

Translator's notes are shown in square brackets. All new text is shown in underline.

CONSTITUTION OF THE KYRGYZ REPUBLIC

We, the people of Kyrgyzstan,
paying tribute to the memory of the heroes who rendered life for freedom of the Kyrgyz
people,
Confirming adherence to the goal to build free and democratic state on the bases of
respect and protection of human rights;
Expressing unstinting conviction and intention to develop and enhance the Kyrgyz
statehood, protect state sovereignty and unity of the people;
aspiring to root rule of law as well as safeguard social justice, economic welfare and
intellectual development of the people;

acting on behest of our ancestors to live in unity, peace and concord,
we hereby adopt this present Constitution.

SECTION I

The Constitution of the Kyrgyz Republic adopted at the 12th session of the Supreme Council of the Republic of Kyrgyzstan on 5 May 1993 shall be reworded as follows:

"We, the People of Kyrgyzstan, supporting revival and improvement of the statehood of the Kyrgyz people;

remembering that the unity of the Kyrgyz is the basis for stability of the country and accord of the entire people of Kyrgyzstan;

following the precepts of our ancestors to live in unity, peace and accord, hereby adopt this Constitution.

CHAPTER ONE

FUNDAMENTS OF THE CONSTITUTIONAL ORDER

Article 1

1. The Kyrgyz Republic (Kyrgyzstan) is a sovereign, unitary, democratic, secular, social State governed by the rule of law.
2. The sovereignty of the Kyrgyz Republic is unlimited and extends throughout its territory.
3. The people of Kyrgyzstan is the bearer of sovereignty and the sole source of state power in the Kyrgyz Republic.
4. The people of the Kyrgyz Republic shall exercise their power directly in elections and referendums as well as through a system of state bodies and local self-government bodies on the basis of the present Constitution and laws of the Kyrgyz Republic.

The President and the *Jogorku Kenesh* elected by the people of Kyrgyzstan shall be entitled to act on their behalf.

5. Laws and other important matters of state life may be referred to a referendum (nationwide vote). The procedure for holding a referendum and the list of questions put to a referendum, shall be established by constitutional law.
6. Elections shall be free and shall be held on the basis of universal equal and direct suffrage by secret ballot. Citizens of the Kyrgyz Republic having reached the age of 18 years shall be entitled to vote.

Free elections are ensured by election commissions which are formed with participation of political parties in accordance with procedures established by law.

Article 2

1. The State and its organs shall serve the whole of society, and not one particular part thereof.
2. No separate group of people, association or individual shall have the right to usurp power in the State.
3. The State, its organs, local self-government bodies and their officials shall not act outside the scope of their powers as stipulated by the present Constitution and law.

Article 3

1. The territory of the Kyrgyz Republic, within its existing boundaries, shall be inviolable and indivisible.

2. For the purposes of organising state government and local self-government, the territory of the Kyrgyz Republic shall be divided into administrative territorial units determined by law.

The cities of Bishkek and Osh shall be cities of republic significance and their status shall be determined by law.

Article 4

1. In the Kyrgyz Republic, diversity of forms of property shall be recognized and equal legal protection to all forms of property - private, state, municipal and other forms of property - shall be protected.

2. Property shall be inviolable. No one may be deprived of their property arbitrarily; confiscation against the will of the owner shall be admissible only by decision of a court.

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

4. The Kyrgyz Republic shall protect the rights of property ownership of its citizens and legal persons, and also their property and republic property located on the territory of other States.

5. The land, its underlying resources, airspace, water bodies, forests, flora and fauna, and other natural resources shall be the property of the Kyrgyz Republic, shall be used as the basis of life and activity of the people of Kyrgyzstan and shall enjoy special protection from the State.

Land may also be in private, municipal or other forms of ownership.

The limits of and procedure for the exercise of rights by owners of land and natural resources and implementation of guarantees of their protection shall be determined by law.

Article 5

1. The state language of the Kyrgyz Republic shall be the Kyrgyz language.

2. In the Kyrgyz Republic, the Russian language shall be used in the capacity of an official language.

3. The Kyrgyz Republic guarantees to the representatives of all the ethnic groups forming the people of Kyrgyzstan the right to preservation of their mother tongue and creation of conditions for its study and development.

4. Any infringement of citizens' rights and freedoms on the basis of lack of knowledge of the state or official languages shall not be permitted.

Article 6

1. The Kyrgyz Republic shall have 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 shall be the city of Bishkek.

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

Article 7

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

- the supremacy of the power of the people, represented and ensured by the nationally elected head of State - the President of the Kyrgyz Republic - and Jogorku Kenesh;

- the separation of state power into legislative, executive and judicial branches;

- the responsibility of state authorities and local self-government bodies to the people and the exercise by them of their prerogatives on behalf of the people;

- differentiation between functions and prerogatives of state authorities and local self-government bodies.

Article 8

1. In the Kyrgyz Republic no religion shall be recognised as the state religion or mandatory religion.

2. In the Kyrgyz Republic political diversity shall be recognised.

3. In the Kyrgyz Republic political parties, trade unions and other public associations may be created. The State shall ensure respect for the rights and lawful interests of public associations.

4. Participation by political parties in state affairs may take only the forms provided for in the present Constitution and the law.

5. The following shall be prohibited in the Kyrgyz Republic:

- merger of state and party institutions, as well as subordination of state activity to party programmes and decisions;

- establishment and activity of party organisations within state institutions and organisations; carrying out of party activities by civil servants, excluding cases when such activity is undertaken outside their work activities;
- membership of parties and rendering of support to any political party by those serving in military, law enforcement and judicial bodies;
- establishment of political parties on a religious basis and the pursuit by religious organisations of political goals and tasks;
- interference by religious organisations and ministers of religious faiths in the activity of state bodies;
- activity in pursuit of political goals by foreign political parties, public and religious organisations, their representatives and branches.

Article 9

1. The Kyrgyz Republic has no goals of expansion, aggression or territorial claims to be resolved by military force. It rejects the militarisation of state life and the subordination of the State and its activity to the purposes of war. The Armed Forces of Kyrgyzstan shall be formed in accordance with principles of self-defence and defensive sufficiency.
2. The right to wage war shall not be recognised except in cases of aggression against Kyrgyzstan and other States bound by responsibilities for collective defence. In each instance, permission for military units of the Armed Forces of the Kyrgyz Republic to cross the borders of Kyrgyzstan shall be granted by decision of the *Jogorku Kenesh* to be adopted by a majority of no less than two thirds of the total number of deputies.
3. The use of the Armed Forces to resolve internal state political issues shall be prohibited.
4. The Kyrgyz Republic shall strive for universal and just peace, mutually beneficial cooperation and the resolution of global and regional problems by peaceful means.

Article 10

A state of emergency or martial law in the Kyrgyz Republic may be imposed only in the cases and following the procedures established by the present Constitution and constitutional laws.

Article 11

1. The state budget of the Kyrgyz Republic shall consist of republic and local budgets and include the expenditures and revenues of the State.

2. The procedure for drawing up, adopting and implementing the republic and local budgets and for auditing their implementation shall be determined by law. The republic budget shall be adopted annually as a law.

3. A single tax system shall be applied on the territory of the Kyrgyz Republic. The right to establish taxes shall lie with the *Jogorku Kenesh*. Laws establishing new taxes and negatively affecting the situation of taxpayers shall not have retrospective force.

Article 12

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

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

3. International treaties and agreements to which the Kyrgyz Republic is a party that have entered into force under the established legal procedure and also the universally recognised principles and norms of international law shall be a constituent part of the legal system of the Kyrgyz Republic.

CHAPTER TWO

HUMAN AND CIVIL RIGHTS AND FREEDOMS

SECTION I. Human rights and freedoms

Article 13

1. The fundamental rights and freedoms of an individual belong to them from birth. The rights and freedoms of an individual are constantly applicable. They are recognised as absolute and inalienable, they determine the meaning and content of the activity of the legislature, the executive and local self-government bodies and are protected by the law and the courts.

2. The personality and dignity of individuals in the Kyrgyz Republic shall be sacrosanct and inviolable.

3. In the Kyrgyz Republic everyone shall be equal before the law and the courts. No one shall be subjected to any kind of discrimination or violation of their rights and freedoms on grounds of ethnic origin, sex, race, nationality, language, religious denomination, political or religious beliefs or any other personal or social circumstances.

4. In the Kyrgyz Republic men and women shall have equal freedoms and rights and equal opportunities for their realization.

Article 14

Everyone in the Kyrgyz Republic shall have the intrinsic right to life. No one may be deprived of their life.

Article 15

Everyone shall have the right to inviolability of one's private life, to respect and protection of their honour and dignity

Everyone shall have the right to secrecy of correspondence, telephone conversations and telegraphic and other communications;

Article 16

The home shall be inviolable. No one shall have the right to enter a home against the will of those residing in it.

Searches of a home and other procedural acts in a home shall be permitted only on the basis of a court order. Lawfulness of an urgent search is subject to a compulsory court review.

Article 17.

Everyone shall be guaranteed judicial protection of their rights and freedoms.

Everyone shall have the right to protect himself and his freedoms by all means, not prohibited by law.

In the event of a public or other accusation, everyone shall have the right to defend their honour, dignity, business reputation and their rights in court; under no circumstances shall they be denied such judicial protection.

Article 18

1. No one may be arrested or held in custody except by court decision and solely on the basis of and in accordance with the procedures established by the law.

2. Prior to a court ruling a person may not be detained in custody for more than 48 hours.

3. Any detained person shall be informed urgently of the grounds for their detention, have their rights explained and given an opportunity, from the moment of detention, to protect themselves personally and use legal assistance from a lawyer.

Article 19

1. Everyone shall be presumed innocent of committing a criminal offence until found guilty by a court verdict having entered into force.
2. Any actions aimed at attaching responsibility for a crime to a person before a verdict has been pronounced by a court shall not be permitted and are grounds for compensation to the victim through the court for the material and moral damage suffered.
3. A person charged with a criminal offence shall not be obliged to prove their innocence. Any doubt concerning their guilt must be interpreted to the benefit of the accused.
4. The burden of proof of guilt in criminal and administrative cases shall be on the accuser.
5. Evidence obtained in violation of the law shall not be recognised and may not be used in court.

Article 20

1. No one shall be obliged to testify against themselves, their spouse or close relatives as determined by law. The law may provide for other cases in which they are dispensed from the obligation to testify.
2. Everyone shall have the right to have their case examined by a court with the participation of jurors in cases stipulated by law.

Article 21

1. No one shall be convicted of a crime solely on the basis of their own confession.
2. Everyone convicted of a crime shall have the right to a review of their conviction and sentence by a higher tribunal under the procedure established by law, as well as to seek a pardon or commutation of punishment.
3. No one shall bear legal liability twice for the same offence.

Article 22

1. A law establishing or aggravating the liability of a person shall not have retroactive force. No one may be held guilty of any act which did not constitute a criminal offence at the time when it was committed. If, subsequent to the committing of an offence, provision is made by law for the removal of the offence or the imposing of a lighter penalty, the new law shall be applied.
2. Application of the criminal law by analogy shall not be permitted.

Article 23

The rights of victims of crimes and abuses of power shall be protected by law. The State shall guarantee them access to justice and compensation for the harm or damage caused.

Article 24

Everyone shall have the right to appeal to international courts.

Article 25

Everyone shall have the right to liberty of movement, freedom to choose their destination and residence within the territory of the Kyrgyz Republic.

Article 26

Everyone shall have the right to freely determine their nationality.

Article 27

Everyone shall be guaranteed freedom of religion and atheistic views.

Article 28

Everyone shall have the right to freedom of thought, speech and press, as well as to unimpeded expression of those thoughts and beliefs. No one shall be forced to express their opinions and beliefs.

Article 29

Everyone shall have the right:

- to possess, use, and dispose of their property and the results of their intellectual and creative activity;
- to economic freedom and free use of their abilities and property for any economic activity not prohibited by law;
- to freedom of labour, use of their abilities for work and choice of profession and occupation, labour safety arrangements and precaution, and also the right to remuneration for labour and social protection not less than minimum subsistence level.

The State shall facilitate activities of international organizations aiming at enhancing right to labour.

Article 30

Everyone shall have the right:

- to lodge applications with state or local authorities and their officials;
- to obtain knowledge of the information about them held by state authorities and local authorities which is not covered by state secrecy or other confidential information protected by law.

Article 31

Everyone shall have the right to compensation by the State for any damage caused by illegal acts of state or local authorities and their officials while discharging official duties.

Article 32

Everyone shall have the right:

- to freely gather, store and use information freely and to disseminate it orally, in writing or by another means;
- to apply to a court to have false information about themselves or members of their family refuted and withdrawn and to claim damages for material or moral damage caused by the gathering, storage and dissemination of false information.

The gathering, storage, use and dissemination of confidential information about a person without their consent, except in cases specified by law, shall be prohibited.

Article 33

Child labour and forced labour of adult nationals shall be prohibited, with the exception of cases of war, removal of the consequences of natural disasters, epidemics and other cases of emergency, as well as based on court decision,

Article 34

1. In the Kyrgyz Republic, folk customs and traditions which do not contradict human rights and freedoms shall be supported by the State.
2. The family shall be the origin of society; family, fatherhood, motherhood and childhood shall be the concern of the whole of society and subject to preferential protection by law; child care and upbringing shall be a natural right and civic duty of parents. Able-bodied children having attained their majority shall be under obligation to care for their parents.
3. The State shall provide maintenance, upbringing and education for orphans and children deprived of parental support.

4. Respect for the elderly and caring for family and close relatives shall be a sacrosanct obligation for the people of Kyrgyzstan.

Article 35

1. Everyone shall observe the Constitution and the laws of the Kyrgyz Republic and shall respect the rights, freedoms, honour and dignity of others.

2. No one shall restrict the rights and freedoms of others in the exercise of their own rights and freedoms.

Article 36

1. The rights and freedoms established by the present Constitution are not exhaustive and shall not be interpreted as negating or diminishing other universally recognised human rights and freedoms.

2. In the Kyrgyz Republic, no laws abolishing human rights and freedoms shall be issued.

3. Restrictions of rights and freedoms shall be permitted under the Constitution and laws solely for the purposes of protecting the rights and freedoms of others, public safety and order, territorial integrity and the constitutional order. Where such measures are taken, constitutional rights and freedoms shall not be affected in their essence.

Article 37

1. Restrictions affecting the physical and moral inviolability of an individual shall be permitted solely by a court sentence pronounced on the basis of law as punishment for the committing of a crime. No one may be tortured, subjected to mistreatment or inhuman or degrading punishment.

2. The conducting of medical, biological or psychological experiments on people without their properly expressed and verified voluntary consent shall be prohibited.

3. The Kyrgyz Republic may grant asylum under the procedure established by law to foreign citizens and stateless persons persecuted for political reasons.

SECTION II. Citizenship. Rights and duties of a citizen

Article 38

1. The affiliation of an individual to the Kyrgyz Republic and their status shall be determined by citizenship.

2. Every citizen of the Kyrgyz Republic shall enjoy rights and bear obligations by virtue of his/her citizenship.
3. No citizen of the Kyrgyz Republic may be deprived of his/her citizenship or his/her right to change citizenship. Citizens of the Kyrgyz Republic shall be recognised as citizens of other States in accordance with the laws and international treaties of the Kyrgyz Republic.
4. Kyrgyz people living outside the Kyrgyz Republic shall have the right, regardless of their citizenship of another State, to acquire citizenship of the Kyrgyz Republic under a simplified procedure. The procedure and conditions for acquiring citizenship of the Kyrgyz Republic shall be defined by law.
5. A citizen of the Kyrgyz Republic may not be expelled beyond the republic's borders or extradited to another State.
6. The Kyrgyz Republic shall guarantee its citizens defence and protection beyond its borders.
7. The state, each state body, local self-government bodies and their officials shall be in charge of protecting rights and freedoms of citizens, preventing offences and reinstating infringed rights.

Article 39

1. Citizens of the Kyrgyz Republic and their associations shall be entitled to engage in any actions or activity except those prohibited or restricted by the present Constitution and the laws of the Kyrgyz Republic.
2. Laws of the Kyrgyz Republic concerning the rights and obligations of citizens shall be applied equally to all citizens and shall not bestow advantages and privileges on anyone, except in cases provided for by the present Constitution and laws on the social protection of citizens.

Article 40

1. Citizens of the Kyrgyz Republic shall have the right to:
 - participate in the discussion and adoption of laws and decisions of republic-wide and local significance;
 - to elect and to be elected to bodies of state government and local self-government in accordance with the procedures established by this present Constitution and the legislation; to take part in referenda in accordance with procedures established by constitutional law.

2. Citizens of the Kyrgyz Republic shall have the right to hold *kurultayi* [assemblies], which is the sacred historic tradition of the Kyrgyz people, on issues regarding the performance of state authorities, local self-government bodies and other important issues. The decision of a people's *kurultay* shall be sent to the respective bodies as recommendations.

3. Citizens of the Kyrgyz Republic shall have equal rights to take up posts in government and municipal services. The procedure for employment in government and municipal services shall be established by law.

Article 41

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

Article 42

Citizens of the Kyrgyz Republic shall have the right to assemble peacefully, without weapons and conduct political meetings, rallies, marches, demonstrations and pickets on condition of prior notification to state authorities or local self-government bodies. The procedure and conditions for conducting them shall be established by law.

Article 43

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

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

Article 44

1. Citizens of the Kyrgyz Republic shall 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 basic conditions for exercising the right to time off shall be prescribed by law.

Article 45

1. Social security in old age, in sickness and in the event of disability or loss of the main provider shall be guaranteed to citizens of the Kyrgyz Republic under a procedure and in the cases established by law.

2. Pensions and social security in keeping with the economic resources of society shall ensure a standard of living no lower than the minimum subsistence wage established by law.

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

Article 46

Social activity of the State shall not result in the substitution of state guardianship for the citizen's own economic freedom and activity and the citizen's possibilities of achieving economic wellbeing for themselves and their family.

Article 47

1. Every citizen of the Kyrgyz Republic shall have the right to education.
2. General basic education shall be compulsory and free of charge; everyone shall have the right to receive it in state and municipal educational institutions.
3. The State shall create conditions for teaching every citizen the state language and two foreign languages, beginning from pre-school education and continuing up to basic education level.
4. Every citizen shall have the right to both free and paid education.

Article 48

Citizens of the Kyrgyz Republic shall have the right to housing. This right shall be afforded through the development of state-owned, municipal and individual housing stocks and the housing stock of organisations and by encouraging citizens to acquire dwellings under the conditions and the procedure established by legislation.

Article 49

A citizen of the Kyrgyz Republic shall have the right to travel freely beyond the borders of the Republic and to return home without hindrance.

Article 50

1. Citizens of the Kyrgyz Republic shall have the right to health protection.
2. First aid and medical assistance for certain illnesses determined by law as well as medical services to socially vulnerable sectors of the population shall be free of charge; everyone shall have the right to receive medical assistance in state and private medical establishments.

The procedure for receiving medical assistance shall be regulated by law.

3. Withholding of facts and circumstances endangering life and health of people by officials shall be subject to liability established by law.

Article 51

Citizens of the Kyrgyz Republic shall have the right to a healthy, safe environment and to compensation for damage caused to their health or property by activities involving the exploitation of natural assets.

Article 52

1. Culture, art, literature, science and the media shall enjoy freedom.
2. The State shall protect historical monuments, care for and create the necessary conditions for the development of literature, art, science, media and sports.
3. Citizens shall have the right of access to cultural assets and to engage in artistic and scientific activities.

Article 53

1. Everyone shall have the right to qualified legal assistance. In the cases provided for by law, legal assistance shall be provided at the expense of the State.
2. The organization and activities of the bar association as a self-regulated professional society of lawyers and also the rights, obligations and responsibilities of lawyers shall be defined by law.

Article 54

For the purposes of extrajudicial resolution of disputes arising from civil law relations, citizens of the Kyrgyz Republic shall have the right to establish courts of commercial arbitration.

The powers of commercial arbitration courts and the procedure governing their formation and activities shall be defined by law.

Article 55

In the Kyrgyz Republic citizens shall have the right to establish courts of *aksakaly* [elders].

The procedure for establishing courts of *aksakaly*, their powers and activities shall be defined by law.

Article 56

Everyone shall treat environment with due care.

Article 57

Everyone shall be obliged to pay taxes and dues under the procedure and in the cases provided for by law.

Article 58

1. Defense of the Fatherland shall be the sacrosanct right and obligation of citizens of the Kyrgyz Republic.

2. The grounds and procedures for exemption from military service or its replacement by alternative service shall be established by law.

Article 59

The publication of laws and other legal and regulatory acts concerning human and civil rights, freedoms and obligations shall be a mandatory prerequisite for their application.

CHAPTER THREE

THE PRESIDENT OF THE KYRGYZ REPUBLIC

Article 60

1. The President of the Kyrgyz Republic shall be the head of State and the highest official of the Kyrgyz Republic.

2. The President of the Kyrgyz Republic shall be the symbol of the unity of the people and state power.

3. The President of the Kyrgyz Republic shall take measures to preserve the sovereignty and territorial integrity of the Kyrgyz Republic, ensure the unity and continuity of state power and the coordinated functioning and interaction of state bodies and their accountability to the people.

SECTION I. Election of the President

Article 61

1. The President shall be elected for a term of five years.

2. The same person may not be elected President for two consecutive terms.

Article 62

1. A citizen of the Kyrgyz Republic, no younger than 35 years of age, who has a command of the state language and who has been resident in the republic for no less than 15 years in total may be elected President. A citizen with a previous criminal conviction which has not been expunged or quashed in accordance with the procedure established by law may not be elected President.

2. There shall be no limit on the number of candidates for the office of President of the Kyrgyz Republic. A person who has registered and collected no fewer than 30,000 voters' signatures may be a presidential candidate.

The procedure for presidential elections shall be defined by law.

Article 63

1. Upon entering office, the President shall take an oath to the people of Kyrgyzstan:

“I, ..., assuming the office of the President of the Kyrgyz Republic, before my People and Homeland do swear:

to sacredly observe and uphold the Constitution and laws;

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 honour and tirelessly to fulfil the high responsibility of President entrusted to me by the confidence of the entire people.”

2. The term of the presidential mandate shall begin from the moment of taking the oath. The powers of the President shall cease at the moment when the newly elected President takes office.

3. The President shall suspend his activity in political parties and organisations while serving the term of office until the beginning of new presidential elections.

SECTION II. Powers of the President

Article 64

1. The President:

1) shall appoint the Prime Minister and members of the Government in accordance with the procedure set forth in the Constitution;

2) shall receive tenders of resignation from the Prime Minister, the Government or an individual member of the Government; shall take decisions on resignation of the

Government, calling early elections to *Jogorku Kenesh* in accordance with the procedure and in cases provided for by this present Constitution;

3) at the proposal of the Prime Minister, shall dismiss from office a member of the Government;

4) shall establish the structure of his private office, approves its statute and appoints its head;

5) shall form and head the Security Council.

2. The President:

1) at the proposal of the National Council for the Judiciary, shall submit to the *Jogorku Kenesh* candidates for election as judges of the Supreme Court and make submissions on their dismissal;

2) shall appoint local court judges at the proposal of the National Council for the Judiciary; shall dismiss local court judges on the basis of proposals from the Judiciary Council;

3) shall appoint with the consent of the *Jogorku Kenesh* the Prosecutor General; shall dismiss the Prosecutor General from office with consent of no fewer than one third of the total vote in *Jogorku Kenesh*; at the proposal of the Prosecutor General shall appoint and dismiss the deputies of the Prosecutor General;

4) shall submit to the *Jogorku Kenesh* candidates for election as the Chairman of the National Bank and appoint at the proposal of the Chairman of the National Bank the deputy chairmen and members of the board of the National Bank; shall dismiss them from office;

5) shall nominate candidates to form one third of the Central Commission on Elections and Referenda for election and dismissal;

6) shall nominate candidates to form one third of the Chamber of Audit;

7) shall appoint the Chairman of the Chamber of Audit from the number of auditors – members of the Chamber of Audit, elected by *Jogorku Kenesh*.

3. The President:

1) shall represent the Kyrgyz Republic in international relations;

2) in consultation and upon consent of the Government, shall conduct negotiations and sign international treaties of the Kyrgyz Republic;

3) shall sign instruments of ratification;

4) shall appoint, upon consent of *Jogorku Kenesh*, diplomatic representatives of the Kyrgyz Republic in foreign States and international organisations after consultations with the corresponding committee of the *Jogorku Kenesh* and recall them; shall accept the credentials and letters of recall of the heads of diplomatic missions of foreign States and representatives of international organisations;

5) shall approve naturalization and renunciation of citizenship; shall grant political asylum.

4. The President:

1) shall confer state awards of the Kyrgyz Republic;

2) shall confer honorary titles of the Kyrgyz Republic;

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

4) shall grant pardons.

5. The President:

1) where appropriate, shall be vested with the right to convene a sitting of the *Jogorku Kenesh* ahead of the schedule and determine issues that shall be subject to examination;

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

3) shall make annual national address on the state of affairs in the country, to be delivered at a sitting of the *Jogorku Kenesh*.

6. The President:

1) shall decide to call a referendum on the initiative of no fewer than 300,000 voters or a majority of the total vote of the *Jogorku Kenesh*;

2) shall call elections to the *Jogorku Kenesh* in the cases set forth in the present Constitution;

3) shall call elections to local *Keneshes* and implement their early dissolution in the cases set forth in law;

7. The President shall give warning, on grounds specified by constitutional law, of the possibility of introducing a state of emergency, and where necessary shall introduce a state of emergency in individual localities without prior declaration, providing prompt notification to the *Jogorku Kenesh*;

8. The President shall declare general or partial mobilisation; shall announce a state of war in the event of aggression or direct threat of aggression to the Kyrgyz Republic and promptly submit this issue for consideration by the *Jogorku Kenesh*; shall declare a state of war in the interests of the defence of the country and the safety of its citizens and promptly submit this issue for consideration by the *Jogorku Kenesh*;

9. The President shall be the Commander-in-Chief of the Armed Forces of the Kyrgyz Republic, and shall appoint and dismiss high-ranking commanders of the Armed Forces of the Kyrgyz Republic;

10. The President shall ensure that the state authorities responsible for defence and national security, exercise their powers; upon consent of the Prime Minister shall appoint and dismiss heads and deputy heads of these authorities;

11. The President shall exercise other prerogatives set forth in the present Constitution.

Article 65

1. The President shall issue decrees and orders on the basis of and pursuant to the Constitution and laws.

2. Decrees and orders of the President shall be executed throughout the territory of the Kyrgyz Republic.

Article 66

The President shall be entitled to transfer powers specified in sub-paragraph 2 of paragraph 3 of Article 64 of the present Constitution to the Prime Minister, members of the Government and other officials.

Article 67

1. The powers of the President may be terminated early as a result of resignation by his own tender, upon his dismissal from office in accordance with the procedure provided for in the present Constitution or in the event of his inability to exercise his powers as a result of illness or death.

2. If the President is unable to carry out his duties as a result of illness, the *Jogorku Kenesh* shall adopt a decision on early dismissal of the President from office based on the conclusion of a state medical commission created by it, with a vote of no less than two-thirds of the total vote of the *Jogorku Kenesh*.

Article 68

1. The President may be dismissed from office only on the basis of a charge made by the *Jogorku Kenesh* relating to him having committed an offence, confirmed by the conclusion of the Office of the Prosecutor General that the President's actions had features of an offence.

2. A decision by the *Jogorku Kenesh* to bring a charge against the President for his dismissal from office must be taken by a majority of the total vote of the *Jogorku Kenesh* on the initiative no fewer than one third of the total number of deputies, and shall be supported by a conclusion of a special commission formed by the *Jogorku Kenesh*.

3. A decision of the *Jogorku Kenesh* to dismiss the President from office must be taken by a majority of no less than two thirds of the votes from the total vote of the *Jogorku Kenesh*, within three months after the bringing of the charge against the President by the *Jogorku Kenesh*. If a decision is not reached by the *Jogorku Kenesh* within that period, the charge shall be deemed refuted.

Article 69

1. If the President is unable to exercise his powers for reasons stated in the present Constitution, the *Toraga* [Speaker] of the *Jogorku Kenesh* shall exercise those powers until a new President is elected. If the *Toraga* is unable to exercise the powers of the President, the Prime Minister shall exercise those powers. Elections for a new President must in this case be conducted within three months following the termination of powers of the President.

2. Officials exercising the powers of the President do not have the right to call an early election of the *Jogorku Kenesh*, to call a referendum, to terminate the authority of the Government.

Article 70

1. All former Presidents, except those who have been dismissed from office under the procedure established in Article 68 of the present Constitution, shall have the title of ex-President of the Kyrgyz Republic.

2. The status of ex-Presidents of the Kyrgyz Republic shall be established by law.

CHAPTER FOUR

LEGISLATURE OF THE KYRGYZ REPUBLIC

SECTION I. The Jogorku Kenesh

Article 71

1. The *Jogorku Kenesh* - the Parliament of the Kyrgyz Republic - shall be a representative body exercising legislative power and supervisory functions within the limits of its competence.

2. The *Jogorku Kenesh* shall consist of [120 deputies – alternatively 105 deputies], who shall be elected for a five-year term on the basis of proportional representation. The electoral threshold to enter Parliament is set at 5% of the total number of voters participating in elections.

As a result of elections a political party may not be granted more than [65 mandates – alternatively 60 mandates] in the Parliament.

Any citizen who is no younger than 25 years of age and has the right to participate in elections may be elected as a Deputy of the *Jogorku Kenesh*.

A person with a previous criminal conviction, which has not been expunged or quashed in accordance with the procedure established by law, may not be elected as a deputy of the *Jogorku Kenesh*.

The procedure for election of deputies of the *Jogorku Kenesh* shall be established by law.

3. Deputies of the *Jogorku Kenesh* form fractions.

A fraction or a coalition of fractions which has officially declared the creation of a coalition of depute fractions in the Parliament and which has received over one half of depute mandates, is considered to represent the Parliamentary majority.

A fraction or fractions outside the Parliamentary majority which have declared their opposition to the latter are considered to represent Parliamentary minority.

Article 72

1. The *Jogorku Kenesh* shall assemble no less than two-thirds of its constitutionally determined membership for its first sitting no later than 30 days after election.

2. The oldest member of the *Jogorku Kenesh* shall open the first session of the *Jogorku Kenesh*.

3. The powers of the deputies of the *Jogorku Kenesh* shall commence from the day of taking the oath.

4. The powers of the previous *Jogorku Kenesh* shall cease from the day of the first sitting of the newly convened *Jogorku Kenesh* and the taking of the oath by the deputies with no less than two-thirds of the members present.

Article 73

1. A deputy of the *Jogorku Kenesh* may not be prosecuted for opinions expressed in the course of their activities as a deputy or for the outcome of voting in the *Jogorku Kenesh*. The institution of criminal or administrative proceedings against a deputy administered under judicial procedure shall be permitted only with the consent of the *Jogorku Kenesh* except where grave offences have been committed.

2. A deputy of the *Jogorku Kenesh* may not simultaneously hold a post in other state or municipal service, may not engage in entrepreneurial activity and may not be a member of the governing body or supervisory council of a commercial organisation.

A deputy of the *Jogorku Kenesh* shall have the right to engage in scientific, teaching or other creative activity, if such activity does not interfere with the fulfillment of his/her duties as a deputy.

Article 74

1. The powers of a deputy of the *Jogorku Kenesh* shall cease simultaneously with the ceasing of activity of the applicable convocation of *Jogorku Kenesh*.

2. In addition to the ground stipulated in paragraph 1 of the present Article the powers of a deputy of the *Jogorku Kenesh* shall be terminated early in the following cases: written notification of resignation of their powers as a deputy or disaffiliation with his/her fraction, renunciation of citizenship; loss of citizenship or acquisition of another citizenship; acceptance of a job or failure to abandon work incompatible with the exercise of their powers as a deputy; declaration of the elections as invalid; departure to a permanent place of residence outside the borders of the Kyrgyz Republic; a court decision declaring the deputy legally incapable; entry into force of a court decision declaring the deputy missing or deceased, or death of the deputy; entry into force of a guilty verdict of a court against them; absence from sittings of the *Jogorku Kenesh* for more than 30 working days for no good reason during one session.

Early termination of powers of a deputy of the *Jogorku Kenesh* on the aforementioned grounds shall be executed by a resolution of the Central Commission on Elections and Referendums, which shall be adopted no later than 30 calendar days from the date of accrual of cause.

3. The procedure for replacing a mandate falling vacant as the result of early termination of powers of a deputy shall be defined by law.

SECTION II. Powers of the Jogorku Kenesh

Article 75

1. The following functions shall lie within the competence of the *Jogorku Kenesh*:

- 1) amending and supplementing the present Constitution following the procedure established therein;
- 2) determining the principal vectors of domestic and foreign policy of the Kyrgyz republic;
- 3) adopting laws;
- 4) giving official interpretations of laws adopted by it;
- 5) altering the borders of the Kyrgyz Republic;
- 6) approving the republic budget and the report on its implementation submitted by the Government;
- 7) deciding matters of administrative and territorial structure of the Kyrgyz Republic;
- 8) calling presidential elections;
- 9) approving state-wide socio-economic development programmes submitted by the Government;
- 10) approving the structure and composition of Government;
- 11) settling the matter of confidence in the Government;
- 12) expressing no-confidence vote to the Government;
- 13) electing and dismissing judges of the Supreme Court at the proposal of the President;
- 14) electing the Chairman of the National Bank at the proposal of the President;
- 15) electing members of the Central Commission on Elections and Referenda, one third of its members are nominated by the President; one third by the Parliamentary majority and one third by the Parliamentary minority; dismissing them under the procedure and in cases provided for by law;
- 16) electing the auditors to the Chamber of Audit; one third of the members of the latter are elected on nominations of the Parliamentary minority; dismissing them under the procedure and in cases provided for by law;
- 17) electing and dismissing the Ombudsman (*Akiykatchy*); giving consent for criminal and administrative proceedings against him administered under judicial procedure;

- 18) electing and dismissing deputies of the Ombudsman (*Akiykatchy*) at the proposal of the Ombudsman (*Akiykatchy*); giving consent for criminal and administrative proceedings against them administered under judicial procedure;
- 19) approving the appointment of the Prosecutor General; approving criminal and administrative proceedings against the Prosecutor General instigated in accordance with judicial procedure; giving consent for dismissal from office of the Prosecutor General if no fewer than one third of the total number of deputies support this measure;
- 20) giving consent to appointments of diplomatic representatives of the Kyrgyz Republic in foreign states and international organisations;
- 21) approving the composition of the National Council on Justice Affairs in accordance with procedure established by the law;
- 22) ratifying and denouncing international treaties in accordance with procedure established by law;
- 23) introducing states of emergency, authorising or annulling decrees of the President on this matter;
- 24) deciding matters of war and peace; introducing the state of war, declaring a state of war and authorising or annulling decrees of the President on these matters;
- 25) deciding matters concerning the possibility of using the Armed Forces of the Kyrgyz Republic beyond the borders of the republic whether it is necessary to fulfill international treaty obligations in support of peace and security;
- 26) establishing military ranks, diplomatic ranks, class categories and other special titles of the Kyrgyz Republic;
- 27) establishing state awards and honorary titles of the Kyrgyz Republic;
- 28) issuing acts of amnesty;
- 29) hearing addresses and statements by the President;
- 30) hearing addresses by leaders and other representatives of foreign States or international organisations;
- 31) hearing annual reports of the Supreme Court and the Ombudsman (*Akiykatchy*);
- 32) hearing annual reports of the Prime Minister on the work of the Government, the Prosecutor General, the Chairman of the National Bank and the Chairman of the Chamber of Audit.

33) bringing charges against the President; dismissing the President from office.

2. The hearing of annual reports of officials specified in the present Article shall be conducted in accordance with the rules established in the present Constitution and laws on the autonomy and independence of the respective bodies and their officials.

3. The *Jogorku Kenesh* shall exercise other powers provided for in the present Constitution and laws.

Article 76

1. The *Jogorku Kenesh* shall elect from among its members a *Toraga* [Speaker] of the *Jogorku Kenesh*. Representatives of all parliamentary fractions become Deputy *Toragas* of the *Jogorku Kenesh*.

2. The *Toraga* of the *Jogorku Kenesh* shall:

1) conduct the sittings of the *Jogorku Kenesh*;

2) handle the overall management of preparation of issues for consideration during sittings of the *Jogorku Kenesh*;

3) sign acts adopted by the *Jogorku Kenesh*;

4) represent the *Jogorku Kenesh* in the Kyrgyz Republic and beyond its borders, ensure interaction of the *Jogorku Kenesh* with the President, the Government, the executive and judicial branches of state power and local self-government bodies;

5) exercise general management and supervision of the activity of the *Jogorku Kenesh* apparatus;

6) exercise other powers relating to the organisation of the activity of the *Jogorku Kenesh* entrusted to him under the Rules of Procedure of the *Jogorku Kenesh*.

3. The *Toraga* of the *Jogorku Kenesh* shall be elected by secret ballot by a majority of the total vote of the *Jogorku Kenesh*.

The *Toraga* shall be accountable to the *Jogorku Kenesh* and may be removed from office by a decision of the *Jogorku Kenesh* adopted by a majority vote of no less than two-thirds of the total vote of the *Jogorku Kenesh*.

Article 77

1. The *Jogorku Kenesh* shall form committees from among its deputies and also ad hoc committees and determine their composition. Chairs of the Budget Committee and Rule

of Law Committee shall be drawn from among the representatives of the Parliamentary minority.

2. Committees of the *Jogorku Kenesh* shall be responsible for preparing and making preliminary examinations of matters lying within the competence of the *Jogorku Kenesh* and supervise the implementation of the laws and resolutions adopted.

3. Laws and legal and regulatory acts of the *Jogorku Kenesh* shall be adopted after preliminary examination of their drafts by the corresponding committees of the *Jogorku Kenesh*.

4. The election and approval by the *Jogorku Kenesh* for appointments to state authority posts and dismissals from office shall proceed on the basis of the conclusions of the corresponding committees of the *Jogorku Kenesh*.

Article 78

1. The sessions of the *Jogorku Kenesh* shall be conducted in the form of sittings and held from the first working day of September until the last working day of June of the following year.

2. The sessions of the *Jogorku Kenesh* shall be conducted in public, unless the nature of issues under consideration requires closed sessions.

3. The *Toraga* of the *Jogorku Kenesh* shall convene extraordinary sessions of the *Jogorku Kenesh* at the proposal of the President, the Government or no less than one third of the deputies of the *Jogorku Kenesh*.

4. A sitting of the *Jogorku Kenesh* shall have a quorum if the majority of the total vote of the *Jogorku Kenesh* are in attendance.

5. The *Jogorku Kenesh* shall adopt its decisions by voting during the sittings.

Article 79

1. The *Jogorku Kenesh* may be dissolved by a decision of self-dissolution.

2. A decision on self-dissolution may be adopted by no less than two-thirds of the total vote of the *Jogorku Kenesh*.

3. The President shall call early of the *Jogorku Kenesh*, so that the newly elected *Jogorku Kenesh* convenes its first sitting no later than 60 days after the date when early elections were called.

SECTION III. Legislative Activity

Article 80

The right of legislative initiative shall lie with:

- 10,000 voters (a popular initiative);
- the deputies of the *Jogorku Kenesh*;
- the Government.

Article 81

1. Draft laws shall be introduced to the *Jogorku Kenesh*.
2. In the event the President or the Government deems that a draft law is urgent, the *Jogorku Kenesh* shall examine that draft law as a matter of priority outside the established legislative agenda.
3. Draft laws providing for increased expenditure to be covered from the national budget may be adopted by the *Jogorku Kenesh* after the Government has determined a source of funding.
4. Laws and decrees of the *Jogorku Kenesh* shall be adopted by the majority of the total vote of the *Jogorku Kenesh*, unless otherwise is prescribed by the present law.
5. Constitutional laws, laws interpreting constitutional laws, laws amending and supplementing constitutional laws and laws altering state borders shall be adopted by the *Jogorku Kenesh* after no fewer than two readings by a majority of no less than two-thirds of the total vote of the *Jogorku Kenesh*.
6. The adoption of constitutional laws during states of emergency and martial law shall be prohibited.
7. No laws restricting freedom of speech and freedom of the press may be adopted.

Article 82

1. A law adopted by the *Jogorku Kenesh* shall be sent within one month to the President for signature.
2. The President, no later than one month upon receipt of the law, shall sign it or return it with his objections to the *Jogorku Kenesh* for re-examination.
3. Laws returned by the President shall be re-examined no sooner than in three months. This rule shall not apply if the *Jogorku Kenesh* concurs with the views expressed by the President.

4. If, upon re-examination, the law is approved in its previously adopted version by a majority vote of no less than two-thirds of the total vote, the law in question shall be signed by the President within 14 days after its receipt.

If the law approved in its previously adopted version is not signed within the stipulated period of time, it shall be deemed signed, and shall be published.

Article 83

A law shall enter into force upon the expiry of ten days from its publication if no other provision is made in the law itself or in a law on the procedure for its entry into force.

CHAPTER FIVE

EXECUTIVE POWER OF THE KYRGYZ REPUBLIC

Article 84

1. Executive power in the Kyrgyz Republic shall be exercised by the Government, ministries subordinate to it, state committees, administrative departments, other executive authorities and local state administrations.

2. The Government shall be the highest body of state executive power in the Kyrgyz Republic.

3. The activity of the Government shall be headed by the Prime Minister. The Government shall consist of the Prime Minister, vice-prime ministers, ministers and chairmen of state committees.

The structure of the Government includes ministries and state committees.

SECTION I. The Government

Article 85

1. The fraction of the members of the *Jogorku Kenesh*, which has received over half of all mandates, no later than five working days from the date of the first session of *Jogorku Kenesh* in its new convocation, shall nominate a candidate for the office of Prime Minister.

The candidate for the office of Prime Minister shall submit to *Jogorku Kenesh* his/her proposal for the structure and composition of the Government within 10 working days, suggesting that the parliament takes a vote of confidence. In the event the *Jogorku Kenesh* disagrees with the proposed structure and composition of the Government, the President shall form the Government and call early elections.

2. Should there be no fraction, which gained the majority of mandates, the President shall propose to another parliamentary fraction to nominate a candidate for the office of Prime Minister, by forming a Parliamentary majority.

The nominated Prime Minister shall obtain approval of the *Jogorku Ikenesh* on the proposed structure and composition of the Government within 10 working days from his/her nomination.

3. Should the parliamentary fraction indicated in paragraph 2 of this present article fail to nominate a candidate for the office of Prime Minister or should such candidate fail to gain the vote of confidence for the submitted structure and composition of the Government, the President shall propose to another parliamentary fraction to nominate a candidate for the office of Prime Minister, by forming a Parliamentary majority.

The nominated Prime Minister shall obtain approval of the *Jogorku Ikenesh* on the proposed structure and composition of the Government within 10 working days upon his/her nomination.

4. Should the parliamentary fraction which, pursuant to paragraph 3 of this present article, has been offered the opportunity to nominate a candidate for the office of Prime Minister fail to nominate such candidate, or should the candidate to the office of Prime Minister fail to gain the vote of confidence for the structure and composition of the Government submitted by such candidate to the Parliament, the President shall propose to a third parliamentary fraction to nominate a candidate for the office of Prime Minister by forming a Parliamentary majority.

5. In the event that a candidate to the office of Prime Minister is not nominated in accordance with the procedure established by this present Constitution or the nominated candidate fails to gain the vote of confidence for the proposed structure and composition of the Government, the President shall form the Government.

The Government formed by the President shall act until a new Government is formed in accordance with the procedure established by this present Constitution.

6. Should the President fail to appoint the Prime Minister and members of Government within 3 working days from the date of gaining the vote of confidence, the Prime Minister and members of Government are deemed appointed.

Article 86

1. The Government shall be responsible and accountable in its activities to the *Jogorku Kenesh* within the limits stipulated in the present Constitution.

2. The Prime Minister shall present an annual report on the work of the Government to the *Jogorku Kenesh*.

3. The *Jogorku Kenesh* may consider a no-confidence vote in the Government on the initiative of one-third of the total number of deputies of the *Jogorku Kenesh*.
4. A resolution on a no-confidence vote on the Government shall be adopted by a majority of the total number of deputies of the *Jogorku Kenesh*.
5. A no-confidence vote on the Government may not be considered by the *Jogorku Kenesh* the six months prior to the next presidential elections.
6. Following a vote of no-confidence in the Government, the President shall be entitled to either take a decision on the dismissal of the Government or express disagreement with the decision of the *Jogorku Kenesh*.
7. If, within three months, the *Jogorku Kenesh* adopts another decision expressing no-confidence in the Government, the President shall dismiss the Government.

Article 87

1. With a frequency of no greater than once a year the Prime Minister may ask the *Jogorku Kenesh* for a vote of confidence in the Government. Should the *Jogorku Kenesh* express a vote of no confidence in the Government, within five working days of such vote the President shall either take the decision to dismiss the Government from office or to call early elections to *Jogorku Kenesh*.
2. Should the Government resign, on instructions of the President it shall continue acting until a new Government is formed.

Article 88

1. The Prime Minister, the Government or an individual member of the Government shall have the right to send in resignation, which shall be accepted or declined by the President.
2. Acceptance of the resignation of the Prime Minister shall result in the resignation of the Government and the heads of administrative departments and other executive authorities.
3. Until a new Government is formed and heads of administrative departments and other executive bodies appointed, the Prime Minister, the members of the Government and heads of administrative departments and other executive bodies shall continue to perform their duties.
4. In the event of resignation, the Government shall be formed in accordance with the procedure and time-limits stipulated in Article 85 of the present Constitution. The time-line for submitting a candidate for the office of Prime Minister to the President shall

commence from the day of acceptance of the resignation of the Prime Minister or Government by the President.

5. In the event of a member of the Government resigning or being dismissed, the Prime Minister shall nominate a candidate for appointment to the vacant position of member of Government to the President within 5 working days.

Article 89

1. The Government:

1) shall ensure enforcement of the Constitution and laws, and shall implement state domestic and foreign policy;

2) shall implement measures to guarantee legal order, rights and freedoms, maintain public order and combat crime;

3) shall conduct financial, price, tariff, investment and tax policy;

4) shall prepare the republic budget and submit it to the *Jogorku Kenesh* and ensure its implementation; shall report to the *Jogorku Kenesh* on implementation of the republic budget;

5) shall conduct unified state policy in the socio-economic and cultural spheres;

6) shall devise and carry out state-wide programmes for economic, social, scientific and technical and cultural development;

7) shall take measures to secure equal conditions for development of all forms of property and their protection and to manage state property;

8) shall take measures to preserve state sovereignty and territorial integrity and protect the constitutional structure, as well as measures on defence capacity, national and public security and rule of law;

9) shall organise and implement external economic activities;

10) shall ensure interaction with civil society;

11) shall exercise other powers assigned to its competence by the Constitution and laws.

2. Organisation and operational procedures of the Government are established by the Constitutional Law.

Article 90

1. On the basis of and pursuant to the Constitution and laws and legal and regulatory acts of the President and the *Jogorku Kenesh*, the Government shall issue decrees and orders, and secure their implementation.
2. The decrees and orders of the Government shall be binding throughout the territory of the Kyrgyz Republic.
3. The Government shall manage the activity of the ministries, government committees, administrative departments and other executive bodies outside the structure of ministries and state committees, and also local state administrations.
4. Ministries, state committees, and administrative departments and other executive authorities shall issue decrees and orders within the limits of their competence and secure their implementation.
5. The Government shall hear reports of the heads of the ministries, state committees, administrative departments and other executive authorities and also heads of local state administrations and shall annul acts of those bodies which contradict the legislation of the Kyrgyz Republic.

SECTION II. Local state administration

Article 91

1. Executive power on the territory of a given administrative territorial unit shall be exercised by the local state administration.

Heads of local state administrations are appointed and dismissed from office in accordance with the procedure established by law.

2. The powers, organisation and operating procedures of local state administrations shall be defined by law.

Article 92

1. Local state administrations shall act on the basis of the Constitution, laws and legal and regulatory acts of the President and the Government.
2. Decisions of local state administrations, taken within the limits of their competence, shall be binding on the corresponding territory.

CHAPTER SIX

OTHER CENTRAL STATE BODIES OF THE KYRGYZ REPUBLIC

SECTION I. Office of the Prosecutor General

Article 93

The Office of the Prosecutor General shall exercise supervision_ over accurate and uniform implementation of laws and other legal and regulatory acts of the Kyrgyz Republic within the limits established by the law, by state authorities, local self-government bodies and legal persons. Agencies of the Office of the Prosecutor General shall conduct criminal prosecutions and participate in judicial examinations of cases in the cases and under the procedures provided for in law.

Organisation and activity of the agencies of the Office of the Prosecutor General are established by law.

SECTION II. National Bank

Article 94

The National Bank shall head the banking system of the Kyrgyz Republic, determine and conduct money and credit policy in the Kyrgyz Republic, devise and implement a unitary currency policy, possess the exclusive right to issue money, and implement various forms and principles of bank financing. The organisation and activities of the National Bank shall be defined by law.

SECTION III. Central Commission on Elections And Referendums

Article 95

The Central Commission on Elections and Referendums shall organise the preparation and conducting of elections and referendums in the Kyrgyz Republic. The organisation and activity of the Central Commission on Elections and Referendums shall be defined by law.

SECTION IV. Chamber of Audit

Article 96

The Chamber of Audit shall carry out audits of the implementation of the republic and local budgets, extra-budgetary resources and the use of state and municipal property. The organisation and activity of the Chamber of Audit shall be defined by law.

SECTION V. Akiykatchy (Ombudsman)

Article 97

Supervision of observance of human and civil rights and freedoms in the Kyrgyz Republic shall be carried out by the Ombudsman (*Akiykatchy*). The organisation and activity of the Ombudsman (*Akiykatchy*) shall be defined by law.

CHAPTER SEVEN

JUDICIAL AUTHORITY IN THE KYRGYZ REPUBLIC

Article 98

1. Judicial authority in the Kyrgyz Republic shall be exercised solely by a court.

In the cases and under the procedures provided for by law, citizens of the Kyrgyz Republic shall be entitled to participate in the administration of justice.

2. Judicial authority shall be exercised by means of constitutional, civil, criminal, administrative and other forms of legal proceedings.

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

The creation of extraordinary courts shall not be permitted.

4. The organisation and operating procedure of the courts shall be defined by law.

Article 99

1. Judges shall be independent and subordinate only to the Constitution and laws.

2. A judge shall enjoy the right of immunity and may not be detained or arrested, subjected to searches or personal inspection, except if he is caught at the scene where a crime has been committed.

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

3. No one shall have the right to demand a report from a judge on a given court case.

4. A judge shall be provided with social, material and other guarantees of his independence as relevant to his status.

5. Any citizen of the Kyrgyz Republic who is no younger than 40 years of age and no older than 70 years of age and has a higher legal education and no less than 10 years of experience in the legal profession, including no less than 5 years of experience as a judge, may be a judge in the Supreme Court.

Judges of the Supreme Court shall be elected by the *Jogorku Kenesh* at the proposal of the President until they reach the age limit.

The Chairs of the Supreme Court and their deputies shall be elected for a term of two years by and from among the judges of the Supreme Court. The same person may not be elected Chair of the Supreme Court for more than two consecutive terms.

6. Any citizen who is no younger than 30 years of age and no older than 65 years of age and has a higher legal education and no less than 5 years of experience in the legal profession may be a judge in a local court. Additional requirements for candidates to the post of judge in a local court may be established by the Constitutional Law on the status of judges.

Judges of local courts shall be appointed by the President at the proposal of the National Council for the Judiciary for a term of 5 years for the first time and, for subsequent terms, until they reach the age limit. A judge shall be considered appointed in case the President fails to approve his nomination during three working days.

The President shall appoint chairs of local courts and their deputies from among local judges at the proposal of the National Council on Justice for a term of two years. The same person may not be appointed Chair of a local court for more than two consecutive terms.

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

Article 100

1. Judges of all courts of the Kyrgyz Republic shall occupy their posts and retain their prerogatives as long as their conduct is irreproachable.

2. A judge of the Supreme Court may be dismissed early from office by a majority vote of no less than two-thirds of the total number of deputies of the *Jogorku Kenesh* at the proposal of the President.

3. In the event of the death of a judge or him being declared dead or missing, being declared legally incapable, loss of citizenship, renunciation of citizenship or acquisition of another citizenship, the powers of the judge shall be terminated by the body which elected or appointed him, from the date of emergence of grounds in accordance with constitutional law.

4. Selection of candidates for the post of local court judge, proposal for their nomination and transfer (rotation) Judiciary in accordance with the procedure set forth in constitutional law.

Suspension and dismissal from office of judges in local courts shall be carried out upon proposal the Judiciary Council in accordance with the procedure set forth in constitutional law.

Administrative and/or criminal action against judges of all courts of the Kyrgyz Republic may be brought in a judicial proceeding upon the consent of the National Council for the Judiciary.

5. The National Council for the Judiciary shall be formed from among representatives of the legislative, executive and judicial branches of power and public associations. Court authorities shall nominate no fewer than one half of the members of the National Council for the Judiciary. A depute to *Jogorku Kenesh* may not become a member of the National Council for the Judiciary.

6. The organisation and activity of the National Council for the Judiciary, as well as its powers and procedure for its formation shall be defined by law.

Article 101

1. The Supreme Court shall be the highest body of judicial power exercising supervision over the operation of local courts by reviewing court ruling in accordance with procedures established by law, as well as undertaking constitutional legal proceedings.

2. The Supreme Court recognizes laws and other legal acts as unconstitutional in cases of their contradiction with the Constitution, in accordance with constitutional proceedings; it also interprets the Constitution.

3. All laws or legal provisions ruled unconstitutional by the Supreme Court, as well as other legal acts based on these laws, shall be repealed on the territory of the Kyrgyz Republic.

4. The Plenum of the Supreme Court shall give explanations on questions of court practice.

5. The rulings of the Supreme Court adopted in the exercise of supervision as well as in the framework of constitutional legal proceedings, shall be final and not subject to appeal.

Article 102

1. The State shall ensure funding and appropriate conditions for the functioning of courts and the activities of judges.

The funding of courts shall be at the expense of the republic budget and must ensure that full and independent administration of justice is possible.

2. The budget of the judicial system shall be drawn up independently by the judiciary and shall be included in the republic budget in agreement with the executive and legislative powers.

Article 103

1. The examination of cases in all courts shall be open. The hearing of a case in closed session shall be permitted solely in the cases provided for by law. The decision of the court shall be announced publicly.
2. Trial in absentia in criminal or other cases in courts shall not be permitted except in the cases provided for by law.
3. Judicial proceedings shall be based on the adversarial principle and equality of the parties.
4. A judicial act may be annulled, changed or suspended by a court under the procedure established by law.
5. The procedural rights of participants including the right to appeal against decisions, sentences and other judicial acts as well as the procedure for exercising those rights shall be defined by law.

Article 104

1. Acts of courts of the Kyrgyz Republic which have entered into force shall be binding for all state bodies, entities conducting economic activities, public associations, officials and citizens and shall be enforceable throughout the territory of the republic.
2. Failure to implement, improper implementation or the hindering of implementation of judicial acts and also interference with the activities of courts shall incur liability as established by Law.

Article 105

1. The court shall not have the right to apply a legal and regulatory act which contradicts the present Constitution.
2. If, during examination of a case in any judicial instance, there arises a question concerning the constitutionality of the law or other legal and regulatory act on which ruling of the case rests, the court shall send an inquiry to the Supreme Court.

Article 106

1. Judicial self-regulation shall be used to resolve internal issues concerning the activities of judges.
2. The Congress of Judges and the Council of Judges shall be the bodies of judicial self-regulation in the Kyrgyz Republic.

The Council of Judges shall protect the rights and lawful interests of judges, exercise supervision over the drawing up and implementation of court budgets, organise basic and further training for judges and consider questions of disciplinary proceedings against judges, suspension and dismissal of local court judges.

3. The organisation and activities of the judicial self-regulatory bodies shall be defined by law.

Article 107

1. Justice shall be administered free of charge in the cases provided for by law and in all cases where the parties to judicial proceedings submit proof that they do not have sufficient means to conduct them.

2. The principles of justice applicable for all courts and judges not specified by the present Constitution shall be established by laws of the Kyrgyz Republic.

CHAPTER EIGHT

LOCAL SELF-GOVERNMENT

Article 108

1. Local self-government is a right guaranteed by this present Constitution and an actual ability of local communities to resolve for their own benefit any matters of local significance.

2. Local self-government in the Kyrgyz Republic shall be implemented by local communities and shall enable the population of those communities to resolve local issues autonomously.

3. Local self-government shall be implemented by citizens directly or via elected and other local self-government bodies.

4. Local self-government bodies shall independently manage municipal property, draw up, ratify and implement the local budget, levy local taxes and dues, facilitate the preservation of public order as well as resolving other local issues.

5. Local self-government shall be funded from the corresponding local budget and republican budget.

Article 109

1. Local self-government bodies shall adopt acts whose implementation shall be binding for their territory, within the limits of their competence as established by the Constitution and the legislation of the Kyrgyz Republic.

2. The system of local self-government bodies and officials shall comprise:

- heads of village districts, urban districts and cities of *rayon* [regional] significance, town mayors;
- local *keneshes* - the representative bodies of local self-government;
- rural communities [*ayil okmotu*], municipal and urban communities, mayorships - the executive and administrative bodies of local self-government.
- other officials and bodies.

Article 110

1. The heads of village districts, urban districts and cities of *rayon* [region] significance as well as town mayors shall be elected in accordance with the procedure established by law.

2. The deputies of local *keneshes* shall be elected by citizens resident on the territory of the corresponding administrative territorial unit under the procedure established by law.

3. Local *keneshes* shall, in accordance with the law,:

- ratify local budgets, supervise their implementation and also decide on other local issues;
- ratify programmes for socio-economic development of the local community and social protection of the local population;
- establish local taxes and dues as well as relief, in cases and in accordance with the procedures envisaged by law.

Article 111

1. Local self-government bodies may be assigned state powers, accompanied by the transfer of the material, financial and other means necessary for their exercise. State powers may be delegated to local self-government bodies on the basis of law. Local self-government bodies shall be accountable to state authorities in respect of delegated power.

2. Local self-government bodies shall be responsible to the State for the observance and implementation of laws and to the local community for the results of their activities.

3. State authorities may not interfere with local self-government powers provided for by law.

Article 112

1. The State shall provide support for local self-government.
2. Local self-government bodies shall be entitled to apply for judicial protection in connection with a violation of their rights.

CHAPTER NINE

PROCEDURE FOR INTRODUCING AMENDMENTS AND ADDITIONS TO THE PRESENT CONSTITUTION

Article 113

1. The law on introducing amendments or additions to the present Constitution may be adopted by referendum (nationwide vote) called by the President with the consent of the majority of the total number of deputies of the *Jogorku Kenesh*.

In such a referendum the Constitution, new statutory wording of the Constitution or a law on introducing amendments and additions to the present Constitution shall be deemed adopted if it is voted for by over half of the voters taking part in the ballot, on condition that over half of the voters enrolled on the electoral registers turned out.

2. Amendments and additions to the provisions of chapters three to eight of the present Constitution may be adopted by the *Jogorku Kenesh* at the proposal of the majority of the total number of deputies in the *Jogorku Kenesh* or on the initiative of no fewer than 300,000 voters.

3. *Jogorku Kenesh* shall adopt the law on introducing amendments and additions to the present Constitution no later than six months from the date of its submission to the *Jogorku Kenesh*.

A law introducing amendments and additions to the present Constitution shall be adopted by the *Jogorku Kenesh* by a majority of no less than two-thirds of the total number of deputies of the *Jogorku Kenesh* after the holding of no fewer than two readings with an interval of three months between readings.

At the demand of the majority of the total number of deputies of the *Jogorku Kenesh* a law introducing amendments and additions to the present Constitution may be put to a referendum.

4. Adoption of a law introducing amendments and additions to the present Constitution shall be prohibited during a state of emergency or state of martial law.

5. The adopted law introducing amendments and additions to the present Constitution shall be subject to signature by the President of the Kyrgyz Republic.

CHAPTER TEN

FINAL AND TRANSITIONAL PROVISIONS

Article 114

1. The Constitution of the Kyrgyz Republic adopted at referendum shall enter into force upon the official publication of the results of the referendum, with the exception of clause 2 of Article 16 of the Constitution, which shall enter into force since 1 January 2011.

2. Upon enacting the current Constitution, the following legal acts shall be deemed to have lost force:

1) the Constitution of the Kyrgyz Republic adopted on 5 May 1993, with all its amendments and addenda;

2) Law of the Kyrgyz Republic “On Introducing the Constitution of the Kyrgyz Republic” of 5 May 1993 N 1186-XII;

3) Law of the Kyrgyz Republic “On New Wording of the Constitution of the Kyrgyz Republic” of 23 October 2007, N 157.

3. Laws and other legal acts valid prior to the entry into force of the present Constitution shall be applicable insofar as they do not contradict the present Constitution of the Kyrgyz Republic.

Laws regulating procedure for constitutional, civil, criminal and administrative judicial proceedings shall be valid until they are brought into line with the current Constitution.

4. 5 May shall be recognized as the Day of the Constitution of the Kyrgyz Republic, taking into consideration the historic importance of adopting the first Constitution of the Kyrgyz Republic.

5. As authorized by the Decree of the Interim Government of 7 April 2010, the Interim Government shall fulfill the powers of the President, Government and Jogorku Kenesh, prescribed by the Constitution that shall be approved by referendum on 21 October 2007, until the inauguration of the President, as well as forming the Government and Jogorku Kenesh in accordance with the procedure established by the present Constitution.

6. Judges elected or appointed prior to entry into force of the present Constitution, shall fulfill their authorities.

Chairs of courts and their deputies appointed prior to entry into force of the present Constitution shall keep their authorities until new chairs and their deputies are appointed in accordance with the procedure established by the present Constitution.

Vacant posts shall be filled in accordance with the Constitution.

7. Deputies of local *keneshes*, town mayors and heads of municipal communities and rural communities [*ayil okmotu*] shall retain their powers until expiry of the term for which they were elected.