, by no later than the next day after the introduction of the state of emergency.
5. No referendums, no elections, **and no changes in the structure, functions, or authorities of state bodies ordained by the Constitution of the Kyrgyz Republic** shall be permitted during a state of

emergency or martial law.

Article 11

1. The state budget of the Kyrgyz Republic shall consist of the national and local budgets, [and it shall be] comprised of all expenditures and revenues of the state. The national budget shall be approved by the **Jogorku Kenesh of the Kyrgyz Republic** on the proposal of the Government of the Kyrgyz Republic.

2. Revenues of the national budget shall be generated out of the proceeds of taxes [and] other mandatory charges, provided for by law, as well as out of the incomes by state property and other receipts.

3. A single system of taxation shall operate in the territory of the Kyrgyz Republic. The right to impose taxes shall be vested in the Jogorku Kenesh of the Kyrgyz Republic. Laws which impose new taxes or aggravate the taxpayer's status shall have no retroactive effect.

4. In exceptional cases [when such measures may be required] to protect economic interests of the Kyrgyz Republic, the Government of the Kyrgyz Republic may take temporal measures with respect to taxation by changing rates of particular taxes or other mandatory budgetary charges, [and it shall] promptly notify the Jogorku Kenesh of the Kyrgyz Republic [of any such changes].

5. Reports on the implementation of the national budget shall be approved by the Jogorku Kenesh of the Kyrgyz Republic.

Article 12

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

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

3. International treaties and agreements, which shall have taken effect in accordance with a procedure prescribed by law, to which the Kyrgyz Republic is a party and generally accepted principles and norms of international law shall be a constituent part of the legislation of the Kyrgyz Republic.

Chapter II. CITIZENS

Section One

CITIZENSHIP

Article 13

1. Belonging of a person to the Kyrgyz Republic and his status shall be determined by citizenship.

A citizen of the Kyrgyz Republic shall be obliged to observe the Constitution and laws of the Kyrgyz Republic, respect rights, freedoms, honor, and dignity of other persons.

2. Persons, who shall be 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 citizenship, and of the right to change his citizenship.

4. No citizen of the Kyrgyz Republic may be extradited to another state.

5. The Kyrgyz Republic shall guarantee its citizens protection and patronage outside its borders.

Article 14

1. Every citizen of the Kyrgyz Republic, by virtue of his citizenship, shall enjoy rights and bear obligations.
2. In the Kyrgyz Republic, foreigners and stateless persons shall enjoy the rights and freedoms of the citizens and shall bear obligations on the grounds, under conditions, and in compliance with the procedural rules provided for by laws and interstate treaties and agreements of the Kyrgyz Republic.

Section Two

HUMAN RIGHTS AND FREEDOMS

Article 15

1. The human dignity shall be absolute and inviolable in the Kyrgyz Republic.
2. Every person shall enjoy basic human rights and freedoms from birth. Those rights shall be recognized as absolute, inalienable, and [they shall be] protected, by law and by the court, from encroachments of others.
3. All persons in the Kyrgyz Republic shall be equal before the law and the court. No one may be subjected to any discrimination, [and] rights and freedoms of persons shall not be abridged on account of origin, gender, race, nationality, language, creed, political and religious convictions, or on any other account of personal or public nature.
4. Human rights and freedoms shall be in [direct] effect in the Kyrgyz Republic. They shall determine, as such, the meaning, content, and way of application of the laws; shall be obligatory for the legislative, executive, and judicial powers and local self-government; and shall be protected by justice.
5. In the Kyrgyz Republic, the state shall support those folk customs and traditions that shall not contradict human rights and freedoms.

Article 16

1. In the Kyrgyz Republic, fundamental human rights and freedoms shall be recognized and guaranteed pursuant to universally accepted principles and norms of international law, as well as **international** treaties and agreements concerning human rights provided that they have taken legal effect.

2. Every person in the Kyrgyz Republic has an inalienable right to life.

No one shall be deprived of his life intentionally.

Everyone may defend his life and health and lives and health of others against unlawful violations.

3. Everyone has the right to liberty and security of person.

Detention, arrest and committal may be appealed to a court.

Everyone who is arrested or detained shall be informed promptly of the reasons for his arrest or detention, and of his rights, and he shall be entitled, at the time of his detention, to defend himself in person or through legal assistance of an advocate.

4. Everyone who has been the victim of unlawful acts on the part of state bodies or their officers, committed in furtherance of their duties, shall have the right to compensation by the state.

5. Everyone has the right to confidentiality of correspondence, and of telephone, telegraph, postal, and other communication.

This right may be interfered only in accordance with law.

6. Everyone has the right to respect of his private life and to respect and protection of his honor and dignity.

No gathering, storing, use, or dissemination of confidential information on a person shall be permitted without his permission except in cases prescribed by law.

Everyone has the right to get acquainted with his personal information at state bodies, bodies of local self-government, establishments, and organizations unless such information is a state or other secret protected by law.

Everyone shall be guaranteed the right to the protection of the court against untrue information about his own or about members of his family and the right to compensation of actual losses and moral damage caused by any such gathering, storing, or dissemination of untrue information.

7. [The Kyrgyz Republic recognizes] the sanctity of home. No one may enter a person's home without permission of those who live there.

Search or other acts that require entering a person's home may be permitted only in cases prescribed by law, and [in any such instance] the person shall be entitled to appeal such acts in court.

8. Everyone has the right to liberty of movement and freedom to choose his residence and place for staying within the territory of the Kyrgyz Republic.

Every citizen of the Kyrgyz Republic has the right to leave the Kyrgyz Republic, and to return without obstruction.

The [above-mentioned] rights shall not be subject to any restrictions except those which are provided by law.

9. Everyone has the right to freedom of thought, speech, and press as well as to freedom of expression of his ideas and opinions. No one may be compelled to impart his ideas and opinions.

Everyone has freedom to gather, store, use, and communicate information by word, in writing or otherwise.

No propaganda or advocacy that constitutes incitement to social, racial, ethnic or religious hatred or hostility shall be permitted. Any propaganda for the superiority on social, racial, ethnic, religious, or linguistic distinction shall be prohibited.

10. Censorship shall be prohibited in the Kyrgyz Republic.

11. Everyone shall be guaranteed freedom of conscience, belief, and of religious or atheistic activities. Everyone shall have freedom to profess religion of his choice or not to profess any religion, and to choose, possess, and impart one's religious or atheistic beliefs.

12. Everyone shall have freedom to choose his ethnic belonging. No one may be compelled to choose or indicate his ethnic belonging.

Insulting one's ethnic dignity shall be prosecuted in accordance with law.

13. Citizens of the Kyrgyz Republic have the right to freedom of association.

All associations shall be equal before the law.

No one may be compelled to belong to an association, or restricted in his rights on the distinction of belonging or not belonging to an association.

Citizens may not form militarized organizations.

No secret associations shall be permitted.

14. Citizens of the Kyrgyz Republic have the right to freedom of peaceful assembly, without weapons, and of holding gatherings, meetings, rallies, demonstrations, and pickets subject to a prior notification of executive bodies or bodies of local self-government.

15. Everyone has the right to launch personal or group inquiries with state bodies, bodies of local self-government, and their officers, and [the latter] shall, within their jurisdiction, consider such inquiries and make rational replies within a term prescribed by law.

16. Everyone shall be guaranteed the right to freedom of literary, artistic, scientific, and technical creative activities, [and] to the protection of intellectual property.

17. Everyone has the right to possess, use, and dispose of his property, products of his intellectual and creative work.

By using his property, no one may hurt the rights, freedoms, and lawful interests of others, [or to harm] public interests, [or to damage] land, environment, or natural resources.

18. Everyone has the right to economic freedom, and to free use of his abilities and property for any economic activities except for activities restricted by law.

19. Everyone has the right to freedom of labor, as well as the right to freely use his skills, and to freely choose his profession and occupation.

20. The enumeration in the Constitution of rights and freedoms is not exclusive and shall not be construed to deny or disparage other universally recognized human rights and freedoms.

21. In realizing his rights and freedoms, a person may not violate the rights and freedoms of others.

22. No rights and freedoms may be used to force any change of the constitutional system, to incite to racial, ethnic, social or religious hatred, [or] to propagandize violence or war.

Article 17

1. No laws abolishing or abridging human rights and freedoms shall be enacted in the Kyrgyz Republic.

2. The exercise of rights and freedoms may be restricted by the Constitution or laws of the Kyrgyz Republic only as may be necessary to protect the rights and freedoms of other persons, public safety **and order, territorial integrity**, and the constitutional system. In such cases, the essence of constitutional rights and freedoms shall not be affected.

Article 18

1. Physical and moral inviolability of a person may be limited only under the law by a guilty verdict of a court as the punishment for a committed crime. No one may be exposed to torment, torture, or inhuman and humiliating punishments.

2. No medical, biological, and psychological experiments on persons shall be permitted unless there shall be such voluntary consent of the examinee, properly expressed and certified.

3. No one may be arrested, detained or held in custody unless under law. No actions that tend to impose liability for a crime on a person before the verdict shall have been passed by court shall be allowed, and such actions shall be grounds for compensation to the victim through the court for the material and moral harm suffered.

4. The death penalty may be envisaged by law, and it may be imposed only by a court as an exceptional penalty for most serious offenses.

Any person sentenced to death shall have the right to seek pardon.

Article 19

1. The right to private property shall be recognized and guaranteed in the Kyrgyz Republic as an inalienable human right, as a natural source of one's welfare, [as a basis for] business and creative activity, and as a security of one's economic and personal independence.

2. [The Kyrgyz Republic recognizes] the sanctity of property. No person may be deprived of his property arbitrarily, and no seizure of a person's property may occur against the owner's will unless when so shall be decided by court.

3. Property may be expropriated for the needs of the state in exceptional cases prescribed by law, [and any such expropriation shall be] subject to the prior and equivalent compensation.

4. The right of inheritance shall be guaranteed and protected in the Kyrgyz Republic by law.

Article 20

The Kyrgyz Republic may grant political asylum to foreign citizens and stateless persons on account of violation of human rights.

Section Three

CITIZEN'S RIGHTS AND DUTIES

Article 21

1. Citizens of the Kyrgyz Republic [and] their associations shall be allowed to engage in any actions or activities, except for those prohibited or restricted by this Constitution and laws of the Kyrgyz Republic.

2. Enjoyment of rights and freedoms by a citizen of the Kyrgyz Republic shall be inseparable from his duties, which shall be necessary to secure private and public interests.

Article 22

1. Laws of the Kyrgyz Republic concerning rights and duties of citizens shall be equally applied to all citizens and shall not bestow on anyone privileges and preferences, except those provided for by the Constitution **of the Kyrgyz Republic** and laws in order to ensure social security of citizens.

2. The state, its bodies, bodies of local self-government, and their officers shall not exceed authority envisaged in the Constitution and laws of the Kyrgyz Republic.

Article 23

1. Citizens of the Kyrgyz Republic may participate in the governance of the state both directly and through their representatives.

2. Citizens of the Kyrgyz Republic may participate in the discussion and adoption of laws and decisions of national and local significance.

3. Citizens of the Kyrgyz Republic may elect and be elected to state bodies and bodies of local self-government, as well as take part in referendums.

4. Citizens of the Kyrgyz Republic shall have equal access to the state and municipal service.

Article 24

1. Citizens of the Kyrgyz Republic shall have the right and bear the duty to defend the Motherland.

2. Citizens shall be bound to military service within such limits, and in such forms as shall be

ascertained by law.

A citizen may be released from military duty or he may choose to substitute military service for alternative service on the grounds, and following the procedure prescribed by law.

Article 25

Citizens of the Kyrgyz Republic shall pay taxes and charges as prescribed by the law **of the Kyrgyz Republic**.

Article 26

1. The family is a fundamental unit of society; family, fatherhood, maternity, and childhood shall be an object of concern to the whole society and [a matter of] the preferential protection by law[;] care [and] upbringing of children shall be a natural right and civil duty of the parents. Able-bodied adult children shall take care of their parents.

2. The state shall provide for care, upbringing, and education of orphans and parentless children.

3. Respect for old people [and] caring for one's own kin and relatives shall be a sacred tradition of the people of Kyrgyzstan.

Article 27

1. In the Kyrgyz Republic, social protection shall be guaranteed at the expense of the state in old age, in sickness, in disability, and in the event of a loss of the breadwinner.

2. Depending on economic resources of the society, pensions and social protection shall provide a standard of living not below the subsistence level established by law.

3. Voluntary social insurance, 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, to working conditions that comply with safety and hygiene requirements, and to social protection against unemployment

2. The state shall take care of professional training and further education of citizens, [and it shall] encourage and promote international treaties and international organizations that aim at securing and establishing the right to work.

3. No forced labor of citizens shall be permitted except in cases of war, natural disaster, epidemic, or other extraordinary circumstances, and when [it shall be enforced] as a way of serving out a sentence imposed by court.

Article 29

Citizens of the Kyrgyz Republic who work for hire by labor agreements (contracts) shall have the right to remuneration in the amount of no less than a subsistence level established by the state.

Article 30

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

Procedural rules and terms of holding strikes shall be ascertained by law.

Article 31

1. Citizens of the Kyrgyz Republic shall have the right to rest [and leisure].

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

Article 32

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

2. Basic education shall be compulsory and free, [and] everyone shall be entitled to receive it in public **or municipal** educational institutions.

Every citizen shall have the right to receive free **general secondary** education in public **or municipal** educational institutions.

3. The state shall make vocational, specialized secondary, and higher education equally accessible to all on the basis of individual capacity.

4. Paid education in public and other educational institutions may be permitted on the basis and in accordance with the rules established by the law of the Kyrgyz Republic.

5. The state shall exercise control over educational institutions and establishments in such forms as specified by law.

Article 33

Citizens of the Kyrgyz Republic shall have the right to housing. This right shall be ensured by developing the state, municipal, and individual housing stock, [and by] helping citizens with purchasing accommodations on such conditions, and following such procedure as law of the Kyrgyz Republic may provide.

Article 34

1. Citizens of the Kyrgyz Republic shall have the right to health protection and to benefit freely from the network of public **and municipal** health care establishments.

2. Paid medical service shall be permitted on the basis and in accordance with the rules established by law.

Article 35

1. Citizens of the Kyrgyz Republic shall have the right to a healthy and safe environment, and to indemnification of damage caused to one's health or property by **misuse 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 unrestricted.

2. The state shall protect historical monuments, take care of and provide necessary conditions for development of literature, art, science, mass media, and sports.

3. Citizens shall have the right of access to cultural values, [and the right] to be engaged in arts and science.

Article 37

Social protection by the state shall not lead to the substitution of the state patronage for economic freedom and for business activity and ability of a citizen to achieve on his own the economic welfare for himself and his family.

Article 38

1. The state, all its bodies, **bodies of local self-government, and their officers** shall be obliged to provide for the full, absolute, and immediate protection of the rights and freedoms of citizens, for the prevention of violations in this field, and for subsequent restitution [of such].
2. The Kyrgyz Republic shall guarantee the protection of the court for citizens' rights and freedoms accorded by the Constitution and laws **of the Kyrgyz Republic**.
3. **Courts of arbitration may be constituted for the purposes of the extrajudiciary resolution of disputes arising from civil relationships. Powers, foundation, and procedures of courts of arbitration shall be ascertained by law.**

Article 39

1. Everyone charged with a criminal offense shall have the right to be presumed innocent until found guilty by a court's verdict provided that it shall have come into effect.
2. The state shall guarantee everyone protection from arbitrary and unlawful interference with one's personal and family privacy, attacks on one's honor and dignity, and breach of privacy of correspondence and telephone conversations.
3. No one shall have the right to enter another's home except in cases when it may be required for conducting a warranted search or seizure, [for] maintaining public order, arresting a criminal, [or for] saving the life, health, or property of a person.

Article 40

1. **Every citizen in the Kyrgyz Republic shall be provided with the qualified legal assistance, and with the protection of the rights and freedoms guaranteed by the Constitution of the Kyrgyz Republic. Legal assistance shall be provided for free at such times as law may provide.**
2. **Control after the observance of human and citizen's rights in the Kyrgyz Republic shall be vested with an Ombudsman of the Kyrgyz Republic.**
3. **Procedure for selection, and powers of the Ombudsman of the Kyrgyz Republic, as well as the way they may be realized shall be ascertained by law.**

Article 41

Promulgation of laws and other legal acts concerning rights, freedoms, and duties of a person or citizen shall be recognized as a sine qua non for enforcement thereof.

Chapter III.
THE PRESIDENT OF THE KYRGYZ REPUBLIC

Article 42

1. The President of the Kyrgyz Republic shall be the head of the state [and] the highest official person of the Kyrgyz Republic.
2. The President of the Kyrgyz Republic shall be a symbol of the unity of the people and state power, [and he shall be] the guarantor of the Constitution of the Kyrgyz Republic [and] of rights of a person and citizen.
3. The President of the Kyrgyz Republic shall determine major directions of internal and external policy of the state, represent the Kyrgyz Republic within the country and in international relations, take

measures to guard the sovereignty and territorial integrity of the Kyrgyz Republic, [and] shall ensure the integrity and continuity of the state power and coordinated functioning and interaction of state bodies, [and] their responsibility to the people.

Section One

ELECTIONS OF THE PRESIDENT OF THE KYRGYZ REPUBLIC

Article 43

1. A President of the Kyrgyz Republic shall be elected for the term of five years.
2. No person shall hold the office of President of the Kyrgyz Republic for more than two consecutive terms.
3. Any citizen of the Kyrgyz Republic, no younger than 35 years of age and no older than 65 years of age, who shall have command of the state language and who shall have been 15 years a resident within the Kyrgyz Republic at the time of his nomination for the presidency, may be elected a President of the Kyrgyz Republic.
4. The President of the Kyrgyz Republic shall not be a deputy of the Jogorku Kenesh **of the Kyrgyz Republic**, [he shall not] occupy other posts [and] engage in business activities.
5. The President of the Kyrgyz Republic shall suspend his activity in political parties and organizations for the term of his office until the next presidential election shall begin in the Kyrgyz Republic.

Article 44

1. Regular elections of the President of the Kyrgyz Republic shall be held on the last Sunday of October in the fifth year of the term of the President of the Kyrgyz Republic.

Early elections of the President of the Kyrgyz Republic shall be held on the last Sunday before the last day of the three-month period dating from the end of the term of the President of the Kyrgyz Republic.

2. The President of the Kyrgyz Republic shall be elected by citizens of the Kyrgyz Republic **on the basis of the universal, equal and direct suffrage by secret ballot.**
3. The number of nominees for the presidency shall not be limited. Any person, who shall have gathered no less than 50,000 signatures of voters, may be registered as a candidate for the presidency of the Kyrgyz Republic.
4. Elections of the President **of the Kyrgyz Republic** shall be considered valid if more than fifty per cent of voters of the [Kyrgyz] Republic shall have cast their ballots in the election.

A candidate who shall have won more than a half of all votes cast in the first ballot shall be considered elected to the office of the President of the Kyrgyz Republic.

If none of the candidates shall win more than a half of the votes cast in the first ballot, then only those two candidates, who shall have won the largest numbers of votes, shall participate in the second ballot. A candidate who shall have won more than a half of the votes cast in the second ballot shall be considered elected to the presidency provided that no less than 50 per cent of all voters [of the Kyrgyz Republic] shall have cast their votes in the second ballot.

Article 45

1. Returns of a presidential election shall be validated by the Constitutional Court of the Kyrgyz Republic not later than within 7 days from the date of the election.

2. Within thirty days after the announcement of the returns of the election by the Chairman of the Constitutional Court of the Kyrgyz Republic, the President **of the Kyrgyz Republic** shall take his oath before the **Jogorku Kenesh of the Kyrgyz Republic**.

3. On entering the office, the President of the Kyrgyz Republic shall bring the oath to the people of Kyrgyzstan as follows:

"I, ..., while entering the office of President of the Kyrgyz Republic, do swear before my people and the sacred Motherland of Ala-Too:

that I will rigorously observe and protect the Constitution of the Kyrgyz Republic; guard the sovereignty and independence of the Kyrgyz State;

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

4. The term of the President **of the Kyrgyz Republic** shall begin at the moment of taking the oath. The powers of the President shall terminate at the moment when the term of a newly elected President **of the Kyrgyz Republic** shall begin.

Section Two

POWERS OF THE PRESIDENT OF THE KYRGYZ REPUBLIC

Article 46

1. The President of the Kyrgyz Republic shall have power:

1) to determine a structure of the Government of the Kyrgyz Republic, **and to introduce it to the Jogorku Kenesh of the Kyrgyz Republic for consideration;**

2) to appoint, with the consent of the **Jogorku Kenesh of the Kyrgyz Republic, the Prime Minister of the Kyrgyz Republic;**

3) to appoint, by the advice of the Prime Minister of the Kyrgyz Republic, and with the consent of the Jogorku Kenesh of the Kyrgyz Republic, members of the Government of the Kyrgyz Republic; **appoint, by the advice of the Prime Minister of the Kyrgyz Republic, heads of administrative agencies;** and to remove them from office;

4) to accept resignations of the Prime Minister **of the Kyrgyz Republic**, the Government **of the Kyrgyz Republic**, or an individual member of the Government; **dismiss the Prime Minister of the Kyrgyz Republic or [dissolve] the Government of the Kyrgyz Republic; and to dismiss, on his own initiative or on such advice of the Prime Minister of the Kyrgyz Republic, a head of an administrative agency;**

5) to appoint, **by the advice of the Prime Minister**, and with the consent of appropriate local keneshes, heads of local state administrations; remove them from office;

6) to appoint the State Secretary of the Kyrgyz Republic, determine his status and authorities; form the Administration of the President of the Kyrgyz Republic **which shall provide for his activities;**

7) to **constitute and abolish the National Security Service;**

8) to constitute and head the Security Council of the Kyrgyz Republic and other coordinating bodies;

9) to form state security services and the National Guard subordinate to him;

10) to constitute and abolish such executive bodies that will not be included into the structure of

the Government;

1) to approve, in consultation with the Prime Minister of the Kyrgyz Republic, a single system of the training of personnel of and the selection of personnel to bodies funded from the national budget, [as well as a single system] of financing state bodies, and of remuneration for state employees.

2. The President of the Kyrgyz Republic shall have power:

1) to nominate, for the selection by **the Jogorku Kenesh of the Kyrgyz Republic**, candidates for the offices of Chairman of the Constitutional Court of the Kyrgyz Republic, his deputy, and judges of the Constitutional Court of the Kyrgyz Republic;

2) to nominate, for the selection by **the Jogorku Kenesh of the Kyrgyz Republic**, candidates for the offices of Chairman of the Supreme Court of the Kyrgyz Republic, his deputies, and judges of the Supreme Court of the Kyrgyz Republic;

3) to appoint, **with the consent of the Jogorku Kenesh of the Kyrgyz Republic**, the Procurator-General of the Kyrgyz Republic; appoint, by the advice of the Procurator-General, deputies of the Procurator-General [and] the Military Procurator of the Kyrgyz Republic; remove them from office;

4) to appoint, **with the consent of the Jogorku Kenesh of the Kyrgyz Republic**, the Chairman of the Board of the National Bank of the Kyrgyz Republic; remove him from office; **appoint, by the advice of the Chairman of the National Bank of the Kyrgyz Republic, deputies of the Chairman and members of the Board of the National Bank of the Kyrgyz Republic; and remove them from office;**

5) **to appoint, with the consent of the Jogorku Kenesh of the Kyrgyz Republic, chairmen, their deputies, and judges of local courts of the Kyrgyz Republic; discharge them in the cases envisaged in the Constitution and constitutional laws of the Kyrgyz Republic.**

3. The President of the Kyrgyz Republic shall have power:

1) to **direct the foreign policy of the Kyrgyz Republic;**

2) to conduct negotiations and sign international treaties of the Kyrgyz Republic;

3) to sign instruments of ratification;

4) to appoint, **in consultation with an appropriate committee of the Jogorku Kenesh of the Kyrgyz Republic**, diplomatic representatives of the Kyrgyz Republic in foreign states, and in international organizations; recall them; accept credentials and letters of recall of heads of diplomatic missions of foreign states, and of representatives of international organizations accredited to the President of the Kyrgyz Republic;

5) to decide on granting and renouncing the citizenship of the Kyrgyz Republic, and on granting political asylum.

4. The President of the Kyrgyz Republic may:

1) grant state awards of the Kyrgyz Republic;

2) confer honorary titles of the Kyrgyz Republic,

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

4) grant pardons.

5. The President of the Kyrgyz Republic shall have power:

1) to introduce bills to the Jogorku Kenesh of the Kyrgyz Republic;

2) **to sign and promulgate laws; return them with his objections to the Jogorku Kenesh of the**

Kyrgyz Republic for reconsideration, or decline them;

3) to address the people of **Kyrgyzstan** with his annual messages concerning the state of affairs in the country, which shall be delivered at a session of the Jogorku Kenesh of the Kyrgyz Republic;

4) to suspend and invalidate **legal acts** of the Government of the Kyrgyz Republic, and of other executive bodies;

5) to decide on the financing of measures of great urgency at the expense of the state;

6) to exercise legislative powers at such times, and in such manner as stipulated in Article 68 of this Constitution.

6. The President of the Kyrgyz Republic shall have power:

1) to convene an early **sitting of the Jogorku Kenesh of the Kyrgyz Republic**, and to determine matters to be considered [at such sitting];

2) to call a referendum on his own initiative; decide on calling a referendum on the initiative of no less than 300,000 voters, or a majority of the whole number of the deputies of the Jogorku Kenesh of the **Kyrgyz Republic**;

3) to call elections to the **Jogorku Kenesh of the Kyrgyz Republic**, to dissolve the Jogorku Kenesh of the Kyrgyz Republic in the cases provided for by this Constitution;

4) to call elections to local keneshes and, in the cases provided for by law of the Kyrgyz Republic, dissolve them;

5) to appoint, with the consent of the Jogorku Kenesh of the Kyrgyz Republic, Chairman of the Central Commission of the Kyrgyz Republic on Elections and Referendums; appoint a half of the membership of the Central Commission of the Kyrgyz Republic on Elections and Referendums; and remove them from office in such manner, and at such times as law may provide;

6) to appoint, with the consent of the Jogorku Kenesh, Chairman of the Auditing Chamber of the Kyrgyz Republic; appoint a half of the auditors of the Auditing Chamber of the Kyrgyz Republic; and remove them from office.

7. Should there be grounds envisaged by law, the President of the Kyrgyz Republic may warn of a possibility to introduce a state of emergency, and, if necessary, may proclaim a state of emergency in particular localities without a prior warning, of which action he shall promptly notify the **Jogorku Kenesh of the Kyrgyz Republic**.

8. The President of the Kyrgyz Republic may declare general or partial mobilization; and may declare a state of war in an event of aggression or direct threat of aggression against the Kyrgyz Republic, in which case he shall promptly submit this matter to the **Jogorku Kenesh of the Kyrgyz Republic** for consideration; and may impose martial law, in which case he shall promptly submit this matter to the **Jogorku Kenesh of the Kyrgyz Republic** for consideration.

9. The President of the Kyrgyz Republic shall be Commander-in-Chief of the Armed Forces, [and he shall] appoint and discharge commanders of the Armed Forces of the Kyrgyz Republic.

Article 47

1. The President of the Kyrgyz Republic may issue decrees and orders.

2. Decrees and orders of the President of the Kyrgyz Republic shall be binding for the execution throughout the Kyrgyz Republic.

3. Decrees issued by the President of the Kyrgyz Republic by way of exercising legislative powers under

Article 46.5.6 of the Constitution of the **Kyrgyz Republic**, shall have the force of law.

Article 48

The President of the Kyrgyz Republic may delegate his powers, stipulated in Article 46.3.2 of this Constitution, to the Prime Minister of the **Kyrgyz Republic**, members of the Government of the **Kyrgyz Republic**, or other officials; and he may also ratify international financial instruments and loan agreements signed by them.

Article 49

1. The President of the Kyrgyz Republic shall enjoy immunity. The honor and dignity [reputation] of the President of the Kyrgyz Republic shall be protected by law.
2. Provision, maintenance, and protection of the President of the Kyrgyz Republic and his family, shall be provided at the expense of the state.

Article 50

1. Powers of the President may be terminated as a result of his resignation declared **at a sitting of the Jogorku Kenesh of the Kyrgyz Republic**, his removal from office in such manner as provided by the Constitution, inability to discharge the powers due to illness, or in case of his death.
2. Should the President of the Kyrgyz Republic be unable to discharge his duties due to illness, **the Jogorku Kenesh of the Kyrgyz Republic**, on the strength of findings of a state medical commission created by [the Parliament], shall decide on an early dismissal of the President of the Kyrgyz Republic provided that no less than two thirds of the whole number of the deputies of the **Jogorku Kenesh of the Kyrgyz Republic** concur.

Article 51

1. The President of the Kyrgyz Republic may be removed from office only on the basis of a charge with treason or other serious offense brought in by the **Jogorku Kenesh of the Kyrgyz Republic** and confirmed by the opinion of the Constitutional Court of the Kyrgyz Republic.
2. A decision of the **Jogorku Kenesh of the Kyrgyz Republic** to bring in a charge against the President of the Kyrgyz Republic in order to remove him from office may be initiated by a majority vote of the whole number of its deputies, and it shall be adopted if no less than two thirds of the whole number of the deputies of the **Jogorku Kenesh of the Kyrgyz Republic** concur provided that there shall have been obtained findings of a special commission constituted by the **Jogorku Kenesh of the Kyrgyz Republic**.
3. Should the Constitutional Court of the Kyrgyz Republic hand down an unfavorable opinion on a charge brought in by the **Jogorku Kenesh of the Kyrgyz Republic**, it shall entail the dissolution of the **Jogorku Kenesh of the Kyrgyz Republic**.
4. **Provided that the Constitutional Court of the Kyrgyz Republic shall have confirmed a charge brought in by the Jogorku Kenesh of the Kyrgyz Republic, the Jogorku Kenesh of the Kyrgyz Republic shall decide, by no later than within two months after the bringing of the charge by the Jogorku Kenesh of the Kyrgyz Republic, on the removal of the President of the Kyrgyz Republic from office, which decision shall be adopted by a majority vote of no less than four fifths of the whole number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic. Should the Jogorku Kenesh of the Kyrgyz Republic fail to reach a decision within the specified time limits, the charge shall be considered refuted.**

Article 52

1. In case of inability, due to reasons envisaged in Article 50 hereof, of the President of the Kyrgyz

Republic to discharge his duties, the same shall devolve on the Prime Minister **of the Kyrgyz Republic** until a new President of the Kyrgyz Republic shall be elected. If this is the case, an election of a new President of the Kyrgyz Republic shall be held within three months after the termination of the powers of the President of the Kyrgyz Republic.

2. As an Acting President of the Kyrgyz Republic, the Prime Minister **of the Kyrgyz Republic** shall not have the right to dissolve the **Jogorku Kenesh of the Kyrgyz Republic**, to call a referendum, to terminate the powers of the Government **of the Kyrgyz Republic**, and to make proposals on changes and amendments to the Constitution of the Kyrgyz Republic.

Article 53

1. All former Presidents of the Kyrgyz Republic, except for those who shall have been removed from office under the terms of Article 51 hereof, shall have the title of an ex-president of the Kyrgyz Republic.

2. **The Ex-President of the Kyrgyz Republic shall enjoy immunity. He shall not be subjected to criminal or administrative liability for his act or omission committed in furtherance of his duties during his term of the President of the Kyrgyz Republic, and he may not be detained, arrested, subjected to search, interrogation, or body search.**

3. **Immunity of the Ex-President of the Kyrgyz Republic shall extend to housing and offices that he may occupy; vehicles and means of communication that he may use; archives, other property, and documents that belong to him; and to his luggage and correspondence.**

4. Provision, maintenance, and protection of the Ex-President of the Kyrgyz Republic, **his spouse, underage children, and other members of his household dependent on him** shall be provided at the expense of the state in such manner as stipulated by law.

Chapter IV.

THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC

Article 54

1. The Jogorku Kenesh - the parliament of the Kyrgyz Republic - shall be a representative body, which shall exercise the legislative power **and controlling functions within the bounds of its authority.**

2. **The Jogorku Kenesh shall consist of 75 deputies elected for the term of five years from single member constituencies.**

Candidates to the Jogorku Kenesh of the Kyrgyz Republic may be nominated by political parties, and by citizens – self-nomination.

3. **Deputies of the Jogorku Kenesh of the Kyrgyz Republic shall be elected on the basis of the universal, equal, and direct suffrage by secret ballot.** Procedure for election of deputies of the Jogorku Kenesh of the Kyrgyz Republic shall be ascertained by law.

4. **Regular elections to the Jogorku Kenesh of the Kyrgyz Republic shall be held on the last Sunday of February in the fifth year of the term of the Jogorku Kenesh of the Kyrgyz Republic.**

Article 55

1. **A Jogorku Kenesh of the Kyrgyz Republic shall assemble for its first session** when no less than two thirds **of the constitutional body of the members** shall have been elected, [but] no later than within 30 days from the date of the publication of election returns.

2. The eldest, by age, deputy of the Jogorku Kenesh of the Kyrgyz Republic shall open the first meeting **of the Jogorku Kenesh of the Kyrgyz Republic.**

3. On entering the office, deputies of the Jogorku Kenesh of the Kyrgyz Republic shall bring the oath before the Jogorku Kenesh of the Kyrgyz Republic:

"I, ..., while entering the office of Deputy of the Jogorku Kenesh of the Kyrgyz Republic, do swear allegiance to the Kyrgyz Republic and vow:

that I will observe the Constitution and laws of the Kyrgyz Republic, execute my duties in the interests of the people, protect the sovereignty and independence of the Kyrgyz State."

The term of deputies of the Jogorku Kenesh of the Kyrgyz Republic shall begin on the day of taking the oath.

2. The powers of the Jogorku Kenesh of a previous convocation shall end on the day when the Jogorku Kenesh of a new convocation shall assemble for their first session.

Article 56

1. A citizen of the Kyrgyz Republic, who shall have attained to the age of 25 years by the election day, and been a permanent resident within the Kyrgyz Republic during five last years prior to his nomination as a candidate for the parliament, may be elected a deputy of the Jogorku Kenesh provided that he shall have the suffrage right.

2. No person with criminal record may be elected a deputy of the Jogorku Kenesh of the Kyrgyz Republic unless such record shall have been expunged and canceled in such manner as law may provide.

3. A deputy of the Jogorku Kenesh of the Kyrgyz Republic shall be a representative of the people of Kyrgyzstan [and] shall abide by the Constitution and laws of the Kyrgyz Republic.

4. A deputy of the Jogorku Kenesh of the Kyrgyz Republic shall enjoy immunity. He shall not be subjected to persecution for any opinion expressed within his responsibilities of the deputy, or for results of the voting in the Jogorku Kenesh of the Kyrgyz Republic. A deputy shall not be detained, arrested, subjected to search unless when in cases of being caught in the act of committing a crime. A deputy may be prosecuted or subjected to administrative liability imposed by court only with the consent of the Jogorku Kenesh of the Kyrgyz Republic.

5. A deputy of the Jogorku Kenesh of the Kyrgyz Republic shall not at the same time be a member of the Government of the Kyrgyz Republic, or a deputy of a local kenesh.

A deputy of the Jogorku Kenesh of the Kyrgyz Republic shall not be holding office of a judge, procurator, or any other public office. He shall not engage in business activities, be a member of any governing body or supervisory board of a commercial organization.

A deputy of the Jogorku Kenesh of the Kyrgyz Republic may engage in scientific, teaching, or other creative activities provided that such activities shall not interfere with his duties of the deputy.

6. The term of a deputy of the Jogorku Kenesh of the Kyrgyz Republic shall end on the expiration of the term of the Jogorku Kenesh of the Kyrgyz Republic.

7. The term of a deputy of the Jogorku Kenesh of the Kyrgyz Republic shall end early in the cases of resignation by submitting a written declaration of abdication, dissolution of the Jogorku Kenesh of the **Kyrgyz Republic**, adjudication of his incompetence, adjudication of his death or **that he is missing** by a court decision in legal force, or death of the deputy.

In case of the entry into legal force of a guilty verdict rendered against a deputy of the **Kyrgyz Republic** by court, **taking up another job** or failing to quit a job not compatible with the exercise of his duties of a deputy, invalidation of the election, leaving abroad for the purpose of taking up a permanent residence,

renunciation of citizenship of the Kyrgyz Republic, or loss of citizenship of the Kyrgyz Republic, the deputy of the Jogorku Kenesh shall forfeit his powers in such manner as may be prescribed by law.

8. Powers of a deputy of the Jogorku Kenesh **of the Kyrgyz Republic** may be terminated or he may be divested of his powers of the deputy by such resolution of the Central Commission **of the Kyrgyz Republic** on Elections and Referendums.

9. A deputy of the Kyrgyz Republic may be divested of his powers of the deputy for systematic absences, without due cause, at meetings of the Jogorku Kenesh of the Kyrgyz Republic during any one session if such decision shall have been taken by a majority of the whole number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic.

10. Procedure for filling a vacancy due to the early expiration of a deputy's term shall be ascertained by law.

Article 57

A deputy of the **Jogorku Kenesh of the Kyrgyz Republic** shall have the right of inquiry to executive bodies **and bodies of local self-government**, and to their officers, [and] the latter shall be obliged to answer his inquiries within one month.

Section One

POWERS OF THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC

Article 58

1. Powers of the **Jogorku Kenesh of the Kyrgyz Republic** shall be as follows:

- 1) to amend the Constitution of the Kyrgyz Republic following the procedure stipulated herein;
- 2) to adopt laws of the Kyrgyz Republic;
- 3) to make official interpretations of the Constitution, and of the laws adopted by the Jogorku Kenesh;
- 4) to alter state borders of the Kyrgyz Republic;
- 5) to approve the national budget, reports on its implementation, and national programs for the [country's] socio-economic development to be introduced by the Government of the Kyrgyz Republic;
- 6) to decide on matters of the administrative and territorial structure of the Kyrgyz Republic;
- 7) to call presidential elections of the Kyrgyz Republic;
- 8) to approve the structure of the Government of the Kyrgyz Republic proposed by the President of the Kyrgyz Republic;
- 9) to accept appointments to the office of Prime Minister of the Kyrgyz Republic and Member of the Government of the Kyrgyz Republic;
- 10) to cast a vote of no confidence in the Government of the Kyrgyz Republic by a majority vote of the whole number of the deputies at such times as may be provided for by the Constitution;
- 11) to select and recall, by the advice of the President of the Kyrgyz Republic, the Chairperson of the Constitutional Court, his deputy, and judges of the Constitutional Court of the Kyrgyz Republic;
- 12) to select and recall, by the advice of the President of the Kyrgyz Republic, the Chairperson of the Supreme Court, his deputies, and judges of the Supreme Court of the Kyrgyz Republic;

- 13) to accept appointments to the office of Judge of a local court;
 - 14) to accept appointments to the office of Procurator-General of the Kyrgyz Republic;
 - 15) to accept appointments to the office of Chairperson of the National Bank of the Kyrgyz Republic;
 - 16) to accept appointments to the office of Chairperson of the Central Commission of the Kyrgyz Republic on Elections and Referendums;
 - 17) to elect a half of the membership of the Central Commission of the Kyrgyz Republic on Elections and Referendums;
 - 18) to accept appointments to the office of Chairperson of the Auditing Chamber of the Kyrgyz Republic;
 - 19) to appoint a half of the auditors of the Auditing Chamber of the Kyrgyz Republic;
 - 20) to select and recall the Ombudsman of the Kyrgyz Republic and his deputies;
 - 21) to ratify and denounce international treaties except in the cases provided by Article 48 of this Constitution of the Kyrgyz Republic;
 - 22) to proclaim a state of emergency, affirm or invalidate decrees of the President of the Kyrgyz Republic on the issue;
 - 23) to decide matters of war and peace; to impose martial law, declare a state of war, [and] affirm or invalidate decrees of the President of the Kyrgyz Republic on those issues;
 - 24) to decide on a possible use of the Armed Forces of the Kyrgyz Republic outside of the country's borders when it may be necessary in order to fulfill obligations under interstate covenants for support of peace and safety;
 - 25) to introduce military ranks, diplomatic ranks, class categories, and other special titles of the Kyrgyz Republic;
 - 26) to introduce state awards and honorary titles of the Kyrgyz Republic;
 - 27) to pass acts of amnesty;
 - 28) to hear messages of, and statements by the President of the Kyrgyz Republic, speeches by heads and representatives of foreign states, international organizations;
 - 29) to hear annual reports of the Constitutional Court of the Kyrgyz Republic as to the state of the constitutional legality in the country, of the Ombudsman of the Kyrgyz Republic as to the state of the observance and protection of human and citizen's rights and freedoms in the country;
 - 30) to hear annual reports of the Prime Minister of the Kyrgyz Republic, Procurator-General of the Kyrgyz Republic, Chairperson of the National Bank of the Kyrgyz Republic, Chairperson of the Auditing Chamber of the Kyrgyz Republic;
- Provisions of this Constitution and laws of the Kyrgyz Republic regarding the autonomy and independence of such state bodies and their officers shall be taken into consideration in the hearing of annual reports of the officers mentioned herein;
- 31) to remove the President of the Kyrgyz Republic from office.
2. When deciding on issues mentioned in paragraphs 2, 7, 9-20, 28-31 hereof, and on issues pertaining to the exercise of control over the enforcement of laws, the Jogorku Kenesh of the Kyrgyz Republic shall pass resolutions.

3. Unless otherwise stipulated in this Constitution, no laws and resolutions of the Jogorku Kenesh of the Kyrgyz Republic shall be adopted unless a majority of the whole number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic shall concur.

Article 59

- 1. Issues other than those mentioned in Article 58.2, as well as other significant issues of state and public life, shall be regulated by laws.**
- 2. No law shall take effect and promulgated unless signed by the President of the Kyrgyz Republic.**
- 3. At such request of the Government of the Kyrgyz Republic, the Jogorku Kenesh of the Kyrgyz Republic may permit the Government of the Kyrgyz Republic to adopt resolutions on issues within the jurisdiction of the Jogorku Kenesh of the Kyrgyz Republic.**

Article 60

- 1. The Jogorku Kenesh of the Kyrgyz Republic shall choose, out of the deputies, the Toraga of the Jogorku Kenesh of the Kyrgyz Republic [Speaker], his deputies, and recall them.**
- 2. The Toraga of the Jogorku Kenesh of the Kyrgyz Republic shall:**
 - 1) conduct sessions of the Jogorku Kenesh;**
 - 2) preside over the preparation of issues to be considered at sessions of the Jogorku Kenesh of the Kyrgyz Republic;**
 - 3) sign acts adopted by the Jogorku Kenesh;**
 - 4) represent the Jogorku Kenesh in the Kyrgyz Republic and abroad, provide for interaction between the Jogorku Kenesh and the President of the Kyrgyz Republic, Government of the Kyrgyz Republic, executive and judicial bodies, bodies of local self-government;**
 - 5) control the staff of the Jogorku Kenesh;**
 - 6) perform other functions as the Law on the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic may vest in him.**
- 3. A Toraga of the Jogorku Kenesh shall be selected by secret ballot provided that a majority of the whole number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic shall concur.**
- 4. Deputies of the Toraga of the Jogorku Kenesh shall be elected by secret ballot, [and they] shall exercise, by order of the Toraga, some of his functions, and shall act for the Toraga in his absence. Deputies of the Toraga of the Jogorku Kenesh of the Kyrgyz Republic may be recalled in such manner as the Law on the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic may prescribe.**

Article 61

- 1. The Jogorku Kenesh of the Kyrgyz Republic may constitute committees –no more than seven, and ad hoc commissions, and may elect their chairs.**

A deputy of the Jogorku Kenesh of the Kyrgyz Republic may be a member of one committee or one commission only.
- 2. Committees of the Jogorku Kenesh of the Kyrgyz Republic shall prepare and preliminary consider matters within the jurisdiction of the Jogorku Kenesh of the Kyrgyz Republic, oversight the enforcement of laws and decisions adopted by the Jogorku Kenesh of the Kyrgyz Republic.**
- 3. No laws and other legal acts of the Jogorku Kenesh of the Kyrgyz Republic shall be adopted**

unless their drafts shall have been preliminary considered by appropriate committees of the **Jogorku Kenesh of the Kyrgyz Republic.**

4. Any appointment or selection of officers, [if such appointment or selection is] within the jurisdiction of the Jogorku Kenesh of the Kyrgyz Republic, and any consent of the Jogorku Kenesh to appointments to public offices, and to removal from office require an opinion of an appropriate committee of the Jogorku Kenesh of the Kyrgyz Republic.

Article 62

1. The **Jogorku Kenesh** shall work in sessions. The **Jogorku Kenesh** shall assemble once in every year, and such session shall begin on the first working day of September and shall end on the last working day of June.

2. **Procedures of the Jogorku Kenesh shall be regulated by the Rules of Procedure.**

3. **The Jogorku Kenesh shall have power to do business provided that no less than two thirds of the whole number of the deputies of the Jogorku Kenesh shall be present at a sitting.**

Article 63

1. **The Jogorku Kenesh of the Kyrgyz Republic may be dissolved early** with the concurrence of no less than two thirds of the whole number of the deputies **of the Jogorku Kenesh of the Kyrgyz Republic.**

2. The Jogorku Kenesh of the Kyrgyz Republic may be dissolved early by the President of the Kyrgyz Republic: if so decided by a referendum; in the event of three [subsequent] refusals [by the Jogorku Kenesh] to accept a nominee to the office of Prime Minister of the Kyrgyz Republic; or in the event of another crisis caused by an insurmountable disagreement between the Jogorku Kenesh **of the Kyrgyz Republic** and other branches of the state power.

3. In the case provided for in Article 51.3 of this Constitution, the dissolution of the **Jogorku Kenesh of the Kyrgyz Republic** shall become valid from the pronouncement of the resolution by the Constitutional Court of the Kyrgyz Republic.

4. **The Jogorku Kenesh may not be dissolved:** in time of a state of emergency or martial law; during the consideration by the **Jogorku Kenesh** of the Kyrgyz Republic of a possible removal of the President of the Kyrgyz Republic from office; [or] whenever fewer than six months remain until the end of the term of the President of the Kyrgyz Republic.

5. In the event of the dissolution of the Jogorku Kenesh of the Kyrgyz Republic, the President of the Kyrgyz Republic shall appoint a day of elections to the Jogorku Kenesh of the Kyrgyz Republic so that a newly elected Jogorku Kenesh of the Kyrgyz Republic shall convene for its first session by no later than within six months after the dissolution.

Section Two

LEGISLATIVE ACTIVITIES

Article 64

The right of legislative initiative [to initiate bills] shall belong to:

30,000 voters (a popular initiative);

the President of the Kyrgyz Republic;

deputies of the **Jogorku Kenesh of the Kyrgyz Republic;**

the Government of the Kyrgyz Republic.

Article 65

1. Bills shall be introduced in the Jogorku Kenesh of the Kyrgyz Republic.
2. Bills shall be considered by the Jogorku Kenesh of the Kyrgyz Republic out of turn if identified as urgent by the President of the Kyrgyz Republic or the Government of the Kyrgyz Republic.
3. The Toraga of the Jogorku Kenesh of the Kyrgyz Republic shall direct a bill, introduced in the Jogorku Kenesh of the Kyrgyz Republic, along with the opinion of the Government of the Kyrgyz Republic to an appropriate committee of the Jogorku Kenesh of the Kyrgyz Republic.

Within one month, the [responsible] committee shall submit the bill to the Jogorku Kenesh of the Kyrgyz Republic along with a Committee's opinion.

4. No changes to bills on the national budget shall be introduced without the consent of the Government of the Kyrgyz Republic.
5. No amendments to national budget laws, to bills imposing or rescinding taxes, altering financial obligations of the state, and to other bills that entail an increase of expenditures at the expense of the state budget or reduction of state revenues shall be introduced in the Jogorku Kenesh of the Kyrgyz Republic and adopted without the consent of the Government of the Kyrgyz Republic.
6. No bills to amend the Constitution of the Kyrgyz Republic, draft constitutional laws, bills to interpret the Constitution of the Kyrgyz Republic or constitutional laws, bills to amend constitutional laws, and bills to alter borders of the Kyrgyz Republic shall be passed by the Jogorku Kenesh of the Kyrgyz Republic unless two thirds of the whole number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic concur provided that no less than two readings shall have been held.
7. No changes and amendments shall be made to the Constitution of the Kyrgyz Republic and constitutional laws in time of emergency or martial law.
8. No laws abridging the freedom of speech, or of the press shall be made.

Article 66

1. A law passed by the Jogorku Kenesh of the Kyrgyz Republic shall be presented, within one month, to the President of the Kyrgyz Republic for the signing.
2. The President of the Kyrgyz Republic, no later than within one month from the day when the law shall have been thus presented, shall sign it or shall return it with his objections to the Jogorku Kenesh of the Kyrgyz Republic for reconsideration.

The Jogorku Kenesh of the Kyrgyz Republic may reconsider a law [returned by the President] no earlier than 6 months after it shall have been received with objections of the President of the Kyrgyz Republic. This rule shall not apply whenever the Jogorku Kenesh of the Kyrgyz Republic may agree to the objections of the President of the Kyrgyz Republic. Should the Jogorku Kenesh of the Kyrgyz Republic agree to a wording suggested by the President of the Kyrgyz Republic, the law shall be signed by the President of the Kyrgyz Republic within the terms envisaged in Point 2 hereof.

3. If after such reconsideration a majority of two thirds of the whole number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic shall repass the law in the earlier approved wording, it may be signed shall be signed by the President of the Kyrgyz Republic within one month dating from the submission.

~~3. Should the President of the Kyrgyz Republic [choose] not to sign a law, or [should he not] return it [to the Jogorku Kenesh] for reconsideration within the established term, the law shall be deemed declined by the President of the Kyrgyz Republic, of which the Jogorku Kenesh of the Kyrgyz Republic shall be notified.~~

~~4. A law which shall have been returned [to the Jogorku Kenesh] by the President of the Kyrgyz Republic for reconsideration shall be considered by the Jogorku Kenesh of the Kyrgyz Republic within one month dating from the submission. Should the Jogorku Kenesh of the Kyrgyz Republic fail to consider thus returned law within one month, the law shall be deemed adopted in the wording of the objections by the President of the Kyrgyz Republic, and shall be subject to the signing.~~

~~5. A law, specified in Article 65.6 of this Constitution, if returned [to the Jogorku Kenesh] by the President of the Kyrgyz Republic for reconsideration, shall be subject to the signing by the President of the Kyrgyz Republic within one month provided that at reconsideration of the law a majority of four fifths of the whole number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic shall re-pass the law in the earlier approved wording. At this, the President of the Kyrgyz Republic may choose to resort to provisions of Article 66.3.~~

4. A law, specified in Article 65.6 of this Constitution, if returned [to the Jogorku Kenesh] by the President of the Kyrgyz Republic for reconsideration, may be reconsidered by the Jogorku Kenesh of the Kyrgyz Republic in no earlier than one year. This rule shall not apply whenever the Jogorku Kenesh of the Kyrgyz Republic may decide to agree to the objections of the President of the Kyrgyz Republic. Should the Jogorku Kenesh of the Kyrgyz Republic agree to a wording suggested by the President of the Kyrgyz Republic, the law shall be signed by the President of the Kyrgyz Republic within the terms envisaged in Point 2 hereof.

5. Should the Jogorku Kenesh of the Kyrgyz Republic elect to reconsider a law, specified in Article 65.6 of this Constitution, at the expiration of the one-year requirement, and re-pass it in the earlier approved wording by a majority of no fewer than four fifths of the whole number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic, this law shall be subject to the signing by the President of the Kyrgyz Republic within one month.

Article 67

A law shall take effect at the expiration of the tenth day following its promulgation unless otherwise provided by the law itself or by the Law regarding the taking of effect.

Article 68

1. The **Jogorku Kenesh of the Kyrgyz Republic** may delegate its legislative powers to the President of the Kyrgyz Republic for a period of up to one year.
2. The legislative powers shall devolve on the President of the Kyrgyz Republic in the case of the dissolution of the Jogorku Kenesh of the Kyrgyz Republic.
3. The President of the Kyrgyz Republic shall exercise legislative powers by way of issuing decrees with the force of law.

Chapter V. EXECUTIVE POWER OF THE KYRGYZ REPUBLIC

Article 69

In the Kyrgyz Republic, the executive power shall be vested in the Government of the Kyrgyz Republic, subordinate ministries, state committees, administrative agencies, **other executive bodies**, and local state

administrations.

Section One

THE GOVERNMENT OF THE KYRGYZ REPUBLIC

Article 70

1. The Government of the Kyrgyz Republic shall be the highest body of the executive power in the Kyrgyz Republic.
2. The Government of the Kyrgyz Republic shall be headed by the Prime Minister of the Kyrgyz Republic. The Government shall consist of Prime Minister of the Kyrgyz Republic, Vice-Prime Ministers, ministers, and chairmen of state committees of the Kyrgyz Republic.

Structure of the Government of the Kyrgyz Republic shall be determined by the President of the Kyrgyz Republic on advice of the Prime Minister of the Kyrgyz Republic, and subject to approval by the Jogorku Kenesh of the Kyrgyz Republic.

3. When a new President **of the Kyrgyz Republic** shall enter into office, the powers of the Government of the Kyrgyz Republic shall cease.
4. Prime Minister of the Kyrgyz Republic, Government of the Kyrgyz Republic, or an individual member of the Government may submit their resignations, which the President of the Kyrgyz Republic shall accept or decline.
5. **Resignation of the Prime Minister of the Kyrgyz Republic, if accepted [by the President], shall entail resignation of the Government, and of heads of administrative agencies. In case of the acceptance of [the Prime Minister's] resignation, the Government of the Kyrgyz Republic and heads of administrative agencies may continue to act upon such authorization from the President of the Kyrgyz Republic until a new Government of the Kyrgyz Republic shall be formed, and heads of administrative agencies shall be appointed.**

Article 71

1. The Prime Minister **of the Kyrgyz Republic** shall be appointed by the President of the Kyrgyz Republic with the consent of a **majority of the whole number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic**.
2. The President shall nominate a Prime Minister of the Kyrgyz Republic and shall propose his candidacy to the Jogorku Kenesh of the Kyrgyz Republic by no later than two weeks after the new President of the Kyrgyz Republic shall have entered on the execution of his office or after the Prime Minister **of the Kyrgyz Republic** or the Government of the Kyrgyz Republic may have resigned, or within one week from the day of rejection of a [previous] nominee to the office of Prime Minister of the Kyrgyz Republic by the Jogorku Kenesh **of the Kyrgyz Republic**.
3. The **Jogorku Kenesh of the Kyrgyz Republic** shall take a decision on accepting the appointment of a [nominated] Prime Minister of the Kyrgyz Republic by no later than within seven days after the nominee shall have been proposed [to it].
4. After the **Jogorku Kenesh of the Kyrgyz Republic** may have thrice rejected candidates for the office of Prime Minister **of the Kyrgyz Republic**, the President of the Kyrgyz Republic shall appoint the Prime Minister of the Kyrgyz Republic and shall dissolve the Jogorku Kenesh of the Kyrgyz Republic.
5. The Prime Minister **of the Kyrgyz Republic** shall, **as provided by the Constitution, laws of the Kyrgyz Republic**, and decrees of the President of the Kyrgyz Republic, determine guidelines for the activities of the Government **of the Kyrgyz Republic**, organize its work, and shall be personally

responsible for its activities.

Article 72

1. In its functioning, the Government of the Kyrgyz Republic shall be responsible to the President of the Kyrgyz Republic and accountable to the Jogorku Kenesh of the Kyrgyz Republic within the limits prescribed by this article of the Constitution.

The President of the Kyrgyz Republic may chair any sitting of the Government of the Kyrgyz Republic.

2. The Prime Minister of the Kyrgyz Republic shall present annual reports on the work of the Government of the Kyrgyz Republic to the Jogorku Kenesh of the Kyrgyz Republic.

3. Following the consideration of an annual report of the Prime Minister of the Kyrgyz Republic, the Jogorku Kenesh of the Kyrgyz Republic may, if so initiated by no less than a majority of the whole number of the deputies of the Kyrgyz Republic, cast a vote of no confidence in the Government of the Kyrgyz Republic.

4. Any such resolution to vote no confidence in the Government of the Kyrgyz Republic shall require the concurrence of no less than two thirds of the whole number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic.

5. No issue of delivering a vote of no confidence in the Government of the Kyrgyz Republic may be considered by the Jogorku Kenesh of the Kyrgyz Republic: more than once during any one session; during one year since a Work Program of the Government of the Kyrgyz Republic may have been approved; [or] whenever fewer than six months remain until the end of the term of the President of the Kyrgyz Republic.

6. After the Jogorku Kenesh may have passed a vote of no confidence in the Government of the Kyrgyz Republic, the President of the Kyrgyz Republic shall either decide to dissolve the Government of the Kyrgyz Republic or disagree with the decision of the Jogorku Kenesh of the Kyrgyz Republic.

7. Should the Jogorku Kenesh of the Kyrgyz Republic within three months choose to again deliver the vote of no confidence in the Government of the Kyrgyz Republic, the President of the Kyrgyz Republic shall either announce the dissolution of the Government of the Kyrgyz Republic or dissolve the Jogorku Kenesh of the Kyrgyz Republic.

Article 73

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

2. The Government of the Kyrgyz Republic shall:

1) provide for the enforcement of the Constitution and laws of the Kyrgyz Republic, legal acts of the President of the Kyrgyz Republic, and of the Government of the Kyrgyz Republic; [and provide for] the realization of internal and foreign policy of the state;

2) take measure to ensure rule of law, citizen's rights and freedoms, the protection of public order, [and] crime prevention;

3) provide for the implementation of fiscal, pricing, tariff, investment, and tax policies;

4) draw up and submit national budget to the Jogorku Kenesh, and provide for its implementation; present reports on the implementation of the national budget to the Jogorku Kenesh of the Kyrgyz Republic;

- 5) provide for the realization of single state policy with regard to culture, science, education, health care, labor and employment, social security, environmental protection, ecological safety, and use of the nature;
 - 6) draw up and implement nationwide programs for the economic, social, scientific and technical, and cultural development;
 - 7) take measures to ensure equal conditions for the development of all forms of ownership, and for their protection, and to manage state-owned facilities;
 - 8) take measures to ensure sovereignty of the state, defense potential, and national security;
 - 9) organize and realize foreign trade, customs regulation;
 - 10) direct and coordinate activities of ministries, state committees, administrative agencies, state commissions and funds, local state administrations, and other executive bodies;
 - 11) provide for the cooperation with civil society;
 - 12) carry out other functions as the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, or decrees of the President of the Kyrgyz Republic may provide.
3. The Government of the Kyrgyz Republic and the National Bank of Kyrgyzstan shall provide for implementation of uniform monetary, credit, and currency policies.
 4. Organization of the work and procedures of the Government of the Kyrgyz Republic shall be ascertained by **constitutional law**.

Article 74

1. In accordance with, and in pursuance of the Constitution and laws of the Kyrgyz Republic, the Government of the Kyrgyz Republic shall issue resolutions and ordinances, and shall organize, supervise, and provide for their enforcement.
2. Resolutions and ordinances of the Government of the Kyrgyz Republic shall be binding throughout the territory of the Kyrgyz Republic. Noncompliance with or undue enforcement of legal acts of the Government of the Kyrgyz Republic shall result in liability as may be envisaged by law.

Article 75

1. The Government of the Kyrgyz Republic shall direct the work of ministries, state committees, administrative agencies, **other executive bodies**, and of bodies of local state administration.
2. Ministries, state committees, and administrative agencies, **[and] other executive bodies** shall issue, within their powers, orders and ordinances on the basis and in pursuance of the Constitution, **laws of the Kyrgyz Republic, acts of the President of the Kyrgyz Republic, resolutions of the Jogorku Kenesh of the Kyrgyz Republic**, resolutions and ordinances of the Government of the Kyrgyz Republic, **[and]** shall organize, supervise, and provide for their enforcement.
3. The Government of the Kyrgyz Republic shall hear reports of heads of ministries, state committees, administrative agencies, **other executive agencies**, and of local state administrations, and shall invalidate their acts that contradict the laws of the Kyrgyz Republic.

Section Two

LOCAL STATE ADMINISTRATION

Article 76

1. In respective administrative territories, the executive power shall be exercised by local state administration.

2. Powers of local state administration, organization of the work and procedures shall be ascertained by law.

Article 77

1. Local state administrations shall act on the basis of the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, [and] legal acts of the President of the Kyrgyz Republic and of the Government of the Kyrgyz Republic.

2. Decisions of a local state administration, adopted within its powers, shall be binding for the implementation within the given territory.

Section Three

PROCURATOR'S OFFICE

Article 78

The Procurator's Office shall supervise, within the bounds of its powers, over accurate and uniform execution of legislative acts. The procurator's offices shall conduct prosecutions [and] participate in trials of cases at such times, and in such manner as law may provide.

Chapter VI.

COURTS AND JUSTICE IN THE KYRGYZ REPUBLIC

Article 79

Justice shall be administered in the Kyrgyz Republic only by courts.

Citizens of the Kyrgyz Republic shall have the right to participate in administration of justice at such times, and in such manner as law may stipulate.

2. Judicial power shall be exercised through constitutional, civil, criminal, administrative, and other forms of judicial proceedings.

3. The judicial system of the Kyrgyz Republic shall be established in the Constitution of the Kyrgyz Republic and laws of the Kyrgyz Republic, and shall consist of the Constitutional Court of the Kyrgyz Republic, Supreme Court of the Kyrgyz Republic, and of local courts. Specialized courts may be constituted by constitutional laws.

No extraordinary courts shall be constituted.

4. Organization of the work of courts and their procedures shall be ascertained by law.

Article 80

1. The judiciary shall be independent, and shall be subject to the Constitution of the Kyrgyz Republic and laws of the Kyrgyz Republic only.

2. A judge shall enjoy immunity, and may not be detained or arrested, subjected to search, including body search, unless when in cases of being caught in the act of committing a crime.

A judge of the Constitutional Court of the Kyrgyz Republic, of the Supreme Court of the Kyrgyz Republic may be prosecuted or subjected to administrative liability imposed by court only with the consent of the Jogorku Kenesh of the Kyrgyz Republic.

The privilege of a judge shall also apply to his housing, office, vehicles and means of communication that he may use, his correspondence, property and documents that belong to him.

3. No one shall require of a judge to account for a case.

4. Social, material, and other guarantees of his independence shall be ensured to a judge according to his status.

5. A judge of the Constitutional Court, or of the Supreme Court of the Kyrgyz Republic shall be a citizen of the Kyrgyz Republic of no younger than 35 years and of no older than 70 years of age, who shall have a degree in law, and who shall have no less than 10 years of work experience in the legal profession.

The Jogorku Kenesh of the Kyrgyz Republic shall select, on advice of the President of the Kyrgyz Republic, judges of the Constitutional Court, and of the Supreme Court who will serve the term of ten years.

6. A judge of a local court shall be a citizen of the Kyrgyz Republic of no younger than 25 years, and of no older than 65 years, who shall have a degree in law, and who shall have no less than 5 years of work experience in the legal profession.

The President of the Kyrgyz Republic shall appoint, with the consent of the Jogorku Kenesh, judges of local courts for the term of seven years.

7. Status of judges of the Kyrgyz Republic shall be specified by constitutional law.

Article 81

1. A judge may be relieved of office on resignation, due to the state of his health, for the commission of a crime where the judgment of conviction shall have taken legal effect, and on other grounds specified by constitutional law.

2. A judge of the Constitutional Court of the Kyrgyz Republic **[and] a judge of the Supreme Court of the Kyrgyz Republic** may be removed from office by the advice of the President of the Kyrgyz Republic by a majority vote of no less than two thirds of the whole number of the deputies **of the Jogorku Kenesh** of the Kyrgyz Republic.

3. A constitutional law may stipulate other procedures for discharging a judge of the Constitutional Court and a judge of the Supreme Court of the Kyrgyz Republic on resignation or due to the state of his health.

4. Procedures for nomination of candidates to the office of judge, appointment of judges, rotation, discharge of judges of local courts, and other matters concerning judges of local courts and their work shall be ascertained by constitutional law.

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 a Chairman, Deputy Chairman, and seven judges of the Constitutional Court.

3. ~~On such inquiries of the President of the Kyrgyz Republic, Jogorku Kenesh of the Kyrgyz Republic, Government of the Kyrgyz Republic, [or] Central Commission of the Kyrgyz Republic on Elections and Referendums,~~ The Constitutional Court shall:

- 1) find laws and other legal acts unconstitutional provided they contradict the Constitution;
- 2) resolve disputes, arising from the effect, application, and interpretation of the Constitution,

- 3) hand down an opinion on validity of elections of the President of the Kyrgyz Republic,
- 4) hand down an opinion on the removal of the President of the Kyrgyz Republic from office, as well as on the discharge of judges of the Constitutional Court, [and of] the Supreme Court of the Kyrgyz Republic;
- 5) consent to prosecution of judges of local courts;
- 6) hand down an opinion on proposed amendments to the Constitution of the Kyrgyz Republic **within one month** in accordance with the requirements of **Article 96.2 of this Constitution**;
- 7) annul decisions of bodies of local self-government provided that they contradict the Constitution of the Kyrgyz Republic;

8) determine the constitutionality of activities by political parties, non-governmental and religious organizations.

4. A decision of the Constitutional Court shall be final and shall not be appealed.

If a law or another act, **mentioned herein**, shall be found unconstitutional by the Constitutional Court, the effect of such law or act shall terminate throughout the territory of the Kyrgyz Republic, along with the effect of other legal acts which shall have been based on the act recognized unconstitutional **except for judicial acts. Terms of and procedure for repealing judicial acts and [terms of and procedure for] resolving matters in consequence of the repeal shall be regulated by an appropriate law to be made by the Jogorku Kenesh of the Kyrgyz Republic with regard to any one case when a law or other act shall have been found unconstitutional.**

5. Procedures for **dispensation administration** of constitutional justice and other related issues shall be regulated by law.

Article 83

1. The Supreme Court of the Kyrgyz Republic shall be the highest body of the judicial power in regard with civil, criminal, and administrative judicial proceedings, as well as in regard to commercial disputes and other matters as law may envisage.

2. Chambers and benches of judges, and the Presidium shall be constituted within the Supreme Court of the Kyrgyz Republic, of which the powers shall be ascertained by law.

The court instances, thus established within the Supreme Court, shall review judicial acts of lower courts and shall render final decisions in such manner as law may prescribe.

3. The Supreme Court shall overview judicial activities of local courts by way of reviewing judicial acts on appeals by participants of the judicial proceedings. The law shall ascertain powers of the Supreme Court of the Kyrgyz Republic with regard to sustaining acts of local courts, revoking or reversing them.

4. ~~At full sessions [of the court], where all judges of the Supreme Court shall be present, - the Plenum of the Supreme Court of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic~~ **The Plenum of the Supreme Court of the Kyrgyz Republic, consisting of judges of the Supreme Court** may adopt guidelines in regard to matters of judicial practice, which will be binding on all lower courts.

Article 84

The state shall provide funding and adequate conditions for courts to function, and for judges to work.

Courts shall be funded from the national budget, and [such funding] shall be adequate to provide for an absolute and independent administration of justice **by in accordance with** law.

Article 85.

- 1. Judicial proceedings in all courts shall be open. A court hearing may be held in camera only in cases envisaged by law. Judgment shall be pronounced publicly.**
- 2. No one may be tried, on a criminal or other case, in his absence unless at such times as law may provide.**
- 3. Judicial proceedings shall be based on the principles of adversary process and equality of the parties.**
- 4. Judicial acts may be repealed, reviewed, or suspended only by court in such manner as law may provide.**
- 5. No one charged with a criminal offense shall bear the burden of proof.**
- 6. No one may be convicted of a crime on the account of his confession only.**
- 7. Everyone convicted of a crime shall have the right to his conviction being reviewed by a higher court according to law, and shall have the right to ask for a pardon or for commuting the sentence.**
- 8. No one shall be held liable twice for one offense.**
- 9. Criminal law shall not be applied by analogy.**
- 10. No law which may impose a penalty or provide for a heavier penalty shall have retroactive effect. No one shall be held liable for any act which did not constitute an offense at the time when it was committed. If, subsequent to the commission of the offense, provision is made by law for the revocation of liability for the offense or imposition of a lighter penalty, the new law shall apply.**
- 11. No one shall be compelled to testify against himself, his spouse, or close relatives - the circle of close relatives to be specified by law. Law may also provide for other cases when a person shall not be compelled to testify.**
- 12. Everyone detained, arrested, or charged with a crime shall have the right to enjoy legal assistance of an advocate (defender) from the time of detention, arrest or from the time when the charge was brought accordingly.**
- 13. The rights of victims of crime and of abuse of power shall be protected by law. The state shall provide for their access to justice and compensation for the damage or harm caused.**

Article 86

1. Decisions of the courts of the Kyrgyz Republic that shall have come into legal force, shall be binding on all state bodies, business entities, public associations, officials, and persons throughout the territory of the Republic.
- 2. Failure to execute, improper execution, or hindrance to the execution of judgments,** as well as interference with courts shall incur liability provided for by law.

Article 87

1. A court shall not apply a legal act that shall contradict the Constitution of the Kyrgyz Republic.
2. Where, in the course of the hearing of a case in any court instance, the constitutionality of a law or other legal act which may effect outcome of the case, shall have been questioned, the court shall send an

inquiry to the Constitutional Court of the Kyrgyz Republic.

Article 88

1. A person, charged publicly or otherwise, shall have the right to protect his honor, dignity, and business reputation, and his right in the court; in no circumstances a person may be denied of such court protection.

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

If a person shall not have funds, the legal aid and defense shall be provided to him at the expense of the state.

3. Procedural rights of participants of judicial proceedings, including the right to appeal against rulings, judgments, and other court decisions, and the manner in which they may exercise such rights shall be ascertained by law.

Article 89

1. In criminal and administrative cases, the burden of proof shall lie with the accuser.

2. Evidence, wrongfully obtained, shall be void, and inadmissible.

Article 90

If not established by this Constitution, principles of justice [which will be binding on] all courts and judges of the Kyrgyz Republic shall be provided by laws of the Kyrgyz Republic.

Chapter VII. LOCAL SELF-GOVERNMENT

Article 91

In the Kyrgyz Republic, local self-government shall be exercised by local communities, which shall, within the bounds of the law, administer local affairs on their own responsibility.

Article 92

1. Local affairs shall be administered by local keneshes and other bodies, which shall be constituted, in such manner as the law may provide, by the communities themselves.

Bodies of local self-government may possess, use, and dispose of municipal (communal) property.

2. Public gatherings and local keneshes, or other representative bodies of local self-government may decide to constitute - in villages, settlements, and towns - courts of aksakal [courts of elders] which shall consist of elders or other citizens who may enjoy respect and authority.

3. Courts of aksakal shall consider torts, family disputes, and other matters which, under the law, shall fall within their jurisdiction, provided that the parties to disputes shall agree to have their disputes considered by courts of elders for the purpose of reaching reconciliation among the parties and rendering a just decision which shall not contradict laws.

4. Decisions of courts of aksakal may be appealed in such manner as laws of the Kyrgyz Republic may provide.

Article 93

Laws of the Kyrgyz Republic shall ascertain the bases for the organization and functioning of bodies of local self-government, and shall regulate their relationships with state bodies.

Article 94

Certain state powers may be vested in bodies of local self-government and, for such purpose, they shall be vested with necessary material, financial, and other means. Bodies of local self-government shall be accountable to state bodies in regard to thus delegated powers.

Article 95

1. Local keneshes shall:

- approve and monitor programs of social and economic development of the [respective] territories and social protection of the [respective] communities;

- approve the local budget and reports on its implementation, and shall also hear information of the use of extra-budgetary funds.

2. A local kenesh may pass a vote of no confidence in a head of the local state administration of a respective territorial unit by a two-thirds majority of the whole number of the deputies.

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

4. Local keneshes **and their executive bodies shall, within the bounds of authorities envisaged by the Constitutions and laws of the Kyrgyz Republic**, adopt acts, which shall be binding for execution throughout their respective territories.

5. Local keneshes and other bodies of local self-government shall be liable, before the state, for the compliance with and implementation of laws, and, before local communities, for their performance.

6. The deputy of local kenesh shall be elected for four years, and he shall not be subjected to persecution for opinions expressed, and for results of voting in the local kenesh.

Chapter VIII. CHANGING AND AMENDING THE CONSTITUTION OF THE KYRGYZ REPUBLIC

Article 96

1. Changes and amendments to this Constitution shall be adopted by a referendum called by the President of the Kyrgyz Republic.

2. [Constitutional] changes and amendments may be adopted by **the Jogorku Kenesh of the Kyrgyz Republic** on the initiation of the President of the Kyrgyz Republic, of a majority of the whole number of the deputies of **the Jogorku Kenesh of the Kyrgyz Republic**, or of no fewer than 300,000 voters.

3. In considering a proposal to change or amend the Constitution of the Kyrgyz Republic, **the Jogorku Kenesh of the Kyrgyz Republic** shall take into account an opinion of the Constitutional Court of the Kyrgyz Republic [on the proposal], and such proposal shall be considered no earlier than in three months, but prior to the expiration of six months dating from the submission of the proposal to **the Jogorku Kenesh of the Kyrgyz Republic**.

4. A proposed wording of changes and amendments to the Constitution of the Kyrgyz Republic shall not be altered while they shall be discussed in the Jogorku Kenesh of the Kyrgyz Republic.

Article 97

1. This Constitution shall be amended by the Jogorku Kenesh **of the Kyrgyz Republic** when two thirds of the whole number of the deputies **of the Jogorku Kenesh of the Kyrgyz Republic** concur.

2. A proposal, which shall have failed to be adopted, may be re-submitted to the Jogorku Kenesh no earlier than after the expiration of one year.

President of the Kyrgyz Republic

A. Akayev

Appendix C

Law of the Kyrgyz Republic on the New Version of the Constitution of the Kyrgyz Republic

**LAW OF THE KYRGYZ REPUBLIC
ON THE NEW VERSION OF THE CONSTITUTION
OF THE KYRGYZ REPUBLIC**

We, the people of Kyrgyzstan, exercising our power directly, proclaiming our adherence to values of democracy and unity, admitting priority of human rights over government institutions, giving our dues to centuries-old history of the Kyrgyz statehood, adopt this Law on the New Version of the Constitution of the Kyrgyz Republic.

SECTION I

The Constitution of the Kyrgyz Republic adopted on the 12th session of the Supreme Council of the Republic of Kyrgyzstan on May 5, 1993 as amended by the laws of the Kyrgyz Republic of February 16, 1996 # 1, of October 21, 1998 # 134, of December 24, 2001 # 112 shall be set out in the following version:

“CHAPTER ONE. THE KYRGYZ REPUBLIC

Section One. General Principles

Section two. The Structure and Activities of the State

CHAPTER TWO. CITIZENS

Section One. Citizenship

Section Two. Human Rights and Freedoms

Section Three. Rights and Duties of a Citizen

CHAPTER THREE. THE PRESIDENT OF THE KYRGYZ REPUBLIC

Section One. Election of the President of the Kyrgyz Republic

Section Two. Powers of the President of the Kyrgyz Republic

CHAPTER FOUR. THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC

Section One. Powers of the Jogorku Kenesh of the Kyrgyz Republic

Section Two. Legislative Activities

CHAPTER FIVE. EXECUTIVE POWER OF THE KYRGYZ REPUBLIC

Section One. The Pravitel'stvo of the Kyrgyz Republic

Section Two. Local State Administration

Section Three. The Procurator General's Office

CHAPTER SIX. COURTS AND JUSTICE IN THE KYRGYZ REPUBLIC

CHAPTER SEVEN. LOCAL SELF-GOVERNANCE

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

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 and local self-governance bodies on the basis of this Constitution and laws of the Kyrgyz Republic.

Only the President of the Kyrgyz Republic and the Jogorku Kenesh 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 of the Kyrgyz Republic, deputies of the Jogorku Kenesh of the Kyrgyz Republic and the bodies of local self-governance.

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 shall have voting rights.

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 organizing state governance and local self-governance, the territory of the Kyrgyz Republic is divided into administrative territorial units determined by law.
3. Bishkek and Osh shall be cities of the republican significance and their status shall be determined by law.

Article 4

1. In the Kyrgyz Republic, private, state, communal, 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 shall be ownership of 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 also may be private, communal, 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. In the Kyrgyz Republic, the Russian language shall be used as official language.

3. The Kyrgyz Republic guarantees to the representatives of all nationalities forming the people of Kyrgyzstan the right to preservation of their mother tongues, creation of conditions for their studying and development.

4. Infringement upon citizens' rights and freedoms based upon lack of knowledge or command of the state or official languages is not permitted.

Article 6

1. The Kyrgyz Republic has state symbols - the State Flag, Emblem, and Anthem, their description and manner of official use shall be established by law.

2. The Capital of the Kyrgyz Republic is the City of Bishkek.

3. 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;

separation 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-governance.

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;
the Pravitel'stvo of the Kyrgyz Republic and subordinate bodies of executive power;
the Constitutional Court of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic, local courts and judges of the Kyrgyz Republic;

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 of the Kyrgyz Republic, state positions and bodies of local self-governance;
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:

- merger of State and party institutions, as well as subordination of State activity to party programs and decisions;
- establishment 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;
- establishment 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;
- activity of foreign political parties, public and religious organizations, their missions and branches pursuing political goals;
- establishment and activity of political parties, public associations, religious and other organizations damaging the constitutional order, state and national security.

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 Jogorku Kenesh of the Kyrgyz Republic 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 interethnic or religious 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 Jogorku Kenesh of the Kyrgyz Republic, but for particular localities where circumstances demand urgent measures, by the President of the Kyrgyz Republic, with immediate, same day notification to the Jogorku Kenesh of the Kyrgyz Republic 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 Jogorku Kenesh of the Kyrgyz Republic only in case of aggression against the Kyrgyz Republic.

4. Recess of a session of the Jogorku Kenesh of the Kyrgyz Republic is not allowed during a state of emergency or martial law. In the event that the Jogorku Kenesh of the Kyrgyz Republic is not in session, and a state of emergency already has been imposed by the President, the Jogorku Kenesh of the Kyrgyz Republic 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 Jogorku Kenesh of the Kyrgyz Republic upon presentation by the Pravitel'stvo of the Kyrgyz

Republic.

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

3. 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.

4. In exceptional cases, for the purposes of protecting economic interests of the Kyrgyz Republic, the Pavitel'stvo of the Kyrgyz Republic has the right to adopt temporary measures related to taxation, by way of changing rates of some taxes and other obligatory payments into the budget, with immediate notification of the Jogorku Kenesh of the Kyrgyz Republic on the action taken.

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

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. International treaties and agreements to which the Kyrgyz Republic is a party and other universally accepted principles and normatives of international law joined into force as prescribed by law shall be 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 Kyrgyz 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. A citizen of the Kyrgyz Republic may not be extradited.
5. 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 of the Kyrgyz Republic.

SECTION TWO HUMAN RIGHTS AND FREEDOMS

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-governance 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 have joined into legal force.

2. Every person in the Kyrgyz Republic has the essential right to life. No one can be deprived of his life arbitrarily.

Everyone has the right to defend his life and health, life and health of other persons from unlawful infringements.

3. Everyone has the right to liberty and security of person.

Detention, arrest and committal may be appealed in court.

Anyone who is arrested or detained shall be informed, at the time of arrest, of the reasons for his arrest or detention, told his rights and allowed to defend himself in person or through legal assistance of an attorney.

4. Everyone has the right to compensation by the State for any harm caused by illegal actions of state bodies and their officials while on duty.

5. Everyone has the right to secrecy of correspondence, telephonic and telegraphic, postal and other communications.

Restriction of this right is allowed only in accordance with law.

6. Everyone has the right to inviolability of his privacy, respect and protection of his honor and reputation.

Gathering, storage, use, and dissemination of confidential information about a person without his/her consent, except for cases specified by law, is prohibited.

Everyone has the right to read records about himself/herself, other than state or other secret protected by law in the bodies of state government, local self-governance, institutions and organizations.

Everyone is guaranteed legal protection of the right to refute untrue information about himself or his family members and to claim withdrawal of any information, as well as damages for actual or moral harm caused by collection, keeping and dissemination of untrue information.

7. The dwelling is inviolable. No one has the right to penetrate into the dwelling against the will of those who reside in it.

Search or other actions committed with penetration into the dwelling is allowed only in cases established by law, in which case the person is given the right to appeal the lawfulness of such actions in court.

8. Everyone has the right to liberty of movement, freedom to choose his destination and residence throughout the territory of the Kyrgyz Republic.

A citizen of the Kyrgyz Republic has the right to travel freely abroad and to return home without hindrance.

The above-mentioned rights shall not be subject to restrictions except those which are provided by law.

9. Everyone has the right to freedom of thought, speech, as well as to unimpeded expression of these thoughts and beliefs. No one shall be coerced to expression of his opinions and beliefs.

Every one has the right to gather, store, and use information freely and to disseminate it orally, in writing or otherwise.

Any propaganda or agitation igniting social, racial, interethnic or religious hatred and hostility is not allowed. Any advocacy of social, racial, ethnic, religious or linguistic superiority shall be prohibited.

10. In the Kyrgyz Republic censorship is prohibited.

11. Everyone is guaranteed freedom of conscience, religion, religious or atheistic activities. Everyone is free to manifest any religion, or to manifest no religion, choose, have and propagate religious or atheistic beliefs.

12. Everyone is free to identify his nationality. No one shall be forced to identify and indicate his nationality.

Offending the national dignity of a person shall be persecuted in accordance with the law.

13. Citizens of the Kyrgyz Republic shall have the right to freedom of association.

All associations of citizens shall be equal before law.

No one shall be coerced to enter any association of citizens or limited in his rights for affiliation or non-affiliation with the association.

Associations of citizens shall be prohibited to form militarized forces.

Creation of secret associations shall not be allowed.

14. Citizens of the Kyrgyz Republic have the right to assemble peacefully, without weapons and conduct meetings, rallies, marches, demonstrations and picketing with prior notification of executive authorities or local self-governance bodies.

15. All citizens shall have the right to forward personal and collective requests to the bodies of state government, the bodies of local self-governance and officials who within their jurisdiction must review these requests and give a motivated reply within time established by law.

16. Everyone shall be guaranteed the freedom of literary, artistic, scientific, and technical creativity, protection of intellectual property.

17. Everyone shall have the right to possess, use, and dispose of his property, results of his intellectual and creative activity. The use of property must not cause harm to the rights, freedoms and legal interests of other persons, public interests, land, environment, and natural resources.

18. Everyone shall have the right to economic freedom, free use of abilities and property for any economic activity not prohibited by law.

19. Everyone shall have the right to free labor, use of his abilities for labor and choice of profession and occupation.

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

21. The use of rights and freedoms by one person should not violate rights and freedoms of other people.

22. It is prohibited to use rights and freedoms for a forced change of the constitutional order, instigation of racial, interethnic, social or religious hatred, for propaganda of violence and war.

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 are 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 order, territorial integrity, 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 established by law and imposed only by court order as exceptional punishment for particularly grievous crimes.

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 only by decision of a court.

3. In exceptional cases, property may be alienated for the state's needs stipulated by the law, with prior fair compensation.

4. 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

1. 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 in cases provided by the Constitution of the Kyrgyz Republic and by laws for the social protection of citizens.

2. Government, its bodies, local self-governance bodies and their officials may not exceed the powers defined by the Constitution and laws of the Kyrgyz Republic.

Article 23

1. Citizens of the Kyrgyz Republic participate in state governance directly and through their representatives.

2. Citizens of the Kyrgyz Republic participate in the discussion and adoption of laws and decisions of republican and local significance.

3. Citizens of the Kyrgyz Republic have the right to elect and to be elected to the bodies of state government and local self-governance, and to participate in referendum.

4. Citizens of the Kyrgyz Republic have equal access to governmental and municipal services.

Article 24

1. Citizens of the Kyrgyz Republic have the right and duty to defend the Motherland.

2. Citizens perform military duties in the limits and forms established by law. The basis for and manner of release from military service or its replacement by alternative service shall be established by the law.

Article 25

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

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, up-bringing, 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 and municipal educational institutions. In state and municipal educational institutions every citizen has the right to a free general secondary 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 teaching and other educational institutions in the forms established by law.

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, municipal and individual housing fund and by encouraging citizens to acquire dwellings on the conditions and in the procedure established by legislation of the Kyrgyz Republic.

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 and municipal 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 in the field of 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, local self-governance bodies and their 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 of the Kyrgyz Republic.

3. For the purposes of extrajudicial resolution of disputes arising from civil law relations, the courts of commercial arbitration may be established. Powers, procedure of formation and activities of commercial arbitration courts shall be defined by the law.

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

1. Every citizen in the Kyrgyz Republic shall be provided qualified legal assistance and defense of the rights and freedoms guaranteed by the Constitution of the Kyrgyz Republic. In cases stipulated by the law legal assistance shall be provided free of charge.

2. Control over observance of human and civil rights and freedoms in the Kyrgyz Republic shall be imposed on the Ombudsman (Akyikatchi) of the Kyrgyz Republic.

3. The procedure of election, powers of the Ombudsman (Akyikatchi) of the Kyrgyz Republic and the procedure of exercising these powers shall be established by law.

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 OF THE KYRGYZ REPUBLIC

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 OF THE PRESIDENT OF THE KYRGYZ REPUBLIC

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 of the Kyrgyz Republic 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 of the Kyrgyz Republic, 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 regular presidential election in the Kyrgyz Republic is held on the last Sunday of October of the fifth year of powers of the incumbent President of the Kyrgyz Republic.
An early election of the President of the Kyrgyz Republic is held on the last Sunday

before expiration of three months after early termination of the powers of the President of the Kyrgyz Republic.

2. The President of the Kyrgyz Republic is elected by citizens of the Kyrgyz Republic 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 of the Kyrgyz Republic takes the oath of office within 30 days in the presence of the deputies of the Jogorku Kenesh of the Kyrgyz Republic.

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

***“I, ..., 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 of the Kyrgyz Republic terminate upon the moment when the newly elected President of the Kyrgyz Republic takes office.

SECTION TWO
POWERS OF THE PRESIDENT OF THE KYRGYZ REPUBLIC

Article 46

1. The President of the Kyrgyz Republic:
 - 1) determines the structure of the Pravitel'stvo of the Kyrgyz Republic and submits it to the Jogorku Kenesh of the Kyrgyz Republic for approval;
 - 2) appoints the Prime Minister of the Kyrgyz Republic with the approval of the Jogorku Kenesh of the Kyrgyz Republic;
 - 3) appoints in consultation with the Prime Minister of the Kyrgyz Republic and with the consent of the Jogorku Kenesh of the Kyrgyz Republic, the members of the Pravitel'stvo of the Kyrgyz Republic and appoints in consultation with the Prime Minister of the Kyrgyz Republic the heads of administrative departments, and relieves them of their offices;
 - 4) accepts requests by the Prime Minister of the Kyrgyz Republic, the Pravitel'stvo of the Kyrgyz Republic, or an individual member of the Pravitel'stvo to resign; adopts decision regarding resignation of the Prime Minister of the Kyrgyz Republic or the Pravitel'stvo of the Kyrgyz Republic; on his own initiative or in consultation with the Prime Minister of the Kyrgyz Republic may relieve the head of the administrative agency of their offices;
 - 5) appoints in consultation with the Prime Minister of the Kyrgyz Republic and with the consent of the appropriate local keneshes the heads of state administration of oblasts, rayons and cities; and relieves them of their offices;
 - 6) appoints the State Secretary of the Kyrgyz Republic and determines his status and powers; forms the Administration of the President of the Kyrgyz Republic, supporting his activity;
 - 7) establishes and abolishes the National Security Service;
 - 8) establishes and heads the Security Council of the Kyrgyz Republic and other coordinated bodies;
 - 9) establishes services of Government defense and the National Guard, which are under his purview;
 - 10) establishes and abolishes executive bodies that are outside the Pravitel'stvo;
 - 11) 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) presents to the Jogorku Kenesh of the Kyrgyz Republic 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;

2) presents to the Jogorku Kenesh of the Kyrgyz Republic the candidates for election to the offices of Chairman of the Supreme Court of the Kyrgyz Republic, his deputies, and judges of the Supreme Court of the Kyrgyz Republic and of the Supreme Arbitration Court of the Kyrgyz Republic;

3) appoints, with the consent of the Jogorku Kenesh of the Kyrgyz Republic, the Procurator General of the Kyrgyz Republic; appoints by proposal of the Procurator General of the Kyrgyz Republic, 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;

4) appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic, the Chairman of the board of the National Bank of the Kyrgyz Republic, and relieves him of office; appoints by proposal of the Chairman of the board of the National bank of the Kyrgyz Republic the deputy chairmen and members of the board of the National bank of the Kyrgyz Republic and relieves them of offices;

5) appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic, the chairmen, their deputies, and judges of local courts of the Kyrgyz Republic, and relieves them of office under circumstances prescribed by the Constitution and laws of the Kyrgyz Republic.

3. The President of the Kyrgyz Republic:

1) directs the foreign policy of the Kyrgyz Republic;

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

3) signs instruments of ratification;

4) appoints after consultations with the respective committee of the Jogorku Kenesh of the Kyrgyz Republic 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;

5) 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:
- 1) presents draft laws to the Jogorku Kenesh of the Kyrgyz Republic;
 - 2) signs and promulgates laws; returns laws with his objections to the Jogorku Kenesh of the Kyrgyz Republic for reconsideration; or rejects them;
 - 3) speaks to the people in yearly messages on the state of affairs in the country, to be delivered at a sitting of the Jogorku Kenesh of the Kyrgyz Republic;
 - 4) has the right to suspend or annul the effectiveness of normative legal acts of the Pravitel'stvo of the Kyrgyz Republic and acts of other bodies of executive power;
 - 5) has the right to decide issues of financing urgent matters at state expense; and establishes funds;
 - 6) 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 meeting of the Jogorku Kenesh of the Kyrgyz Republic and to determine issues subject to consideration;
 - 2) designates referendum on his own initiative, or decides to call referendum upon the initiative of no less than 300, 000 voters or a majority of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic;
 - 3) calls elections to the Jogorku Kenesh of the Kyrgyz Republic, carries out early dissolution of the Jogorku Kenesh of the Kyrgyz Republic 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 law of the Kyrgyz Republic;
 - 5) appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic the Chairman of the Central Electoral Commission of the Kyrgyz Republic, appoints one-half of the Central Electoral Commission; removes them;
 - 6) appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic the Chairman of the Auditing Chamber of the Kyrgyz Republic and one-half of its auditors;

removes them.

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 Jogorku Kenesh of the Kyrgyz Republic.

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 Jogorku Kenesh of the Kyrgyz Republic; 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 Jogorku Kenesh of the Kyrgyz Republic.

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 of the Kyrgyz Republic 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 of the Kyrgyz Republic, members of the Pravitel'stvo of the Kyrgyz Republic, 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 session of the Jogorku Kenesh of the Kyrgyz Republic 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, the Jogorku Kenesh of the Kyrgyz Republic is 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 it upon a vote of no less than two-thirds of the total number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic.

Article 51

1. The President of the Kyrgyz Republic may be dismissed from office only on the basis of a charge made by the Jogorku Kenesh of the Kyrgyz Republic 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 Jogorku Kenesh of the Kyrgyz Republic 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 Jogorku Kenesh of the Kyrgyz Republic upon the initiative of a majority of the total number of deputies, and is to be accompanied by a ruling by a special commission formed by the Jogorku Kenesh of the Kyrgyz Republic.

3. A negative ruling by the Constitutional Court of the Kyrgyz Republic on a charge made by the Jogorku Kenesh of the Kyrgyz Republic shall result in the dissolution of the Jogorku Kenesh of the Kyrgyz Republic.

4. If the Constitutional Court deems an initiative to remove the President as legal, the President may be removed only by a four-fifths majority of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic, no later than two months after the bringing of the charge against the President by the Jogorku Kenesh of the Kyrgyz Republic. If a decision is not reached by the Jogorku Kenesh of the Kyrgyz Republic 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 of the Kyrgyz Republic 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 of the Kyrgyz Republic, while executing the duties of the President of the Kyrgyz Republic, does not have the right to dissolve the Jogorku Kenesh of the

Kyrgyz Republic, to call a referendum, to terminate the authority of the Pravitel'stvo of the Kyrgyz Republic, 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. Ex-President of the Kyrgyz Republic shall enjoy immunity. He cannot be subjected to criminal or administrative prosecution for all acts or non-actions related to his tenure as President of the Kyrgyz Republic, as well as detained, arrested, subjected to search, examination or personal inspection.

3. Immunity of the ex-President of the Kyrgyz Republic shall extend to all of his personal and official residences and offices, to his means of transportation and to his communications, his archives and any other property, documents, baggage and correspondence.

4. Financial support, services and security support of an ex-President of the Kyrgyz Republic, his spouse, underage children and other dependent family members shall be made at state expense by a procedure established by law.

CHAPTER FOUR THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC

Article 54

1. The Jogorku Kenesh, the Parliament of the Kyrgyz Republic, is the representative body which has legislative power and controlling functions within its terms of reference.

2. The Jogorku Kenesh shall consist of 75 deputies, which will be elected for five-year term from one-mandate constituencies;

The right to nominate candidates for deputies of the Jogorku Kenesh of the Kyrgyz Republic shall be vested in the political parties and in citizens by self-nomination.

3. Deputies of the Jogorku Kenesh of the Kyrgyz Republic are elected on the basis of universal equal and direct suffrage by secret ballot. Procedure for election of deputies of the Jogorku Kenesh of the Kyrgyz Republic shall be stipulated by law.

4. Regular election to the Jogorku Kenesh of the Kyrgyz Republic shall be conducted on the last Sunday of February of the fifth year of powers of the Jogorku Kenesh of the Kyrgyz Republic.

Article 55

1. The Jogorku Kenesh of the Kyrgyz Republic shall assemble for its first sitting after election with no fewer than two-thirds of the members of the constitutional staff no later than 30 days after the publication of the results of the election.
2. The eldest deputy of the Jogorku Kenesh of the Kyrgyz Republic shall open the first session of the Jogorku Kenesh of the Kyrgyz Republic.
3. Deputies of the Jogorku Kenesh of the Kyrgyz Republic shall take the oath before the Jogorku Kenesh of the Kyrgyz Republic:
“I, proceeding to exercising of powers of the deputy of the Jogorku Kenesh of the Kyrgyz Republic, swear allegiance to the Kyrgyz Republic and swear to:
observe the Constitution and laws of the Kyrgyz Republic, perform my duties in the interests of the people, protect sovereignty and independence of the Kyrgyz state.”
Powers of the deputies of the Jogorku Kenesh of the Kyrgyz Republic shall begin from the day of taking the oath.
4. From the day the first sitting of the newly convened Jogorku Kenesh of the Kyrgyz Republic begins, the powers of the prior sessions of the Jogorku Kenesh of the Kyrgyz Republic 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 Jogorku Kenesh of the Kyrgyz Republic.
2. A person with criminal records, if his/her conviction is not expunged in accordance with the law, cannot be elected a deputy of the Jogorku Kenesh of the Kyrgyz Republic.
3. Deputies of the Jogorku Kenesh of the Kyrgyz Republic are representatives of the people of Kyrgyzstan, and are subordinate to the Constitution and laws of the Kyrgyz Republic.
4. A Deputy of the Jogorku Kenesh of the Kyrgyz Republic enjoys immunity. He may not be prosecuted or held liable for opinions expressed or for voting in the course of execution of their powers as a Deputy in the Jogorku Kenesh of the Kyrgyz Republic. A deputy may not be detained or arrested, exposed to search or personal inspection, except in cases when he is caught red-handed. Institution of criminal as well as administrative proceedings against a deputy by court shall be allowed only with the consent of the Jogorku Kenesh of the Kyrgyz Republic.
5. A deputy of the Jogorku Kenesh of the Kyrgyz Republic may not simultaneously be a member of the Pravitel'stvo of the Kyrgyz Republic or a deputy of a local Kenesh.

A deputy of the Jogorku Kenesh of the Kyrgyz Republic may not be a procurator, a

judge, or hold another office of state service. He may not work in other state service and can not engage in entrepreneurial activity; he may not be a member of the governing body or supervisory council of a commercial organization.

A deputy of the Jogorku Kenesh of the Kyrgyz Republic 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.

6. Powers of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic shall be terminated simultaneously with the termination of powers of the Jogorku Kenesh of the Kyrgyz Republic.

7. Powers of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic shall be terminated early in the event of submission of resignation in writing, dissolution of the Jogorku Kenesh of the Kyrgyz Republic, a court decision that the Deputy is not legally capable, entry into force of a court decision on announcing the Deputy missing or deceased, and death of a Deputy.

A Deputy of the Jogorku Kenesh of the Kyrgyz Republic shall be deprived of his powers in the event of 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 residence beyond the borders of the Kyrgyz Republic, renunciation of citizenship of the Kyrgyz Republic, or loss of Kyrgyz citizenship.

8. Termination of powers of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic, and his deprivation of powers, shall be executed based on a Resolution of the Central Committee on Elections and Referenda of the Kyrgyz Republic.

9. Deputies systematically missing meeting of the Jogorku Kenesh of the Kyrgyz Republic without any good reason during one session, can be deprived of their parliamentary mandate by majority vote of the deputy corps.

10. The procedure of replacement of a vacant mandate appeared in the result of early termination of powers of a deputy shall be defined by law.

Article 57

A deputy of the Jogorku Kenesh of the Kyrgyz Republic has the right of inquiry to bodies of executive power, local self-governance and their officials, who are obliged to answer the inquiry within no more than one month.

SECTION ONE
POWERS OF THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC

Article 58

1. The work of the Jogorku Kenesh of the Kyrgyz Republic includes:
 - 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 of laws adopted by it;
 - 4) alteration of the borders of the Kyrgyz Republic;
 - 5) approval of the republican budget and the report on its implementation, nation-wide programs for social and economic development submitted by the Government of the Kyrgyz Republic;
 - 6) deciding matters of administrative and territorial structure of the Kyrgyz Republic;
 - 7) appointment of elections for Presidency of the Kyrgyz Republic;
 - 8) approval of the structure of the Government of the Kyrgyz Republic recommended by the President of the Kyrgyz Republic;
 - 9) giving consent to the appointment of the Prime Minister of the Kyrgyz Republic, members of the Government of the Kyrgyz Republic;
 - 10) expression of the vote of no confidence to the Government of the Kyrgyz Republic by the majority of not less than two thirds of votes of the deputy corps in cases provided by this Constitution;
 - 11) election and dismissal, 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;
 - 12) election and dismissal, upon nomination by the President of the Kyrgyz Republic, of the Chairman of the Supreme Court of the Kyrgyz Republic, his deputies and judges of the Supreme Court of the Kyrgyz Republic;
 - 13) giving consent to appointment of judges of local courts;
 - 14) giving consent to appointment of the General Prosecutor of the Kyrgyz Republic;

- 15) giving consent to appointment of the Chairman of the National Bank of the Kyrgyz Republic;
- 16) giving consent to appointment of the Chairman of the Central Electoral Commission of the Kyrgyz Republic;
- 17) election of one-half of the members of the Central Electoral Commission;
- 18) giving consent to appointment of the Chairman of the Auditing Chamber of the Kyrgyz Republic;
- 19) appointment of one-half of the auditors of the Accounting Chamber of the Kyrgyz Republic;
- 20) election and dismissal of the Ombudsman (Akyikatchi) of the Kyrgyz Republic and his deputies;
- 21) ratification and denunciation of international treaties, except for the cases envisaged in Article 48 of this Constitution Kyrgyz Republic;
- 22) introduction of states of emergency, authorization or annulment of decrees of the President of the Kyrgyz Republic concerning this issue;
- 23) 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;
- 24) 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;
- 25) establishing of military ranks, diplomatic ranks, class categories and other special titles of the Kyrgyz Republic;
- 26) establishment of state awards and honorary titles of the Kyrgyz Republic;
- 27) issuing acts of amnesty;
- 28) hearing addresses and statements by the President of the Kyrgyz Republic, speeches of the leaders and other representatives of foreign countries, international organizations;
- 29) hearing annual reports of the Constitutional court of the Kyrgyz Republic on the status of the constitutional legality in the country, of the Ombudsman (Akyikatchi) of the Kyrgyz Republic – on the state of affairs in the country in the field of human and civil rights and freedoms;

30) hearing annual reports of the Prime Minister of the Kyrgyz Republic, General Prosecutor of the Kyrgyz Republic, Chair of the National Bank of the Kyrgyz Republic, Chair of the Accounting Chamber of the Kyrgyz Republic.

31) dismissal of the President of the Kyrgyz Republic from office.

Hearing of annual reports of bodies and officials specified in this point shall be conducted with account of the rules established in this Constitution and laws of the Kyrgyz Republic on autonomy and independence of the respective bodies and their officials.

2. The Jogorku Kenesh of the Kyrgyz Republic adopts resolutions on issues envisaged in sub-points 2, 7, 9-20, 28-31 of point 1 of this Article, as well as issues of exercising control over implementation of laws.

3. Laws and resolutions of the Jogorku Kenesh of the Kyrgyz Republic shall be adopted by majority of votes of the deputy corps of the Jogorku Kenesh of the Kyrgyz Republic unless this Constitution provides for other procedure of their adoption.

Article 59

1. Laws shall regulate issues not included in the list given in Article 58 point 2 as well as other important issues of public and social life.

2. A law cannot come into force and be published until its signing by the President of the Kyrgyz Republic.

3. The Jogorku Kenesh of the Kyrgyz Republic upon request by the Government of the Kyrgyz Republic may allow the Government of the Kyrgyz Republic to adopt resolutions on issues referred to the jurisdiction of the Jogorku Kenesh of the Kyrgyz Republic.

Article 60

1. The Jogorku Kenesh of the Kyrgyz Republic shall elect from among its members a Toraga of the Jogorku Kenesh of the Kyrgyz Republic, his deputies, and shall recall them.

2. The Toraga of the Jogorku Kenesh of the Kyrgyz Republic shall:

- 1) conduct the sessions of the Jogorku Kenesh;
- 2) generally carry out the preparation of issues for consideration during sessions of the Jogorku Kenesh of the Kyrgyz Republic;
- 3) sign acts adopted by the Jogorku Kenesh;
- 4) represent the Jogorku Kenesh in the Kyrgyz Republic and abroad, ensure interaction of the Jogorku Kenesh with the President of the Kyrgyz Republic, the Government of the Kyrgyz Republic, executive and judicial bodies, local self-governance bodies;
- 5) exercise control over activity of the Jogorku Kenesh office;

6) perform other powers imposed thereon by the Law on Regulation of the Jogorku Kenesh of the Kyrgyz Republic.

3. Toraga of the Jogorku Kenesh shall be elected by secret ballot by the majority of votes of the deputy corps of the Jogorku Kenesh of the Kyrgyz Republic.

Toraga shall be accountable to the Jogorku Kenesh of the Kyrgyz Republic and may be removed from his office by a decision of the Jogorku Kenesh adopted by a vote of no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh.

4. The Deputy Toraga of the Jogorku Kenesh is elected by secret ballot, fulfills specific functions of the Toraga as authorized by him, and substitutes for the Toraga in his absence. The Deputy Toraga is recalled in accordance with the procedure provided by the Law on the Regulation of the Jogorku Kenesh of the Kyrgyz Republic.

Article 61

1. The Jogorku Kenesh of the Kyrgyz Republic is restricted to seven committees; it can establish temporary commissions and elect their chairs.

No deputy of the Jogorku Kenesh of the Kyrgyz Republic is permitted to participate in more than one committee.

2. Committees of the Jogorku Kenesh of the Kyrgyz Republic are responsible for preparing and preliminary review of issues referred to the competency of the Jogorku Kenesh of the Kyrgyz Republic, control over implementation of the adopted laws and resolutions.

3. Laws and other normative legal acts of the Jogorku Kenesh of the Kyrgyz Republic shall be adopted after preliminary review of their drafts by the respective committees of the Jogorku Kenesh.

4. Nomination and election of officials referred to the competence of the Jogorku Kenesh of the Kyrgyz Republic, giving consent by the Jogorku Kenesh to appointment for governmental posts and dismissal from office shall be made on the basis of the statement of respective committees of the Jogorku Kenesh of the Kyrgyz Republic.

Article 62

1. Sessions of the Jogorku Kenesh of the Kyrgyz Republic are conducted in the form of sittings and are held once per year beginning from the first work day of September and ending on the last work day of June of the following year.

2. Toraga of the Jogorku Kenesh of the Kyrgyz Republic shall convene special sessions of the Jogorku Kenesh of the Kyrgyz Republic upon proposal by the President of the Kyrgyz Republic, the Government of the Kyrgyz Republic or not less than one third of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

3. A convention of the Jogorku Kenesh of the Kyrgyz Republic is legally valid upon the attendance of no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

4. Decision of the Jogorku Kenesh of the Kyrgyz Republic on the issued referred to its competence by the Constitution of the Kyrgyz Republic shall be adopted exclusively during sittings by deputy voting.

All deputies must vote during a legislative session. They may not abstain.

5. Organization and procedure of activity of the Jogorku Kenesh of the Kyrgyz Republic, structure and personnel shall be defined by the Law on the Regulation of the Jogorku Kenesh of the Kyrgyz Republic.

Article 63

1. The Jogorku Kenesh of the Kyrgyz Republic may be dissolved early by a decision on self-dissolution adopted by a majority vote of no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

2. The Jogorku Kenesh of the Kyrgyz Republic 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 of the Kyrgyz Republic or in the event of another crisis caused by insurmountable differences between the Jogorku Kenesh of the Kyrgyz Republic and other branches of state power.

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

4. The Jogorku Kenesh of the Kyrgyz Republic may not be dissolved in time of a state emergency or war, during consideration by the Jogorku Kenesh of the Kyrgyz Republic 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 Jogorku Kenesh of the Kyrgyz Republic, the President of the Kyrgyz Republic designates the date for elections of deputies of the Jogorku Kenesh of the Kyrgyz Republic, so that the newly elected Jogorku Kenesh of the Kyrgyz Republic convene its first session no later than six months after the moment of dissolution.

SECTION TWO
LEGISLATIVE ACTIVITIES

Article 64

The right to initiate legislative drafting belongs to:

30,000 voters (a popular initiative);
the President of the Kyrgyz Republic;
deputies of the Jogorku Kenesh of the Kyrgyz Republic;
the Pravitel'stvo of the Kyrgyz Republic;

Article 65

1. Draft laws are introduced in the Jogorku Kenesh of the Kyrgyz Republic.
2. If the President or the Government of the Kyrgyz Republic deems that a draft law requires urgent attention, the Jogorku Kenesh of the Kyrgyz Republic is required to review that draft law ahead of others on the docket.
3. Toraga of the Jogorku Kenesh shall forward a draft law submitted to the Jogorku Kenesh of the Kyrgyz Republic along with the statement of the Government of the Kyrgyz Republic to the respective committee of the Jogorku Kenesh of the Kyrgyz Republic. No later than within one month the committee shall submit the draft law to the sitting of the Jogorku Kenesh of the Kyrgyz Republic along with its statement for review.
4. Amendments to a draft law on the republican budget may be introduced with the consent of the Pravitel'stvo of the Kyrgyz Republic.
5. 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 laws providing for increased costs to be covered from the national budget or for decreases in revenues of the budget, may only be submitted to the Jogorku Kenesh of the Kyrgyz Republic and adopted with consent of the Pravitel'stvo of the Kyrgyz Republic.
6. Laws introducing amendments and supplements to the Constitution of the Kyrgyz Republic, Constitutional laws, laws interpreting the Constitution of the Kyrgyz Republic and constitutional laws, laws introducing amendments to the constitutional laws, laws altering the borders of the Kyrgyz Republic, are adopted by the Jogorku Kenesh of the Kyrgyz Republic after no fewer than two readings if no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh have voted for them.
7. Introduction of amendments and supplements to the Constitution of the Kyrgyz Republic 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. A law adopted by the Jogorku Kenesh of the Kyrgyz Republic 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 one month after receiving the law, shall sign it or return it with his objections to the Jogorku Kenesh of the Kyrgyz Republic for reconsideration.

The law may be reconsidered by the Jogorku Kenesh of the Kyrgyz Republic not earlier than 6 months after receiving it with the President's objections. This rule is not applied if the Jogorku Kenesh of the Kyrgyz Republic agrees with the President's objections. If the Jogorku Kenesh agrees with the version proposed by the President of the Kyrgyz Republic, the law is to be signed by the President of the Kyrgyz Republic within the period of time set forth in point 2 of this article.

3. If upon reconsideration the law is approved in the earlier adopted version 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 one month after its receipt.

4. The law indicated in point 6 of Art. 65 of this Constitution returned by the President for reconsideration may be considered by the Jogorku Kenesh not earlier than in one year. This rule is not applied if the Jogorku Kenesh of the Kyrgyz Republic adopts the decision to agree with the President's objections. If the Jogorku Kenesh of the Kyrgyz Republic agrees with the version proposed by the President of the Kyrgyz Republic the law is to be signed by the President of the Kyrgyz Republic within the period of time set forth in point 2 of this article.

5. If the law specified in Article 65 point 6 of this Constitution upon its reconsideration held not earlier than in one year, is adopted in the former version by majority vote of no less than four-fifths of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic, it is signed by the President of the Kyrgyz Republic within one month.

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 Jogorku Kenesh of the Kyrgyz Republic may delegate its 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 the Jogorku Kenesh of the Kyrgyz Republic.

3. Legislative powers are carried out by the President of the Kyrgyz Republic by the adoption of decrees, which have the force of law.

CHAPTER FIVE

EXECUTIVE POWER OF THE KYRGYZ REPUBLIC

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, other executive authorities and local state administration.

SECTION ONE

THE PRAVITEL'STVO OF THE KYRGYZ REPUBLIC

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.

The structure of the Pravitel'stvo of the Kyrgyz Republic is defined by the President upon nomination by the Prime Minister of the Kyrgyz Republic and is approved by the Jogorku Kenesh 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 of the Kyrgyz Republic, 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 the Pravitel'stvo and of the heads of administrative departments. In the event of acceptance of the resignation, the Pravitel'stvo of the Kyrgyz Republic and the heads of administrative departments 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 and appointment of the heads of administrative departments.

Article 71

1. The Prime Minister of the Kyrgyz Republic shall be appointed by the President of the Kyrgyz Republic with the consent of the majority of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

2. A nomination of a candidate for Prime Minister of the Kyrgyz Republic is submitted to the Jogorku Kenesh of the Kyrgyz Republic 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 of the Kyrgyz Republic or Pravitel'stvo of the Kyrgyz Republic, or within one week from the day of rejection of a nominee by the Jogorku Kenesh of the Kyrgyz Republic.

3. The Jogorku Kenesh of the Kyrgyz Republic shall make its decision concerning the giving of consent to the appointment of a Prime Minister of the Kyrgyz Republic no later than seven days from the day of submission of the nominee.

4. After three refusals by the Jogorku Kenesh of the Kyrgyz Republic of nominees for Prime Minister of the Kyrgyz Republic, the President of the Kyrgyz Republic appoints a Prime Minister of the Kyrgyz Republic and dissolves the Jogorku Kenesh of the Kyrgyz Republic.

5. The Prime-Minister of the Kyrgyz Republic in accordance with the Constitution, laws of the Kyrgyz Republic and decrees of the President of the Kyrgyz Republic determines the fundamental directions of the activities of the Pravitel'stvo of the Kyrgyz Republic, organizes its work, and is personally responsible for its activities.

Article 72

1. The Pravitel'stvo of the Kyrgyz Republic in its activities is responsible to the President of the Kyrgyz Republic and is accountable to the Jogorku Kenesh of the Kyrgyz Republic within the limits provided by this Constitution.

The President of the Kyrgyz Republic may preside at the sitting of the Pravitel'stvo of the Kyrgyz Republic.

2. The Prime Minister of the Kyrgyz Republic presents a report on the work of the Pravitel'stvo to the Jogorku Kenesh of the Kyrgyz Republic annually.

3. The Jogorku Kenesh of the Kyrgyz Republic based on the results of consideration of the report by the Prime Minister of the Kyrgyz Republic may express lack of confidence in the Pravitel'stvo of the Kyrgyz Republic by the initiative of a majority of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

4. A resolution on expression of no confidence in the Pravitel'stvo of the Kyrgyz Republic is adopted by a majority of no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic

5. The issue of expressing vote of no confidence to the Pravitel'stvo of the Kyrgyz Republic may not be considered by the Jogorku Kenesh of the Kyrgyz Republic: more than once during a session; during one year after approval of the Program of activities of the Pravitel'stvo of the Kyrgyz Republic; six months prior to next elections for the Presidency of the Kyrgyz Republic.

6. If the Jogorku Kenesh expresses vote of no confidence to the Pravitel'stvo of the Kyrgyz Republic, the President of the Kyrgyz Republic may either announce the resignation of the Pravitel'stvo of the Kyrgyz Republic or disagree with the decision of the Jogorku Kenesh of the Kyrgyz Republic.

7. If within three months, the Jogorku Kenesh of the Kyrgyz Republic makes another decision to express the vote of no confidence to the Pravitel'stvo of the Kyrgyz Republic, the President of the Kyrgyz Republic either announces the resignation of the Pravitel'stvo of the Kyrgyz Republic or disbands the Jogorku Kenesh of the Kyrgyz Republic.

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 of the Kyrgyz Republic.

2. The Pravitel'stvo of the Kyrgyz Republic:

1) ensures enforcement of the Constitution and laws of the Kyrgyz Republic, normative legal acts of the President of the Kyrgyz Republic and the Pravitel'stvo of the Kyrgyz Republic; pursuance of internal and foreign policy of the state;

2) carries out measures to guarantee lawful activity, rights and freedoms of citizens, the protection of property and public order, the fighting of crime;

3) ensures pursuance of financial, price, tariff, investment and tax policy;

4) prepares the republican budget and submits it to the Jogorku Kenesh of the Kyrgyz Republic and ensures its implementation; reports to the Jogorku Kenesh of the Kyrgyz Republic on implementation of the republican budget;

5) ensures pursuance of the unitary state policy in the field of culture, science, education, health care, labor and employment, social security, nature protection, ecological security and utilization of nature;

6) develops and carries out nation-wide programs for economic, social, scientific and technical and cultural development;

7) takes measures to secure equal conditions for development of all forms of property and their protection, exercises management over state property;

8) takes measures to secure the state sovereignty, defense of the country, and national security;

9) organizes and ensures pursuance of foreign policy, customs issues;

10) directs and coordinates the work of ministries, state committees, administrative departments, state commissions and funds, local state administrations and other executive authorities;

11) ensures interaction with the civil society;
12) exercises other powers relegated to its competence by the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, decrees of the President of the Kyrgyz Republic.

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.

4. Organization and procedure of the activities of the Pravitel'stvo of the Kyrgyz Republic is defined by the constitutional law.

Article 74

1. On the basis of and in pursuance of the Constitution of the Kyrgyz Republic and laws of the Kyrgyz Republic, normative legal acts of the President of the Kyrgyz Republic, the Pravitel'stvo of the Kyrgyz Republic issues decrees and instructions and organizes, supervises and secures their fulfillment.

2. Decrees and instructions of the Pravitel'stvo of the Kyrgyz Republic are binding throughout the entire territory of the Kyrgyz Republic.

Non-performance or improper performance of normative legal acts of the Pravitel'stvo of the Kyrgyz Republic shall entail liability established by the law.

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, other executive authorities 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 Jogorku Kenesh of the Kyrgyz Republic, 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, other executive authorities 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

1. Executive power on the territory of the respective administrative territorial unit is carried out by the local state administration.

2. Powers, organization and procedures of activities of local state administration shall be defined by the law.

Article 77

1. Local state administrations act on the basis of the Constitution of the Kyrgyz Republic, normative legal acts of the President of the Kyrgyz Republic and the Pravitel'stvo 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 legislature is performed by the Procuracy of the Kyrgyz Republic within the bounds of its competency.

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

CHAPTER SIX COURTS AND JUSTICE IN THE KYRGYZ REPUBLIC

Article 79

1. Justice in the Kyrgyz Republic is administered only by the court.
Citizens of the Kyrgyz Republic have the right to participate in administration of justice in cases and in the manner provided by law.

2. Judicial power is exercised by means of the constitutional, civil, criminal, administrative and other forms of legal proceeding.

3. Judicial system of the Kyrgyz Republic is established by the Constitution of the Kyrgyz Republic and laws of the Kyrgyz Republic and consists of the Constitutional Court of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic, and local courts. Specialized courts can be established by the constitutional law.

The creation of extraordinary courts is not allowed.

4. The organization and procedure for activity of the courts is specified by law.

Article 80

1. Judges are independent and subordinated only to the Constitution of the Kyrgyz Republic and to the laws of the Kyrgyz Republic.

2. A judge shall enjoy the right of immunity and cannot be detained or arrested, subjected to search or personal inspection, except for the cases when caught red-handed.

Bringing a judge of the Constitutional Court of the Kyrgyz Republic to the criminal and administrative liability imposed by the court is allowed only with the consent of the Jogorku Kenesh of the Kyrgyz Republic.

Immunity of a judge shall extend to all of his personal and official residences and offices, to his means of transportation and to his communications, his correspondence, property and documents.

3. No one may require report from a judge on the concrete legal case.

4. A judge, in accordance with his status, is ensured social, material and other guarantees of his independence.

5. A citizen of the Kyrgyz Republic who is not younger than 35 years of age and no older than 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 or the Supreme court of the Kyrgyz Republic.

Judges of the Constitutional court and the Supreme court of the Kyrgyz Republic are elected by the Jogorku Kenesh of the Kyrgyz Republic upon nomination by the President of the Kyrgyz Republic for a term of 10 years.

6. A citizen of the Kyrgyz Republic not younger than 25 years of age and 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 with the consent of the Jogorku Kenesh for a term of 7 years.

7. Status of judges of the Kyrgyz Republic shall be defined by the constitutional law.

Article 81

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

2. A judge of the Constitutional Court of the Kyrgyz Republic, a judge of the Supreme Court of the Kyrgyz Republic may be dismissed from his office upon nomination by the President of the Kyrgyz Republic by a majority vote of no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

3. The constitutional law may provide for other procedure of removal of judges of the Constitutional Court, Supreme Court of the Kyrgyz Republic from office in case of their resignation by their own request or on the basis of health.

4. The procedure for nomination of candidates for the judicial position, their appointment, rotation, removal from office of judges of local courts and other issues of the work of judges of local courts shall be established by the constitutional law.

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 of the Kyrgyz Republic consists of the Chairman, the Deputy Chairman and seven judges of the Constitutional Court.

3. The Constitutional Court:

1) declares laws and other normative legal acts unconstitutional if they contradict the Constitution of the Kyrgyz Republic;

2) decides disputes concerning the effect, use and interpretation of the Constitution of the Kyrgyz Republic;

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

4) 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 of the Kyrgyz Republic;

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

6) issues a determination concerning issues about amendments and supplements to the Constitution of the Kyrgyz Republic in accordance with the provisions of point 2 of Article 96 of this Constitution;

7) annuls the decisions of bodies of local self-governance which contradict the Constitution of the Kyrgyz Republic;

8) renders a decision concerning the constitutionality of the activity of political parties, social and religious organizations.

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

The determination of the unconstitutionality of laws and other acts stipulated in this article 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, except for judicial opinions. The timing and procedures for annulment of judicial opinions and deciding of matters connected with annulment shall be applied in accordance with the law adopted by the Jogorku Kenesh of the Kyrgyz Republic on every case of recognition of the law or other act unconstitutional.

5. The procedure for administration and other issues of constitutional judicial proceedings shall be regulated by law.

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, as well as other cases provided by law.

2. The Supreme Court shall establish panels of judges, Presidium, whose powers are defined by laws.

The court instances thus established within the Supreme Court review, in compliance with the established procedural forms, court decisions of lower court instances and render final decisions on them.

3. The Supreme Court of the Kyrgyz Republic oversees the judicial activity of local courts by review of judicial opinions on appeals lodged by participants of the judicial proceedings. The law shall establish the powers of the Supreme Court of the Kyrgyz Republic to leave the local court decision in force, to change them or to issue the new decision on the case.

Opinions of the Supreme Court of the Kyrgyz Republic issued as a matter of judicial overview are not subject to appeal.

4. Plenum of the Supreme Court of the Kyrgyz Republic consisting of all judges of the Supreme Court has the right to give clarifications on the issues of court practice which will be binding for all lower courts.

Article 84

The state ensures financial support and proper conditions for operation of courts and judicial activities.

Financial support of courts shall be from the funds of the republican budget and must secure the possibility of full and independent administration of justice in compliance with law.

Article 85

1. Trial in all courts is open. Hearing of the case in closed trial is allowed only in cases provided by law. Decision of the court is announced publicly.

2. Default trial of criminal or other cases in courts is not allowed except for cases provided by law.

3. Judicial proceedings shall be adversary and shall be based on equality of parties.

4. A judicial opinion may be annulled, changed or suspended only by the court in the procedure established by law.

5. Everyone charged with a criminal offence is not obligated to prove his innocence. Irremovable doubts concerning his guilt must be interpreted to the benefit of the accused.

6. No one shall be convicted only on the basis of his/her own confession in committing a crime.

7. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law, as well as to seek pardon or commutation of the sentence.

8. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure.

9. Application of the criminal law by analogy is not allowed.

10. The law establishing or aggravating the liability of a person shall not have a retroactive force. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

11. No one shall be obligated to testify against himself, his/her spouse and close relatives determined by law. The law may provide for other cases of excusing from the obligation to testify.

12. Everyone detained, arrested or charged with a criminal offense has the right to presence of an attorney (defender) from the moment of the respective detention, arrest or bringing a charge.

13. Rights of victims of crimes and abuses of power are protected by law. The state shall guarantee them access to justice and compensation for the harm or damage caused.

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, improper implementation or hindering implementation of judicial opinions 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. Procedural rights of participants including the right to appeal decisions, sentences and other judicial opinions as well as the procedure for exercising these rights shall be defined by law.

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 for all courts and judges of the Kyrgyz Republic, not specified by this Constitution shall be established by the laws of the Kyrgyz Republic.

CHAPTER SEVEN

LOCAL SELF-GOVERNANCE

Article 91

Local self-governance 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

1. Local self-governance 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-governance may have municipal (communal property) in their own possession and at their own use and disposal.

2. 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.

3. 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.

4. Decisions of courts of elders may be appealed in the procedure established by legislation of the Kyrgyz Republic.

Article 93

The basis for organization and the activities of bodies of local self-governance 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-governance 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-governance are accountable to state bodies concerning delegated 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 and their executive bodies, within the limits of their powers established by the Constitution and legislation of the Kyrgyz Republic adopt acts binding for implementation on their territory.

5. Local keneshes and other bodies of local self-governance are responsible before the state for observation and implementation of laws and before local society for the results of their activities.

6. A deputy of the local kenesh shall be elected for the term of 4 years and may not be persecuted for expressed opinion and results of voting for the local kenesh.

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 by the Jogorku Kenesh of the Kyrgyz Republic after a proposal by the President of the Kyrgyz Republic by a majority of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic, 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 Jogorku Kenesh of the Kyrgyz Republic, 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 Jogorku Kenesh of the Kyrgyz Republic.

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 Jogorku Kenesh of the Kyrgyz Republic.

Article 97

1. Amendments and supplements to this Constitution are considered adopted by the Jogorku Kenesh of the Kyrgyz Republic if no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic 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

SECTION II

1. Put into effect the Constitution of the Kyrgyz Republic set out in this Law from the date of official publication of this Law.
2. After the effective date of this Law, the Constitution of the Kyrgyz Republic in the new version shall apply with the peculiarities set out in Section III of this Law.
3. After the effective date of this Law, the Constitution of the Kyrgyz Republic as amended by the laws of the Kyrgyz Republic of February 16, 1996 # 1, October 21, 1998 # 134, December 24, 2001 # 112 with the account of the provisions of point 4 of this Section shall lose validity except for Art. 54 (2), Art. 55 (3), Art. 61 (1), Arts. 59, 65 which shall lose validity from the day of the first sitting of the newly convened Jogorku Kenesh.

Equally, part 3 of Article 1, Articles 2-7 of the Law of the Kyrgyz Republic of May 5, 1993 # 1186-XII, Laws of the Kyrgyz Republic of February 16, 1996 # 1, October 21, 1998 # 134, December 24, 2001 # 112 shall lose validity.

4. Laws and other normative legal acts valid before entry into force of this Law shall be applied in the part not contradicting the Constitution of the Kyrgyz Republic.
5. Laws regulating constitutional, civil, commercial, criminal and administrative proceedings as well as proceedings on bankruptcy cases shall be valid until adoption and entry into force of the new laws. Laws on court structure and judicial proceedings must be adopted and put into effect not later than January 1, 2005.

Constitutional laws on the Government of the Kyrgyz Republic and on the status of judges must be adopted and put into effect not later than January 1, 2005.

SECTION III

6. After the effective date of this Law:
The President of the Kyrgyz Republic elected before entry into force of this law shall retain his powers until expiration of the term of his office, and shall exercise them within the framework of the Constitution of the Kyrgyz Republic in the version set out in this Law;

Deputies of the Legislative Assembly and People's Representative Assembly of the Jogorku Kenesh of the Kyrgyz Republic shall retain their powers until expiration of their terms of office.

7. Provisions of point 5 of Article 56 of the Constitution of the Kyrgyz Republic in the new version shall not extend to the deputies of the People's Representative Assembly of the Jogorku Kenesh of the Kyrgyz Republic, except for the ban to occupy the posts of judge, prosecutor, and be on other governmental service.

8. Powers of the Jogorku Kenesh of the Kyrgyz Republic set out in items 1-4, 11, 20-29, 31 of

point 1 of Article 58 of the Constitution of the Kyrgyz Republic in the new version shall be exercised by the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic. Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic shall continue its activity on a permanent basis.

9. Powers of the Jogorku Kenesh of the Kyrgyz Republic set out in items 1-19, 21, 27, 28, 30-31 of point 1 of Article 58 of the Constitution of the Kyrgyz Republic in the new version shall be exercised by the People's Representative Assembly of the Jogorku Kenesh of the Kyrgyz Republic. The People's Representative Assembly of the Jogorku Kenesh of the Kyrgyz Republic shall continue its activity during legislative sessions.

10. The Legislative Assembly and the People's Representative Assembly of the Jogorku Kenesh of the Kyrgyz Republic shall work in the manner prescribed by the Constitution of the Kyrgyz Republic in the new version with the account of the provisions of point 3 of section III of this Law.

SECTION IV

11. The Government of the Kyrgyz Republic formed before entry into force of this Law shall retain its powers and shall exercise them in accordance with the Constitution of the Kyrgyz Republic in the new version. The heads of the administrative agencies, other executive authorities as well as heads of the local state administrations appointed before entry into force of this Law shall retain their powers until expiration of their terms of office.

Prosecutor General of the Kyrgyz Republic and his deputies, prosecutors of oblasts and Bishkek, military prosecutor of the Kyrgyz Republic, appointed before entry into force of this Law shall retain their powers until expiration of their terms of office.

Vacant positions in the executive authorities and procuracy shall be replaced in the manner established by the Constitution of the Kyrgyz Republic in the new version.

SECTION V

12. After entry into force of this Law, the judges of all courts of the Kyrgyz Republic shall retain their powers until expiration of their terms of office. Vacant judicial posts shall be replaced in the manner established by the Constitution of the Kyrgyz Republic in the new version.

13. After entry into force of this Law, the Highest Commercial Court of the Kyrgyz Republic with its full staff shall merge with the Supreme Court of the Kyrgyz Republic, act as a corresponding panel of the Supreme Court of the Kyrgyz Republic and exercise judicial overview in accordance with the Commercial Procedure Code of the Kyrgyz Republic and Bankruptcy (Insolvency) Law of the Kyrgyz Republic.

14. Commercial courts of oblasts and Bishkek shall merge with the local courts of general jurisdiction in the manner and within timing defined by the President of the Kyrgyz Republic, unless otherwise established by the constitutional law.

15. Until completion of the process of merger, commercial courts of oblasts and Bishkek shall work as specialized courts of appellate instance on cases provided by the Commercial Procedure Code of the Kyrgyz Republic and Bankruptcy (Insolvency) Law of the Kyrgyz Republic.

16. Commercial cases being at the moment of entry into force of this Law under judicial proceedings in commercial courts of oblasts and Bishkek shall be subject to completion in the procedure and timing established by the Commercial Procedure Code of the Kyrgyz Republic and Bankruptcy (Insolvency) Law of the Kyrgyz Republic. Actions (bankruptcy claims) filed with commercial courts of oblasts and Bishkek after entry into force of this Law as well as suspended cases of first instance shall be forwarded by the said courts to the courts of general jurisdiction for consideration on merits in the manner prescribed by the Commercial Procedure Code of the Kyrgyz Republic and Bankruptcy (Insolvency) Law of the Kyrgyz Republic. Appeals against the decisions of the courts of general jurisdiction on such cases shall be reviewed by the commercial courts of oblasts and Bishkek in the manner prescribed by the Commercial Procedure Code of the Kyrgyz Republic and Bankruptcy (Insolvency) Law of the Kyrgyz Republic.

SECTION VI

17. Chairmen of the Central Electoral Commission and the Auditing Chamber of the Kyrgyz Republic, their deputies, members of the Central Electoral Commission and auditors of the Auditing Commission of the Kyrgyz Republic elected (appointed) before entry into force of this Law shall retain their powers until expiration of their terms of office.

18. Vacant positions in the Central Electoral Commission and the Auditing Chamber of the Kyrgyz Republic shall be replaced by appointing members and auditors in the following order of priority: by the President of the Kyrgyz Republic until reaching the number of members or auditors of the CEC and the Auditing Chamber of the Kyrgyz Republic as defined by the new version of the Constitution of the Kyrgyz Republic; by the Legislative Assembly and the People's Representative Assembly of the Jogorku Kenesh of the Kyrgyz Republic depending on whose nominee replaced the vacant position.

19. If by the moment of election of the Jogorku Kenesh of the Kyrgyz Republic of the new convention the parity established by the Constitution of the Kyrgyz Republic is not reached, the members of the CEC or auditors of the Auditing Chamber of the Kyrgyz Republic appointed by the chambers of the Jogorku Kenesh of the Kyrgyz Republic shall be removed from their offices by the Jogorku Kenesh of the Kyrgyz Republic of the new convention by lottery. The Jogorku Kenesh of the Kyrgyz Republic of the new convention may establish other procedure of removal from office of members of the CEC or auditors of the Auditing Chamber of the Kyrgyz Republic.

SECTION VII

This Law shall be signed and promulgated by the President of the Kyrgyz Republic.

President of the Kyrgyz Republic

A. Akaev

**Bishkek, House of Government
18 February 2003, # 40.**