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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**CONSTITUTION
OF THE KYRGYZ REPUBLIC
WITH DRAFT AMENDMENTS**

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*

*with incorporated draft amendments
based on the recommendations by the Constitutional Assembly
as proposed to the nationwide discussion
by the Presidential Decree of October 17, 2002*
(in bold)

CONSTITUTION OF THE KYRGYZ REPUBLIC

We, the People of Kyrgyzstan,

striving to secure the national revival of the Kyrgyz, 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 national statehood; full of resolution to develop the 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 One **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 legal 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, on the basis of this Constitution and the laws of the Kyrgyz Republic, directly and through a system of state bodies **and bodies of local self-administration**.

Only the Jogorku Kenesh and the President of the Kyrgyz Republic, elected by the people of Kyrgyzstan, shall be entitled to act on behalf of the people of the Kyrgyz Republic.

5. Changes and amendments to the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, and other important state matters may be put to referendum (nationwide vote). Grounds for and procedural rules of holding referendums shall be ascertained by constitutional law.

6. The citizens of the Kyrgyz Republic shall elect a President, deputies of the ~~Legislative Assembly and the Assembly of People's Representatives~~ of the Jogorku Kenesh, and their representatives to bodies of local self-administration.

Elections shall be free and shall be held by universal, secret, direct, and equal suffrage. Citizens 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, or any individual shall be entitled to assume the state power. 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-administration**, the territory of the Kyrgyz Republic shall be divided by law into administrative territorial units.

Article 4

1. State, communal, private, and other types of property shall be recognized and protected in the Kyrgyz Republic.

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

2. Land, minerals, air space, water, forests, flora and fauna, and all other natural resources shall be used in the Kyrgyz Republic as a basis for life and functioning of the people of Kyrgyzstan and shall be under special protection of the state.

3. Land may be owned publicly, communally, privately, and otherwise.

Limits to and procedures of execution of their rights by landowners, and guarantees of their protection shall be ascertained by law.

4. The Kyrgyz Republic shall protect its citizens' and legal entities' title to property, and it shall protect their property and the 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 that 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

The Kyrgyz Republic shall have state symbols - the Flag, Emblem, and Anthem. The capital of the Kyrgyz Republic shall be the City of Bishkek.

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

Section Two

STATE STRUCTURE AND FUNCTIONING OF THE STATE

Article 7

1. The 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 of the state power and the local self-administration.

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

- President of the Kyrgyz Republic;

- Jogorku Kenesh of the Kyrgyz Republic, ~~comprised of two chambers: the Legislative Assembly of the Jogorku Kenesh and the Assembly of People's Representatives of the Jogorku Kenesh;~~

- Government of the Kyrgyz Republic and local state administrations; and

- Constitutional Court, Supreme Court, ~~the Supreme Arbitration Court and the courts~~ **and local courts** and judges, all of which constitute the system of justice.

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 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, for state offices, and for offices of local self-administration;

- 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 and decisions;

- formation and functioning of party organizations in state establishments and organizations. Civil 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 servicemen, officers of the interior, national security, justice, procurator's office, and of courts;

- formation of political parties on religious 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 political parties of foreign states.

Article 9

1. The Kyrgyz Republic shall not pursue the policy of expansion, aggression, and territorial claims, 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 aggression against Kyrgyzstan and other states, bound by obligations of the collective defense. In any event, a military unit may cross the borders of the Kyrgyz Republic only with the permission of the ~~Legislative Assembly~~ **Jogorku Kenesh** provided that a two-thirds majority of the total number of the deputies of the Jogorku Kenesh concurs.

3. The Armed Forces shall not be used in order to resolve internal political matters of the state. Servicemen may be called upon in case of natural disasters and 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 way, [and it shall] observe the universally recognized principles of international law.

Actions that may disturb the peaceful co-existence of peoples, propaganda and encouragement of ethnic clashes shall be deemed unconstitutional.

Article 10

1. A state of emergency may be proclaimed in Kyrgyzstan only in the events of natural calamities, direct threat to the constitutional system, mass riots involving violence and threat to lives of people, and under such circumstances and within such time-limits as the constitutional law may prescribe.

2. Only the ~~Legislative Assembly~~ **Jogorku Kenesh** 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 ~~Legislative Assembly~~ **Jogorku Kenesh**, which shall, within three days, approve [or disapprove] the President's act.

If no such approval shall have been made within the said term, the state of emergency shall be rescinded.

3. The ~~Legislative Assembly~~ **Jogorku Kenesh** may impose martial law in the Kyrgyz Republic only in the event of aggression against the Kyrgyz Republic.

4. No adjournment of a session of the ~~Legislative Assembly~~ **Jogorku Kenesh** shall be permitted during a state of emergency and martial law. In those cases where the ~~Legislative Assembly~~ **Jogorku Kenesh** shall be not in session when the President shall have proclaimed a state of emergency, the ~~Legislative Assembly~~ **Jogorku Kenesh** shall convene, without an announcement of the convocation, by no later than the next day after the proclamation of the state of emergency.

5. No referendums, no elections to state bodies, or any changes in the structure, functions, and authorities of state bodies ordained by the Constitution 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, proposed by the Government, shall be approved by the ~~Assembly of People's Representatives~~ **Jogorku Kenesh**.

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

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. **The Government may change rates of particular taxes, and of other mandatory charges in compliance with the procedural rules provided by law.** Laws that impose new taxes or that aggravate taxpayers' status shall have no retroactive effect.

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

3. Reports on the implementation of the national budget and ~~extra-budgetary funds~~ shall be approved by the Jogorku Kenesh.

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 other norms of international law that have been ratified by the Kyrgyz Republic shall have a direct effect and shall be a constituent part of the legislation of the Kyrgyz Republic.

Chapter Two **CITIZENS**

Section One

CITIZENSHIP

Article 13

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

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

2. Individuals, 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. 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, international treaties and agreements.

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-administration; 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, international treaties and agreements concerning human rights, which shall have been ratified by the Kyrgyz Republic.
2. Every person in the Kyrgyz Republic shall enjoy the right:
 - to life, physical and moral inviolability;
 - to personal liberty and security;
 - to freedom of personal development;
 - to freedom of religion, faith, and worship;
 - to free expression and dissemination of one's thoughts, ideas, and opinions, to freedom of literary, artistic, scientific, and technical creative activities, to freedom of the press, transmission and dissemination of information;
 - to freedom of movement, and freedom of choice of one's place of residence and domicile throughout the territory of Kyrgyzstan, and the right to unrestricted travel abroad and to unimpeded return;
 - to [freedom of] association;

- to freedom of peaceful assembly, without weapons, to freely hold meetings and demonstrations;
- to inviolability of residence;
- to freedom and secrecy of correspondence;
- to honor, to freedom of private life, personal and family privacy;
- to secrecy of postal, telephone, and telegraph communication;
- to have property, to possess, use, and dispose of it at one's own discretion;
- to economic freedom, and to free use of one's abilities and property for any economic activity;
- to freedom of labor, and to free choice of occupation and profession.

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

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 and laws of the Kyrgyz Republic only for the purposes of securing rights and freedoms of other persons, public safety, and protecting the constitutional order. In such cases, the essence of constitutional rights and freedoms shall not be affected.

Article 18

1. Physical and moral inviolability of an individual 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 subjected to arrest or detention except on the basis of law.~~ **No person shall be arrested, detained, or held in custody unless when on court decision.** 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. Capital punishment may be imposed only in exceptional cases under the sentence of death by court.

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. Property is inviolable. No person can be deprived of his/her property arbitrarily; Confiscation against the will of the owner is allowed by decision of a court.~~

2. Property shall be inviolable. No person may be deprived of his property arbitrarily. Seizure of property against the owner's will may occur only at such times and in such manner as law may prescribe.

3. 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**RIGHTS AND DUTIES OF A CITIZEN**

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

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 and laws in order to ensure social security of citizens.

Article 23

Citizens of the Kyrgyz Republic shall participate, both directly and through their representatives, in the governance of the state, in the discussion and adoption of laws and decisions of national and local significance, [and they] shall have equal access to civil service.

Article 24

Citizens of the Kyrgyz Republic shall have the right and bear the duty to defend the Motherland. Citizens shall be bound to military service within such limits and in such forms as shall be ascertained by law.

Article 25

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

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 educational institutions.

Every citizen shall have the right to receive free education in public 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 law.

5. The state shall exercise control over educational institutions.

Article 33

Citizens of the Kyrgyz Republic shall have the right to housing. The state shall promote the right to housing by way of providing and selling accommodations from the public housing stock, [and by] encouraging individual housing construction.

Article 34

1. Citizens of the Kyrgyz Republic shall have the right to health protection and to benefit freely from the network of public health institutions.

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, and officials shall be obliged to provide for the full, absolute, and immediate protection of rights and freedoms of citizens, for prevention of violations in this field, and for subsequent restitution.

2. The Kyrgyz Republic shall guarantee judicial protection of citizens' rights and freedoms accorded by the Constitution and laws.

3. Courts of arbitration may be constituted for the purposes of 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 offence 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

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

Article 41

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

Chapter Three
PRESIDENT

Article 42

1. The President of the Kyrgyz Republic shall be the head of the state [and] the highest official 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 an individual 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

PRESIDENTIAL ELECTIONS

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, [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. A new presidential election shall be held in the Kyrgyz Republic two months prior to the expiration 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 by a majority of votes cast by universal, secret, equal, and direct suffrage.

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. A presidential election shall be considered valid if more than fifty per cent of all 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 shall take his oath before the ~~Legislative Assembly and the Assembly of People's Representatives~~ **Jogorku Kenesh**.

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 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 shall begin.

Section Two

POWERS OF THE PRESIDENT

Article 46

1. The President of the Kyrgyz Republic shall:

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

2) appoint, with the consent of the ~~Assembly of People's Representatives~~ **Jogorku Kenesh**, the Prime Minister of the Kyrgyz Republic:

~~C) appoints in consultation with the Prime Minister of the Kyrgyz Republic, the members of the Pravitel'stvo of the Kyrgyz Republic and also the heads of administrative departments, and relieves them of their offices;~~

~~D) accepts requests by the Prime Minister, the Pravitel'stvo, or an individual member of the Pravitel'stvo to resign; adopts decisions on his own initiative regarding dismissal of the Prime Minister or Pravitel'stvo;~~

~~E) appoints with the consent of the appropriate local keneshes the heads of state administration of oblasts, rayons and cities; and relieves them of their offices;~~

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

4) **accept resignations of the Prime Minister, the Government, or an individual member of the Government; dismiss, on his own initiative, but with the consent of the Jogorku Kenesh, the Prime Minister, the Government; dismiss, on his own initiative or on the basis of a censure brought by the Jogorku Kenesh, an individual member of the Government; [and] decide, in the event of the non-confidence vote delivered by the Jogorku Kenesh against an individual member of the Government, on the dismissal of the individual member of the Government;**

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

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

~~I) forms services of Government defense and the National Guard, which are under his purview;~~

7) constitute and abolish the National Security Service;

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

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

2. The President of the Kyrgyz Republic:

~~—A) appoints, with the consent of the Assembly of People's Representatives, the Procurator General of the Kyrgyz Republic; appoints the deputy of the Procurator General, procurators of oblasts, the City of Bishkek and the military procurator of the Kyrgyz Republic; and relieves them of office;~~

~~—B) appoints with the approval of the Assembly of the People's Representatives, the Chairman of the board of the National Bank of the Kyrgyz Republic, and relieves him of office;~~

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

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

~~—E) appoints the chairmen, their deputies, and judges of the courts of oblasts, the city of Bishkek, rayons, cities, arbitration courts of the oblasts and the city of Bishkek, and also of the military courts of the Kyrgyz Republic, and relieves them of office under circumstances prescribed by the Constitution and laws.~~

2. The President of the Kyrgyz Republic shall:

1) appoint, with the consent of the Jogorku Kenesh, 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; on his own initiative or on the basis of the non-confidence vote delivered by the Jogorku Kenesh against the Procurator-General, remove him from office;

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

3) nominate, for the selection by the Jogorku Kenesh, 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; propose to the Jogorku Kenesh to have them recalled;

4) **nominate, for the selection by the Jogorku Kenesh, 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; propose to the Jogorku Kenesh to have them recalled;**

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

3. The President of the Kyrgyz Republic shall:

~~A) directs the foreign policy of the Kyrgyz Republic;~~

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

2) sign instruments of ratification;

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

3) **appoint, in consultation with a pertinent committee of the Jogorku Kenesh, heads of diplomatic missions 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;**

4) decide on the granting and renouncement of citizenship of the Kyrgyz Republic, and on the granting of 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 may:

1) introduce bills to the Jogorku Kenesh;

2) sign laws or return them with his objections to ~~the appropriate chamber of the Jogorku Kenesh~~ **the Jogorku Kenesh** for reconsideration; promulgate laws; appeal to the Constitutional Court of the Kyrgyz Republic against laws and international treaties ratified by the Kyrgyz Republic;

3) address the people with his annual messages concerning the state of affairs in the country, which shall be delivered at ~~a joint sitting of both chambers~~ **sessions** of the Jogorku Kenesh,

4) suspend or annul acts of the Government of the Kyrgyz Republic, acts of other executive bodies **and of bodies of local self-administration**;

5) decide on the financing of measures of great urgency at the expense of the state; ~~and establishes funds~~;

6) exercise legislative powers in the cases and in such manner as stipulated in Article 68 of this Constitution.

6. The President of the Kyrgyz Republic may:

1) convene an early session of the ~~Legislative Assembly and of the Assembly of People's Representatives~~ **Jogorku Kenesh** and determine matters eligible for [their] consideration;

2) 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 total number of the deputies ~~of both chambers~~ of the Jogorku Kenesh;

3) call elections to the ~~Legislative Assembly and the Assembly of People's Representatives~~ **Jogorku Kenesh**, dissolve the ~~Legislative Assembly and the Assembly of People's Representatives~~ **Jogorku Kenesh** in the cases provided for by this Constitution;

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

~~5) appoints the Chairman of the Central Commission on Elections and the Conducting of Referenda and one third of its members;~~

~~6) appoints the Chairman of the Chamber of Auditors and one third of its auditors.~~

5) **appoint, with the consent of the Jogorku Kenesh, Chairman of the Central Commission on Elections and Referendums; appoint a half of the membership of the Central Commission on Elections and Referendums; remove them from office; dismiss, on his own initiative or on the basis of the non-confidence vote delivered by the Jogorku Kenesh, the Chairman of the Central Commission on Elections and Referendums;**

6) **appoint, with the consent of the Jogorku Kenesh, Chairman of the Auditing Chamber; appoint a half of the auditors of the Auditing Chamber; remove them from office; dismiss, on his own initiative or on the basis of the non-confidence vote delivered by the Jogorku Kenesh, the Chairman of the Auditing Chamber.**

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

8. The President of the Kyrgyz Republic may declare general or partial mobilization; may declare a state of war in an event of aggression or direct threat of aggression against the Kyrgyz Republic, and [in such case] shall promptly submit this

matter to the ~~Legislative Assembly~~ **Jogorku Kenesh** for consideration; [and] may impose martial law, and [in such case] shall promptly submit this matter to the ~~Legislative Assembly~~ **Jogorku Kenesh** 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, **which shall not contradict the Constitution and laws.**

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, shall have the force of law.

Article 48

The President of the Kyrgyz Republic may delegate his powers, stipulated in Article 46.3.(2)~~1~~ of the Constitution, to the Prime Minister, members of the Government, 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 the right of inviolability. 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 ~~joint sitting of the chambers~~ of the **Jogorku Kenesh**, 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, ~~both chambers of the~~ **Jogorku Kenesh**, on the strength of findings of a state medical commission created thereby, shall decide on an early dismissal of the President of the Kyrgyz Republic provided that no less than two thirds of the total number of the deputies ~~of each chamber~~ concur.

Article 51

1. The President of the Kyrgyz Republic may be removed from office ~~by the Assembly of People's Representatives~~ only on the basis of a charge with treason or other serious offense brought in by the ~~Legislative Assembly~~ **Jogorku Kenesh** and confirmed by the opinion of the Constitutional Court of the Kyrgyz Republic.

2. A decision of the ~~Legislative Assembly~~ **Jogorku Kenesh** 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 total number of ~~its~~ deputies ~~of the chamber~~, and it shall be adopted if no less than two thirds of the total number of the deputies of the ~~Legislative Assembly~~ **Jogorku Kenesh** concur provided that there shall have been obtained findings of a special commission constituted by the ~~Legislative Assembly~~ **Jogorku Kenesh**.

3. Should the Constitutional Court of the Kyrgyz Republic hand down an unfavorable opinion on a charge brought in by the ~~Legislative Assembly~~ **Jogorku Kenesh**, it shall entail the dissolution of the ~~Legislative Assembly~~ **Jogorku Kenesh**.

~~4. A resolution of the Assembly of People's Representatives on dismissal of the President of the Kyrgyz Republic from office must be adopted by a majority vote of no fewer than two thirds of the total number of deputies of that chamber, no later than two months after the bringing of the charge against the President by the Legislative Assembly. If a decision shall not be reached by the Assembly within this period, the charge shall be considered refuted.~~

4. Provided that the Constitutional Court shall have confirmed a charge brought in by the Jogorku Kenesh, the Jogorku Kenesh shall decide, by no later than within two months after the bringing of the charge, 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 three fourths of the total number of the deputies of the Jogorku Kenesh. Should the Jogorku Kenesh 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 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 shall not have the right to dissolve the ~~Legislative Assembly and the Assembly of People's Representatives~~ **Jogorku Kenesh**, to call a referendum, to terminate the powers of the Government, 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.

An ex-president shall enjoy the right of inviolability and immunity. He shall not be subjected to persecution of any sort or to liability for his acts, which he may have committed while exercising the office of President of the Kyrgyz Republic, or for his statements, which he may have made during that time.

An ex-president of the Kyrgyz Republic shall not be detained or arrested, or subjected to search. An ex-president may be prosecuted or subjected to administrative liability imposed by court only with the consent of the Jogorku Kenesh.

2. Provision, maintenance, and protection of an ex-president of the Kyrgyz Republic **[and] members of his household** shall be provided at the expense of the state in such manner as stipulated by law.

Chapter Four **THE JOGORKU KENESH**

Article 54

1. The Jogorku Kenesh - the parliament of the Kyrgyz Republic - shall be a representative body, which shall exercise the legislative power.

~~2. The Jogorku Kenesh consists of two chambers:~~

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

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

2. The Jogorku Kenesh shall consist of 90 deputies elected for five-year terms in compliance with procedural rules ascertained by law.

~~3. Deputies of the Legislative Assembly and the Assembly of People's Representatives are elected for five years. Procedure for election of deputies of the Legislative Assembly and Assembly of People's Representatives shall be stipulated by law.~~

Article 55

1. ~~Each chamber of the Jogorku Kenesh~~ **A Jogorku Kenesh** shall assemble for its first session after no less than two thirds of **its** ~~members of the chamber~~ shall have been elected **[and]** no later than within 30 days from the date of the publication of election returns.

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

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 begin their work.

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

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

Article 56

1. A citizen of the Kyrgyz Republic, who shall have attained to the age of 25 years by the election day, and been 5 years a permanent resident within the Kyrgyz Republic prior to his nomination as a candidate for the parliament, may be elected a deputy of the Legislative Assembly of the Jogorku Kenesh provided that he shall have the suffrage right.

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

2. A deputy of the Legislative Assembly and the Assembly of People's Representatives **Jogorku Kenesh** shall be a representative of the people of Kyrgyzstan [and] shall obey the Constitution of the Kyrgyz Republic and his conscience.

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

~~4. One and the same person may not simultaneously be a deputy of the Legislative Assembly and of the Assembly of People's Representatives. A deputy of the Legislative Assembly or Assembly of People's Representatives can not simultaneously be a deputy of a local Kenesh.~~

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

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

3. A deputy of the Jogorku Kenesh shall enjoy the right of inviolability and immunity. He shall not be subjected to persecution for his opinions that he may express in connection with the exercise of his duties of a deputy or for results of voting in the Jogorku Kenesh. A deputy shall not be detained or arrested, [or] 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.

4. A deputy of the Jogorku Kenesh shall not, at the same time, be a deputy of a local kenesh, he shall not be holding any other public office, and shall not engage in business activities, except for teaching, scientific or other creative activities provided that such activities shall not interfere with the exercise of his duties of a deputy.

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

5. The term of a deputy of the Legislative Assembly or a deputy of the Assembly of People's Representatives **Jogorku Kenesh shall terminate early in the cases of resignation by submitting a written declaration of abdication, adjudication of his incompetence, dissolution of the ~~chamber~~ **Jogorku Kenesh**, adjudication of his death by a court decision in legal force, or death of the deputy.**

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

In case of the entry into force of a guilty verdict rendered against a deputy by court, accepting a 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.

Early termination of powers of a deputy of the ~~Legislative Assembly and a deputy of the Assembly of People's Representatives~~ **Jogorku Kenesh** and forfeiture of a deputy's powers shall be executed by a resolution of the Central Commission on Elections and Referendums.

Article 57

A deputy of the ~~Legislative Assembly and the Assembly of People's Representatives~~ **Jogorku Kenesh** shall have the right of inquiry to executive bodies and to executives and the latter shall be obliged to answer his inquiries within ten days.

~~Section One:~~

~~POWERS OF THE LEGISLATIVE ASSEMBLY
AND ASSEMBLY OF PEOPLE'S REPRESENTATIVES~~

**Section One
POWERS OF THE JOGORKU KENESH**

Article 58

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

~~—A) introduction of amendments and supplements to the Constitution of the Kyrgyz Republic in the procedure established by the Constitution;~~

~~—B) adoption of laws of the Kyrgyz Republic;~~

~~—C) official interpretation of the Constitution and of laws adopted by it;~~

~~—D) alteration of the borders of the Kyrgyz Republic;~~

~~—E) approval of laws adopted by the Assembly of the People's Representatives;~~

~~—F) election, upon nomination by the President of the Kyrgyz Republic, of the Chairman of the Constitutional Court of the Kyrgyz Republic, his deputy, and judges of the Constitutional Court of the Kyrgyz Republic; determining issues of dismissing them from their positions under the circumstances and according to the procedures set forth in this Constitution;~~

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

~~—H) appointment of one-third of the auditors of the Accounting Chamber;~~

~~—I) ratification and denunciation of international treaties, except cases envisaged in Article 48 of this Constitution;~~

~~—J) introduction of states of emergency, authorization of annulment of decrees of the President of the Kyrgyz Republic concerning this issue;~~

~~—K) deciding matters of war and peace; introducing the state of war; and authorization or annulment of decrees of the President of the Kyrgyz Republic about these issues;~~

~~—L) deciding matters about the possibility of using the Armed Forces of the Kyrgyz Republic beyond its borders when necessary to fulfill International treaty obligations in support of peace and security;~~

~~—M) establishing of military ranks, diplomatic ranks, class categories and other special titles of the Kyrgyz Republic;~~

~~—N) establishment of state awards and honorary titles of the Kyrgyz Republic;~~

~~—O) issuing acts of amnesty;~~

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

~~—Q) bringing charges against the President of the Republic for dismissal from office.~~

~~—2. The Legislative Assembly adopts resolutions on issues envisaged in sub-points 5-8, 16, and 17 of point 1 of this Article.~~

~~—3. The work of the Assembly of People's Representatives of the Jogorku Kenesh includes:~~

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

~~—B) approval of the laws adopted by the Legislative Assembly in cases set forth by the Constitution;~~

~~—C) official interpretation of the Constitution and of laws adopted by it;~~

~~—D) authorization of the republican budget and of reports on its implementation;~~

~~—E) alteration of the borders of the Kyrgyz Republic;~~

~~—F) deciding matters of the administrative and territorial structure of the Kyrgyz Republic;~~

~~—G) calling elections for President of the Kyrgyz Republic;~~

~~—H) approval of appointments of the Prime Minister of the Kyrgyz Republic;~~

~~—I) approval of appointments of the Procurator General of the Kyrgyz Republic;~~

~~—J) approval of appointments of the Chairman of the Board of the National Bank of the Kyrgyz Republic;~~

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

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

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

~~–N) deciding issue about dismissing judges in cases according to the procedure set forth in this Constitution;~~

~~–O) appointing one-third of the auditors of the Chamber of Auditors;~~

~~–P) dismissal of the President of the Kyrgyz Republic from office;~~

~~–Q) hearing reports of the Prime Minister as well as of bodies and officials appointed or elected by the Assembly of People's Deputies, with consideration taken of the rules of autonomy and independence of such bodies and officials established in this Constitution;~~

~~–R) expression of a no confidence vote to the Prime Minister;~~

~~–S) hearing of the reports of the Procurator General and the Chairman of the Board of the National Bank.~~

~~–4. The Assembly of People's Representatives adopts resolutions on issues described in subpoints 2 and 7-19 of point 3 of this Article.~~

Article 58

1. Powers of the Jogorku Kenesh 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 and reports on its implementation;

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 proposed by the President;

9) to accept presidential appointments of the Prime Minister of the Kyrgyz Republic and members of the Government;

10) to accept presidential dismissals of the Prime Minister, the Government;

11) to cast a vote of no confidence in the Prime Minister, the Government; to bring censure on an individual member of the Government by a majority vote of the total number of the deputies; [and] to cast a vote of no confidence in an individual member of the Government, for which the concurrence of no less than two thirds of the total number of the deputies shall be necessary provided that any such proposal on the vote of no confidence may be submitted to the Jogorku Kenesh for consideration no earlier than in six months and no later than within

one year after the decision on the censure in respect of the member of the Government shall have been passed;

12) to accept presidential appointments of the Procurator-General of the Kyrgyz Republic;

13) to vote non-confidence in the Procurator-General of the Kyrgyz Republic;

14) to accept appointments to the office of Chairperson of the Board of the National Bank of the Kyrgyz Republic;

15) to accept appointments to the office of Chairperson of the Central Commission on Elections and Referendums;

16) to elect a half of the membership of the Central Commission on Elections and Referendums;

17) to accept appointments to the office of Chairperson of the Auditing Chamber of the Kyrgyz Republic;

18) to appoint a half of the auditors of the Auditing Chamber;

19) to appoint and dismiss the Commissioner on Human Rights (Ombudsman);

20) to ratify and denounce international treaties except in the cases provided by Article 48 hereof;

21) to proclaim a state of emergency, affirm or annul decrees of the President of the Kyrgyz Republic on the issue;

22) to decide matters of war and peace; to impose martial law, declare a state of war, [and] affirm or annul decrees of the President of the Kyrgyz Republic on those issues;

23) to decide on a possibility of using the Armed Forces of the Kyrgyz Republic outside of the country borders when it may be necessary in order to fulfill obligations under international covenants for support of peace and safety;

24) to introduce military ranks, diplomatic ranks, class categories, and other special titles of the Kyrgyz Republic;

25) to introduce state awards and honorary titles of the Kyrgyz Republic;

26) to issue acts of amnesty;

27) to hear annual reports of the Prime Minister;

28) to select and dismiss, by the advice of the President of the Kyrgyz Republic, the Chairperson of the Constitutional Court, his deputies, and judges of the Constitutional Court of the Kyrgyz Republic;

29) to select and dismiss, 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;

30) to accept appointments of judges of local courts;

31) to remove the President of the Kyrgyz Republic from office;

32) to hear reports of the Procurator-General and of the Chairperson of the Board of the National Bank.

Article 59

1. No laws concerning changes and amendments to the Constitution, constitutional laws, laws on alteration of borders of the Kyrgyz Republic, or interpretation of the Constitution or constitutional laws shall be adopted by ~~both chambers of the Jogorku Kenesh~~ unless a majority of no less than two thirds of the total number of the deputies ~~of each chamber~~ shall concur.

2. No laws ~~adopted by the Legislative Assembly~~ concerning taxes and charges, financial and customs regulation, banking, ratification and denunciation of international treaties of the Kyrgyz Republic, or amnesty ~~[which are] subject to consideration by the Assembly of People's Representatives~~ shall be deemed ~~approved~~ **adopted by the Jogorku Kenesh** unless a majority of the total number of ~~its~~ deputies of the ~~Assembly of People's Representatives~~ shall concur.

~~In the event the Assembly of People's Representatives disapproves a decision taken by the Legislative Assembly, the decision on the matter under consideration may be approved by majority vote of no less than two thirds of the total number of deputies of the Legislative Assembly.~~

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

4. ~~Laws described in the first paragraph of point 2 and the first paragraph of point 3 of this Article are deemed approved if not reviewed by the respective chamber of the Jogorku Kenesh within 60 days of adoption.~~

Article 60

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

2. A Toraga ~~of each chamber of the Jogorku Kenesh~~ shall be elected by secret vote. He shall be accountable to the ~~respective chamber~~ **Jogorku Kenesh** and he may be relieved of his duties by such decision of the ~~chamber~~ **Jogorku Kenesh**, which

shall be adopted by a majority vote of no less than two thirds of the total number of the deputies.

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

3. The Toraga shall conduct sessions of the Jogorku Kenesh, preside over the preparation of issues to be considered during sessions of the Jogorku Kenesh, manage internal matters, and sign resolutions adopted by the Jogorku Kenesh.

4. A Deputy Toraga ~~of the respective chamber~~ of the Jogorku Kenesh shall be elected by secret ballot, [and he] shall exercise particular functions of the Toraga and shall be an Acting Toraga in the absence of the former.

Article 61

Committees and ad hoc commissions ~~of the chambers~~ of the Jogorku Kenesh shall draft laws, give preliminary consideration to matters within their terms of reference, [and] monitor implementation of laws and decisions adopted.

Article 62

1. ~~The Legislative Assembly~~ **Jogorku Kenesh** shall work in sessions. ~~The Legislative Assembly~~ **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. The Assembly of People's Representatives conducts its business during sessions. Sessions of the Assembly of People's Representatives are called no less than two times a year.~~

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

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

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

Article 63

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

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

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

2. The Jogorku Kenesh 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 an appointment of a Prime Minister; or in the event of another crisis caused by an insurmountable disagreement between the Jogorku Kenesh and other branches of the state power.

3. In the case provided for in Point 3 of Article 51 hereof, the dissolution of the ~~Legislative Assembly~~ **Jogorku Kenesh** shall become valid from the pronouncement of the resolution by the Constitutional Court of the Kyrgyz Republic.

4. ~~The chambers of the Jogorku Kenesh may not be dissolved~~ **The Jogorku Kenesh may not be dissolved:** in time of a state of emergency or martial law; during the consideration by the ~~chambers of the Jogorku Kenesh~~ 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 dissolution of the Legislative Assembly, the Assembly of People's Representatives, or both chambers of the Jogorku Kenesh, the President of the Kyrgyz Republic designates the date for elections of deputies of the given chamber or chambers, so that the newly elected chamber or chambers convene their first session no later than six months after the moment of dissolution.~~

5. In case of the dissolution of the Jogorku Kenesh, the President of the Kyrgyz Republic shall appoint a day of elections to the Jogorku Kenesh so that a newly elected Jogorku Kenesh 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 ~~Legislative Assembly~~ **Jogorku Kenesh**;
- ~~deputies of the Assembly of the People's Representatives;~~

- the Government of the Kyrgyz Republic;
- the Supreme Court of the Kyrgyz Republic and the Supreme Arbitration Court of the Kyrgyz Republic on matters within their-its jurisdiction.

Article 65

1. Bills shall be submitted to ~~both chambers of the~~ **Jogorku Kenesh**.

[Upon submission of a bill,] the ~~appropriate chamber of~~ **Jogorku Kenesh** shall decide, within one month, on whether to introduce the bill in the ~~chamber~~ **parliament** for consideration and, in this case, shall determine the order of its priority within the consideration schedule, or to reject the bill by a reasoned decision.

2. No changes to bills on the national budget shall be introduced without the consent of the Government.

3. 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 adopted, without the consent of the Government.

4. A bill shall be deemed adopted if a majority of the total number of the deputies of the ~~chamber~~ **Jogorku Kenesh** concur.

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

5. Bills concerning changes and amendments to the Constitution, draft constitutional laws, bills concerning an alteration of borders of the Kyrgyz Republic and interpretation of the Constitution and constitutional laws may be passed after no fewer than two readings, and they shall be deemed adopted if no less than two thirds of the total number of the deputies of ~~each chamber~~ of the Jogorku Kenesh concur. ~~The date of adoption of the draft law is considered to be the day when the vote on adopting the draft was held in both chambers. If the chambers voted on different days then the date of adoption of the law is the day when the second chamber voted for its adoption.~~

6. No changes and amendments shall be made to the Constitution and constitutional laws in time of emergency or martial law.

7. No laws abridging the freedom of speech, or of the press shall be made.

Article 66

1. Every law, adopted [by the Jogorku Kenesh], shall be presented, within five working days, to the President of the Kyrgyz Republic for the signing.

2. The President of the Kyrgyz Republic, no later than within fifteen working days from the day when the law shall have been thus presented, shall sign it or shall return it with his objections. The law [, thus returned,] shall be reconsidered by the ~~chamber which shall have adopted it~~ **Jogorku Kenesh**. If after such reconsideration a majority of over two thirds of the total number of the deputies shall re-pass the law in the earlier approved wording, it shall be signed by the President of the Kyrgyz Republic within seven working days.

3. A law which shall have been passed, as required by this Constitution, by a majority of over two thirds of the total number of the deputies of the Jogorku Kenesh, if rejected by the President, but re-passed by a majority of over three thirds of the total number of the deputies ~~of each of the chambers~~ of the Jogorku Kenesh, shall be signed by the President within the terms specified in Point 2 of this Article.

4. A law, signed by the President of the Kyrgyz Republic, shall be promulgated within the time periods established by law.

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 ~~chambers of the~~ **Jogorku Kenesh** 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 ~~chambers of the~~ Jogorku Kenesh.

3. The President of the Kyrgyz Republic shall exercise legislative powers by way of issuing decrees with the force of law.

~~4. In the event of dissolution of one of the chambers of the Jogorku Kenesh, the President of the Kyrgyz Republic carries out the legislative powers of that chamber only.~~

Chapter Five **EXECUTIVE POWER**

Article 69

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

Section One

THE GOVERNMENT

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.

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, 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. Acceptance of the resignation of the Prime Minister of the Kyrgyz Republic results in the resignation of all members of the Pravitel'stvo. In the event of acceptance of the resignation, the Pravitel'stvo may continue to act upon authorization from the President of the Kyrgyz Republic, until the formation of a new Pravitel'stvo of the Kyrgyz Republic.~~

5. A resignation of the Prime Minister of the Kyrgyz Republic, if accepted [by the President], shall entail the 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 shall be formed and heads of administrative agencies shall be appointed.

Article 71

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

2. The President shall nominate a Prime Minister and shall propose his candidacy to the ~~Assembly of People's Representatives~~ **Jogorku Kenesh** 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 or the Government may have resigned, or within one week from the day of rejection of a [previous] nominee by the ~~Assembly of People's Representatives~~ **Jogorku Kenesh**.

3. The ~~Assembly of People's Representatives~~ **Jogorku Kenesh** shall take a decision on accepting the appointment of a [nominated] Prime Minister by no later than within seven days after the nominee shall have been proposed [to it].

4. After the ~~Assembly of People's Representatives~~ **Jogorku Kenesh** may have thrice rejected nominees for the office of Prime Minister put up [by the President], the

President of the Kyrgyz Republic shall appoint the Prime Minister and shall dissolve the ~~Assembly of People's Representatives~~ **Jogorku Kenesh**.

5. The ~~Assembly of People's Representatives~~ **Jogorku Kenesh** may cast a vote of no confidence in the Prime Minister. A resolution of no confidence in the Prime Minister shall be adopted by a majority of over two thirds of the total number of the deputies of the ~~Assembly of People's Representatives~~ **Jogorku Kenesh**. After the ~~Assembly of People's Representatives~~ **Jogorku Kenesh** may have passed a vote of no confidence in the Prime Minister, the President of the Kyrgyz Republic shall either announce the resignation of the Prime Minister or shall disagree with the decision of the **Jogorku Kenesh**. If, within three months, the **Jogorku Kenesh** shall, for the second time, pass a vote of no confidence in the Prime Minister, the President of the Kyrgyz Republic shall either announce the resignation of the Prime Minister or shall dissolve the **Jogorku Kenesh**.

6. The Prime Minister shall, as provided by the Constitution of the Kyrgyz Republic, laws, and decrees of the President of the Kyrgyz Republic, determine guidelines for the Government's activities, organize its work, and shall be personally responsible for its activities.

Article 72

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

1. Organization, procedures, and exercise of control over the work of the Government shall be ascertained by the constitutional law.

2. The Prime Minister shall present the ~~Legislative Assembly and the Assembly of People's Representatives~~ **Jogorku Kenesh** with annual reports on the work of the Government.

3. The Jogorku Kenesh may deliver a vote of censure on an individual member of the Government. A resolution to censure an individual member of the Government shall be adopted by a majority vote of the total number of the deputies of the Jogorku Kenesh. After the Jogorku Kenesh may have passed a vote of censure on an individual member of the Government, the President of the Kyrgyz Republic shall either dismiss the member of the Government in question or shall disagree with the decision of the Jogorku Kenesh.

In case of the disagreement of the President of the Kyrgyz Republic with the decision of the Jogorku Kenesh to bring censure on an individual member of the Government, the Jogorku Kenesh may, no earlier than in six months, but no later than within one year after the vote of censure shall have been passed, initiate a vote of no confidence against the member of the Government in question. In which case, the resolution of non-confidence in the member of the Government shall be adopted by a majority vote of over two thirds of the total number of the deputies. After the Jogorku Kenesh may have passed a vote of no confidence in an individual member of the Government, the President of the Kyrgyz Republic shall dismiss the member of the Government in question.

Article 73

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

2. The Government of the Kyrgyz Republic shall:

- draw up the national budget, submit it to the ~~Assembly of People's Representatives~~ **Jogorku Kenesh**, and provide for its implementation;

- pursue budgetary, fiscal, tax, and pricing policies;

- organize and manage state property;

- carry out measures to provide for the defense of the country, state security, [and] implementation of foreign policy of the Kyrgyz Republic;

- carry out measures to secure the rule of law, [and] rights and freedoms of persons, to protect property and public order, [and] to fight crime.

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

Article 74

The Government of the Kyrgyz Republic shall issue, **within its powers**, resolutions and ordinances, which shall be binding throughout the territory of the Kyrgyz Republic on all bodies, organizations, officials, and individuals, and shall organize, supervise, and provide for their enforcement.

Article 75

1. The Government of the Kyrgyz Republic shall direct the work of ministries, state committees, administrative agencies, and of bodies of local state administration.

2. Ministries, state committees, and administrative agencies shall issue, within their powers, orders and ordinances on the basis and in pursuance of the Constitution, laws of the Kyrgyz Republic, resolutions ~~of the chambers~~ of the Jogorku Kenesh, acts of the President, resolutions and ordinances of the Government, [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, 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

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

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

Article 77

1. Local state administrations shall act on the basis of this Constitution and laws 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.

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

Powers, organization, and procedures of the Procurator's Office of the Kyrgyz Republic shall be ascertained by law.

Chapter Six

COURTS AND JUSTICE

Article 79

1. Justice shall be administered in the Kyrgyz Republic only by the 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. The Courts of the Kyrgyz Republic are the Constitutional Court of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic, the Supreme Arbitration Court of the Kyrgyz Republic, local courts (oblast courts, courts of the City of Bishkek, courts of rayons, cities, arbitration courts of oblasts and the city of Bishkek, military~~

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

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

2. The judicial system of the Kyrgyz Republic and the status of judges shall be determined by the Constitution and constitutional laws. Organization and procedures of courts shall be ascertained by laws.

No extraordinary courts shall be constituted.

3. A judge shall be subordinate only to the Constitution and Law. Social, material, and other guarantees of his independence shall be ensured to a judge according to his status.

A judge shall enjoy the right of inviolability and immunity. A judge shall not be detained or arrested, subjected to search unless when cases of being caught in the act of committing a crime. A judge may be prosecuted or subjected to administrative liability imposed by court only with the consent of the Jogorku Kenesh.

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

Article 80

1. A judge of the Constitutional Court [or of] the Supreme Court ~~or of the Supreme Arbitration 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.

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

Judges of the Constitutional Court [and of] the Supreme Court shall, by the advice of the President of the Kyrgyz Republic, be selected for ten-year terms by the Jogorku Kenesh.

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

2. A 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~~ **70** years, who shall have a degree in law, and who shall have no less than 5 years of work experience in the legal profession.

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

Judges of local courts shall, with the consent of the Jogorku Kenesh, be appointed for seven-year terms by the President of the Kyrgyz Republic.

Article 81

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

~~Judges of local courts also may be relieved from their offices on the basis of results of attestation.~~

1. Judges shall be relieved of office on resignation, due to the state of health, for the commission of a crime where the judgement of conviction shall have taken legal effect, and on other grounds envisaged in the constitutional law.

2. Judges of the Constitutional Court, **[and of] 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 total number of the deputies of each of the chambers of the Jogorku Kenesh of the Kyrgyz Republic.

A constitutional law may provide a different procedure for discharging judges of the Constitutional Court, [and of] the Supreme Court of the Kyrgyz Republic in cases of their relief of the office on resignation, or due to the state of health.

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

3. Procedures of discharging judges of local courts shall be ascertained by the 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. 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, ~~the Supreme Arbitration 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;

7) annul decisions of bodies of local self-administration provided that they contradict the Constitution of the Kyrgyz Republic;

8) decide on constitutionality of practices in the application of laws that affect the constitutional rights of citizens.

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

If a law or another act shall be found unconstitutional by the Constitutional Court, the effect of the 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.

Article 83

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

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

Article 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.

2. Benches of judges, chambers of judges, the Presidium, and the Plenum shall be constituted within the Supreme Court of the Kyrgyz Republic, of which the powers shall be ascertained by laws.

The court instances, thus established within the Supreme Court, shall consider cases which shall fall, as prescribed by laws, within their jurisdiction, and they shall also consider, according to established procedural forms, appeals against decisions of inferior court instances both lodged by participants of the judicial proceedings and initiated as a matter of judicial overview with the right to render a new decision on [the merits] of the case.

3. The Supreme Court of the Kyrgyz Republic shall give explanations in regard to matters of judicial practice.

Article 84

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

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

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

Article 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.

Article 85

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

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

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

Article 85.

1. Judicial proceedings in all courts shall be open. A court hearing may be held in camera only in cases envisaged by law.

2. Consideration of criminal and other cases in absentia may take place only in cases directly envisaged by law.

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

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 decisions of the courts that shall have come into legal force, and 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 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 dignity [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.

The advocacy [the bar] shall function for the purpose of providing legal services to persons and legal entities. Organization and procedures of the advocacy shall be ascertained by law.

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

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

3. Procedural rights of participants of judicial proceedings, including the right to appeal against rulings, judgements, 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

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

Chapter Seven
LOCAL SELF-ADMINISTRATION

Article 91

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

Article 92

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

Article 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-administration may possess, use, and dispose of communal property.

2. Public gatherings and local keneshes or other representative bodies of local self-administration 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 that shall fall, under the law, within their jurisdiction provided that such matters shall be submitted for their consideration by agreement of the parties in order to reach reconciliation among the parties and to render a just decision, which shall not contradict the law.

4. Decisions of courts of aksakal may be appealed to respective district or city courts of the Kyrgyz Republic.

Article 93

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

Article 94

Certain state powers may be vested in bodies of local self-administration and, for such purpose, they shall be vested with necessary material, financial, and other means. Bodies of local self-administration 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 of a rayon, town, or oblast 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 total number of the deputies.

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

4. Local keneshes shall, within their authority, adopt acts, which shall be binding for execution throughout their respective territories.

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

Chapter Eight THE PROCEDURES OF CHANGING AND AMENDING THE CONSTITUTION OF THE KYRGYZ REPUBLIC

Article 96

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

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

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

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

Article 96

1. Changes and amendments to this Constitution shall be adopted by the Jogorku Kenesh on a proposal of the President of the Kyrgyz Republic, of no less than one third of the deputies of the Jogorku Kenesh, or of no less than 300,000 citizens of the Kyrgyz Republic.

2. Changes and amendments to this Constitution may be made by a referendum, which shall be called by the President of the Kyrgyz Republic.

Article 7, Article 46, and Article 58 of this Constitution of the Kyrgyz Republic shall be amended only with the consent of the President of the Kyrgyz Republic, and of the Jogorku Kenesh, in which case they shall be passed by a two-thirds majority of the total number of the deputies.

3. 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.

Article 97

1. This Constitution shall be amended by the Jogorku Kenesh, when two thirds of the total number of the deputies ~~of each of its chambers~~ 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

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