

**KGZ**

## **KYRGYZSTAN**

LAW OF THE KYRGYZ REPUBLIC

Bishkek, 5 May 2021, No. 59

On the Constitution of the Kyrgyz Republic

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

We, the people of the Kyrgyz Republic,  
based on the right to independently determine our destiny;  
to ensure the rule of law, justice and equity;  
affirming the foundations of genuine democracy;  
remaining faithful to the traditions of the ancestors, following the precepts of Manas the Magnanimous to live in  
unity, peace and kinship, and in harmony with nature;  
asserting the rights and interests of the people of the Kyrgyz Republic;  
expressing an unshakable will to preserve and strengthen statehood;  
reaffirming commitment to the protection, respect for the rights and freedoms of a human and a citizen;  
recognizing universal human principles and values;  
striving for social justice, economic well-being, development of education, science and spirituality;  
honouring the memory of the heroes who gave their lives for the freedom of our people;  
realizing the responsibility for our Motherland to present and future generations, adopt this Constitution.

#### **SECTION ONE - FOUNDATIONS OF THE CONSTITUTIONAL ORDER**

##### **CHAPTER I. POLITICAL FOUNDATIONS OF THE CONSTITUTIONAL ORDER**

###### **Article 1.**

1. The Kyrgyz Republic (Kyrgyzstan) is an independent, sovereign, democratic, unitary, legal, secular, and social state.
2. The sovereignty of the Kyrgyz Republic is unlimited and extends to its entire territory.
3. The Kyrgyz Republic independently pursues domestic and foreign policy.
4. The people of the Kyrgyz Republic are the bearer of sovereignty and the only source of state power.
5. The people of Kyrgyzstan are citizens of all ethnic groups of the Kyrgyz Republic.
6. The President and the Jogorku Kenesh have the right to speak on behalf of the people of the Kyrgyz Republic.

###### **Article 2.**

1. Independent determination of the foundations of the constitutional system is the sovereign right of the people of the Kyrgyz Republic.
2. In the Kyrgyz Republic, people's power is based on the principles that all power belongs to the people, protection of the rights and freedoms of a human and citizen, free and real access to managing the affairs of the state and society.
3. Citizens of the Kyrgyz Republic exercise their power directly in elections and referendums (popular vote), as well as through the system of state bodies and local self-government bodies on the basis of the Constitution and laws of the Kyrgyz Republic.
4. Elections and referendums are held on the basis of free, universal, equal and direct suffrage by secret ballot. Citizens of the Kyrgyz Republic who have reached the age of 18 have the right to vote.
5. Laws and other issues of national importance may be submitted to a referendum. The procedure for holding a referendum is established by constitutional law.
6. It is prohibited to influence the freedom of choice of voters using financial, administrative and other resources prohibited by law.

###### **Article 3.**

1. The territory of the Kyrgyz Republic within its borders is integral and inviolable.

2. For the purpose of organizing state administration and local self-government, the territory of the Kyrgyz Republic is divided into administrative-territorial units defined by law.

#### **Article 4.**

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

- the supremacy of the power of the people, represented and ensured by the President and the Jogorku Kenesh elected by the population;
- its division into legislative, executive, and judicial branches, their coordinated functioning and interaction;
- openness of state bodies, local self-government bodies and their officials, the exercise of their powers in the interests of the people;
- delimitation of powers and functions of state bodies and local self-government bodies;
- prohibition of state and municipal officials to carry out actions (inaction) that create conditions for corruption;
- constitutional, legal and other liability of state bodies, local self-government bodies and their officials to the people.

#### **Article 5.**

1. The state and its organs serve the entire society, and not a part of it.
2. Actions aimed at the forcible seizure and illegal retention of state power, the appropriation of the powers of state bodies, local self-government bodies, and their officials are prohibited.

The usurpation of state power is a particularly grave crime.

#### **Article 6.**

1. This Constitution has the highest legal force and direct effect in the Kyrgyz Republic.
2. Constitutional laws, laws and other regulatory legal acts are adopted on the basis of the Constitution.
3. The generally recognized principles and norms of international law, as well as international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic, are an integral part of the legal system of the Kyrgyz Republic.

The procedure and conditions for the application of international treaties and generally recognized principles and norms of international law are determined by law.

4. The official publication of laws and other regulations is a prerequisite for their entry into force.
5. A law or other regulation that establishes new obligations or aggravates liability does not have retroactive effect.

#### **Article 7.**

1. People's Kurultai is a public representative assembly.

The People's Kurultai, as an advisory, supervisory assembly, makes recommendations on the directions of social development.

2. The organization and procedure for the activities of the People's Kurultai are determined by the Constitution and the constitutional law.

#### **Article 8.**

1. Political parties, trade unions and other public associations may be created in the Kyrgyz Republic to implement and protect the rights, freedoms and interests of a human and a citizen.
2. Political parties contribute to the diverse expression of the political will of various social strata and groups of society.
3. In the Kyrgyz Republic, the following is prohibited:
  - 1) the formation and functioning of party organizations in state and municipal institutions, organizations; implementation by state and municipal employees of party work, with the exception of cases when such work is carried out outside the official activities;
  - 2) membership of military personnel, law enforcement officers and judges in political parties, their speech in support of any political party;
  - 3) the creation of political parties on a religious and ethnic basis, the pursuit of political goals by religious associations;
  - 4) creation by associations of citizens of paramilitary formations;
  - 5) the functioning of political parties, public and religious associations, their representative offices and branches, whose activities are aimed at forcibly changing the constitutional order, undermining national security, inciting social, racial, ethnic and religious hatred.
4. Political parties, trade unions and other public associations ensure the transparency of their financial and economic activities.

#### **Article 9.**

1. In the Kyrgyz Republic, no religion can be established as a state or obligatory one.
2. Religion and all religious cults are separated from the state.
3. Intervention of religious associations, clergy and ministers of worship in the activities of public authorities is prohibited.

#### **Article 10.**

1. The mass media are guaranteed the right to receive information from state bodies and local self-government bodies, disseminate this information, and the right to freedom of expression.
2. In the Kyrgyz Republic, censorship is not allowed. The media are free and carry out their activities in accordance with the law.
3. Information security in the Kyrgyz Republic is protected by the state.
4. To protect the younger generation, activities that are contrary to moral values, public consciousness of the people of the Kyrgyz Republic may be limited by law.
5. The list of activities subject to restriction and the list of restricted for access and dissemination information shall be established by law.

#### **Article 11.**

1. The Kyrgyz Republic has no expansion, aggression or military goals. The Armed Forces of the Kyrgyz Republic are formed on the principles of self-defence and defensive sufficiency.
2. The right to wage war, with the exception of cases of aggression against the Kyrgyz Republic and other states bound by obligations of collective defence, is not recognized. Permission for each case of departure of units of the Armed Forces of the Kyrgyz Republic outside the territory of the Kyrgyz Republic is adopted by the Jogorku Kenesh by a majority of at least two-thirds of the votes of the total number of deputies.
3. The use of the Armed Forces of the Kyrgyz Republic for solving domestic political problems is prohibited.
4. The Kyrgyz Republic strives for coexistence with other states on the principles of consent and justice, mutually beneficial cooperation, peaceful solution of global and regional problems.

#### **Article 12.**

State of emergency, emergency law and martial law in the Kyrgyz Republic are introduced in the cases and in the manner prescribed by the Constitution and laws.

#### **Article 13.**

1. The Kyrgyz language is the state language of the Kyrgyz Republic. The procedure for the use of the state language is determined by the constitutional law.
2. In the Kyrgyz Republic, Russian is used as the official language.
3. Representatives of all ethnic groups that make up the people of the Kyrgyz Republic are guaranteed the right to create conditions for the preservation, study and development of their native language.

#### **Article 14.**

1. The Kyrgyz Republic has the following state symbols: Flag, National Emblem, and Anthem. Their description and the procedure for official use are established by law.
2. The city of Bishkek is the capital of the Kyrgyz Republic. The cities of Bishkek and Osh are cities of republican significance. The status of cities of republican significance is determined by law.
3. The national currency of the Kyrgyz Republic is the som.

## **CHAPTER II. SOCIO-ECONOMIC FOUNDATIONS OF THE CONSTITUTIONAL ORDER**

#### **Article 15.**

1. The Kyrgyz Republic equally recognizes and protects private, state, municipal and other forms of ownership.
2. Property is inviolable. No one may be arbitrarily deprived of his or her property. The right to inherit is guaranteed. Seizure of property against the will of the owner is allowed only by a court decision in the manner prescribed by law. Seizure of property for public and state needs, determined by law, is carried out by a court decision by providing a fair and preliminary provision for compensation for the value of this property and losses caused as a result of the alienation of property.
3. The conversion of property owned by citizens and legal entities into state ownership (nationalization) is carried out on the basis of law with compensation for the value of this property and other losses.
4. The Kyrgyz Republic protects the property of its citizens and legal entities, as well as its property located on

the territory of foreign states.

5. Monuments of historical and cultural heritage, architectural, archaeological objects and finds are state property and are specially protected by law.

#### **Article 16.**

1. The land, its subsoil, airspace, water, forests, pastures, flora and fauna, and other natural resources are the exclusive property of the Kyrgyz Republic.

2. Land and natural resources are used as the basis for the life and activities of the people of the Kyrgyz Republic; to preserve a unified ecological system and sustainable development, they are under the control and special protection of the state.

3. Land, with the exception of pastures and forests, may be in private and municipal forms of ownership. Land cannot be privately owned by foreign citizens and legal entities with foreign participation.

4. Guarantees for the protection of the rights of land owners are determined by law.

#### **Article 17.**

1. The Kyrgyz Republic creates conditions for the development of various forms of economic activity and protects the interests of the national economy.

2. The directions of economic and social development of the Kyrgyz Republic are reflected in the national programs.

3. The state guarantees the protection of investments and subjects of investment activities in the manner prescribed by law.

#### **Article 18.**

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

2. There is a unified tax system on the territory of the Kyrgyz Republic. The Jogorku Kenesh has the right to establish taxes. Laws that establish new taxes and worsen the position of taxpayers do not have retroactive effect.

#### **Article 19.**

1. The state takes care of the well-being of the people and their social protection.

2. The Kyrgyz Republic provides support to socially unprotected categories of citizens, protection of labour and health.

3. The Kyrgyz Republic is developing a system of social services, medical care, provides guarantees of state pensions, benefits and other guarantees of social protection.

#### **Article 20.**

1. The family is the basis of society. Family, fatherhood, motherhood and childhood are under the protection of society and the state.

2. Respect and care for the father and the mother is the sacred duty of children.

3. Children are the most important value of the Kyrgyz Republic. The state creates conditions conducive to the versatile spiritual, moral, intellectual and physical development of children, their civil and patriotic education.

### **CHAPTER III. SPIRITUAL AND CULTURAL FOUNDATIONS OF SOCIETY**

#### **Article 21.**

1. The state takes care of the development of the culture of the people of Kyrgyzstan, preserving customs and traditions that do not infringe on human rights and freedoms.

2. Honouring the elders and respect for the younger is a sacred tradition of the people.

3. The state protects the historical, material and spiritual heritage of the people of Kyrgyzstan.

4. The state ensures interethnic and interfaith harmony.

#### **Article 22.**

1. The development of society and the state is based on scientific research, modern technologies and innovations.

2. The state supports all types and forms of education in educational institutions, regardless of the form of ownership.

The state takes care of every student, the quality of education and raising the status of teachers.

The state finances and provides material and technical support for the activities of state educational organizations.

3. The state promotes the development of science, scientific and creative development, scientific and technological achievements, discoveries, innovations and inventions.

The state finances and supports scientific institutions and organizations, implements a strategy for their development.

4. The state provides certification of scientific and scientific-pedagogical personnel contributing to scientific and technical progress.

5. The National Academy of Sciences of the Kyrgyz Republic, based on the principles of continuity and scientific progress, coordinates directions in the field of fundamental and applied sciences.

## **SECTION TWO - RIGHTS, FREEDOMS AND DUTIES OF A HUMAN AND A CITIZEN**

### **CHAPTER I. GENERAL PRINCIPLES**

#### **Article 23.**

1. Human rights and freedoms are inalienable and belong to everyone from birth. They are recognized as absolute, inalienable and protected by law and court from encroachment by anyone.

Human rights and freedoms are among the highest values of the Kyrgyz Republic. They act directly, determine the meaning and content of the activities of all state bodies, local self-governments and their officials.

2. The rights and freedoms of a human and a citizen may be limited by the Constitution and laws to protect national security, public order, protect the health and morals of the population, protect the rights and freedoms of others. Such restrictions may also be introduced taking into account the characteristics of the military or other public service. The restrictions imposed must be proportionate to the stated objectives.

3. It is prohibited to adopt by-law acts restricting the rights and freedoms of a human and a citizen.

4. The law cannot establish restrictions on human rights and freedoms for other purposes and to a greater extent than it is provided for by the Constitution.

5. The human rights and freedoms established by the Constitution are not subject to any restrictions.

6. The guarantees of prohibition established by the Constitution are not subject to any restrictions.

#### **Article 24.**

1. The Kyrgyz Republic provides all persons within its territory and under its jurisdiction with the protection of their rights and freedoms.

No one may be discriminated against on the basis of sex, race, language, disability, ethnicity, religion, age, political or other opinion, education, origin, property or other status, or other circumstances.

Persons who committed discrimination are liable in accordance with the law.

Special measures established by law and aimed at ensuring equal opportunities for different social groups in accordance with international obligations do not constitute discrimination.

2. In the Kyrgyz Republic, everyone is equal before the law and the courts.

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

### **CHAPTER II. PERSONAL RIGHTS AND FREEDOMS**

#### **Article 25.**

1. Every person has an inalienable right to life. Encroachment on human life and health is unacceptable. No one may be arbitrarily deprived of life. The death penalty is prohibited.

2. Everyone has the right to protect his or her life and health, the life and health of others from unlawful encroachments within the limits of necessary defence.

#### **Article 26.**

1. A family is created on the basis of the voluntary marriage of a man and a woman who have reached the marriageable age established by law. Marriage is not allowed without the consent of the two persons entering into marriage. Marriage is registered by the state.

2. Caring for children, their upbringing is equally the right and duty of both father and mother. Able-bodied, adult children are obliged to take care of their parents.

3. Spouses have equal rights and obligations in marriage and family.

#### **Article 27.**

1. Every child has the right to a standard of living required for his or her physical, mental, spiritual, moral and social development.

2. The principle of ensuring the best interests of the child is in force in the Kyrgyz Republic.

3. Responsibility for ensuring the living conditions necessary for the development of the child rests with each of the parents, guardians and trustees.

4. The state cares, raises and educates orphans and children left without parental care up to 18 years of age. At

the same time, conditions are created for them to receive free primary, secondary and higher professional education. They get social care.

**Article 28.**

1. Slavery and human trafficking are prohibited in the Kyrgyz Republic.
2. The exploitation of child labour is prohibited.
3. Forced labour is prohibited, except in cases of war, liquidation of the consequences of natural disasters and other extraordinary circumstances, as well as in the execution of a court decision.  
Engagement in military, alternative (non-military) service is not considered forced labour.

**Article 29.**

1. Everyone has the right to privacy, protection of honour and dignity.  
Human dignity in the Kyrgyz Republic is absolute and inviolable.
2. No one may be subjected to criminal prosecution for the dissemination of information that discredits or degrades the honour and dignity of a person.
3. Everyone has the right to privacy of correspondence, telephone and other conversations, postal, telegraphic, electronic and other communications. Restriction of these rights is allowed only in accordance with the law and on the basis of a court decision.
4. It is not allowed to collect, store, use and disseminate confidential information, information about a person's private life without his or her consent, except in cases established by law.
5. Everyone is guaranteed protection, including judicial protection, from the unlawful collection, storage, dissemination of confidential information and information about the private life of a person, and the right to compensation for material and moral damage caused by unlawful actions.

**Article 30.**

1. Everyone has the right to the inviolability of the home and other objects that he or she owns or is otherwise entitled to. No one can enter a dwelling and other objects against the will of the person in whose use they are.
2. Search, seizure, inspection and other actions, as well as the penetration of representatives of the authorities into a dwelling and other objects owned or otherwise entitled, are allowed only on the basis of a court decision.
3. In exceptional cases provided for by law, search, seizure, inspection and other actions, as well as the penetration of representatives of the authorities into a dwelling and other objects owned or otherwise entitled, are allowed without a court decision. The legality and validity of such actions are subject to consideration by the court.
4. Guarantees and restrictions established by this article also apply to legal entities.

**Article 31.**

1. Everyone has the right to freedom of movement, choice of place of stay and residence within the territory of the Kyrgyz Republic.
2. A citizen of the Kyrgyz Republic has the right to freely travel outside the Kyrgyz Republic and return without hindrance. Restriction of the right to leave the country is allowed only on the basis of law.  
The right of citizens of the Kyrgyz Republic to unhindered return is not subject to any restrictions.

**Article 32.**

1. Everyone has the right to freedom of thought and opinion.
2. Everyone has the right to freedom of expression, freedom of speech and the press.
3. No one can be forced to express his or her opinion or to renounce it.
4. It is prohibited to promote national, racial, religious hatred, gender and other social superiority, calling for discrimination, hostility or violence.

**Article 33.**

1. Everyone has the right to freely seek, receive, store, use information and disseminate it orally, in writing or in any other way.
2. Everyone has the right to familiarize himself or herself with information about himself or herself in state bodies, local self-government bodies, institutions and organizations.
3. Everyone has the right to receive information about the activities of state bodies, local self-government bodies and their officials, legal entities with the participation of state bodies and local self-government bodies, as well as organizations financed from the republican and local budgets.
4. Everyone is guaranteed access to information held by state bodies, local self-government bodies and their officials. The procedure for providing information is determined by law.

**Article 34.**

1. Everyone is guaranteed freedom of conscience and religion.

2. Everyone has the right to profess individually or in community with others any religion or none.
3. Everyone has the right to freely choose and have religious and other beliefs.
4. No one can be forced to express their religious and other convictions or to renounce them.

**Article 35.**

Everyone has the right to compensation by the state for damage caused by illegal actions (inaction) of state bodies, local self-government bodies and their officials in the performance of official duties.

**Article 36.**

Everyone has the right to freedom of association.

### **CHAPTER III. POLITICAL RIGHTS**

**Article 37.**

1. Citizens of the Kyrgyz Republic have the right to elect and be elected to state bodies and local self-government bodies, as well as to participate in a referendum.
2. Citizens of the Kyrgyz Republic have the right to participate in the management of the affairs of society and the state, both directly and through their representatives.
3. Citizens of the Kyrgyz Republic have equal rights, equal opportunities when entering the state civil and municipal service, promotion in a position in the manner prescribed by law.
4. Citizens of the Kyrgyz Republic have the right to participate in the discussion and adoption of laws and decisions of republican and local significance.
5. Everyone has the right to appeal to state authorities, local self-government bodies and their officials, who are obliged to provide a reasoned answer within the period established by law.
6. Citizens have the right to participate in the formation of the republican and local budgets, as well as to receive information about the actually spent funds from the budget.

**Article 38.**

Citizens of the Kyrgyz Republic who have other citizenship are not entitled to hold political and special government positions. This restriction may be established by law for other public positions.

**Article 39.**

1. Everyone has the right to freedom of peaceful assembly. No one can be forced to participate in an assembly.
2. To ensure the holding of a peaceful assembly, everyone has the right to submit a notification to state bodies or local self-government bodies.
3. The organizers and participants of peaceful assemblies are not responsible for the lack of notification of a peaceful assembly, non-compliance with the form of notification, its content and deadlines for submission.
4. The organization and procedure for holding peaceful assemblies are determined by law.

### **CHAPTER IV. ECONOMIC AND SOCIAL RIGHTS**

**Article 40.**

Everyone has the right to own, use and dispose of their property, the results of their activities.

**Article 41.**

Everyone has the right to economic freedom, the free use of his or her abilities and his or her property for any economic activity not prohibited by law.

**Article 42.**

1. Everyone has the right to freedom of labour, to use his or her abilities for work, to choose a profession and occupation, protection and working conditions that meet the requirements of safety and hygiene, as well as the right to receive wages not lower than the living wage established by law.
2. Everyone has the right to rest.
3. The maximum working hours, the minimum weekly rest and paid annual leave, as well as other basic conditions for the exercise of the right to rest are determined by law.
4. Citizens have the right to strike. The procedure and conditions for conducting strikes are determined by law.

**Article 43.**

1. Everyone has the right to health care and health insurance. The conditions of health insurance are defined by law.
2. The state creates conditions for medical care for everyone and takes measures to develop state, municipal, private and other healthcare organizations.  
The state creates the necessary conditions for employees of medical organizations and provides them with social protection.

3. Citizens have the right to free use of the network of public health organizations.

Medical care, including services on preferential terms and conditions, is carried out at the expense of the state in the amount of state guarantees provided for by law.

4. Concealment by officials of facts and circumstances that pose a threat to the life and health of people shall entail liability established by law.

5. Paid medical care for citizens is allowed on the grounds and in the manner prescribed by law.

**Article 44.**

1. In the Kyrgyz Republic, in the manner and cases prescribed by law, social security is guaranteed at the expense of the state in old age, in case of illness, disability, loss of ability to work, loss of a breadwinner.

2. Pensions, social benefits and other social assistance provide a standard of living not lower than the subsistence minimum established by law.

3. The state ensures the functioning of the system of social protection of persons with disabilities, based on the full and equal exercise by them of human and civil rights and freedoms, their social integration without any discrimination, the creation of an accessible environment for persons with disabilities and improvement of their quality of life.

4. The state encourages voluntary social insurance, the creation of additional forms of social security and charitable activities.

5. The social activity of the state should not take the form of state guardianship, which restricts the economic freedom, activity and ability of a citizen to achieve economic well-being for himself or herself and his or her family.

**Article 45.**

1. Everyone has the right to housing.

2. No one may be arbitrarily deprived of housing.

3. State bodies and local self-government bodies encourage housing construction, create conditions for the realization of the right to housing.

4. Low-income and other needy persons are provided with housing from state, municipal and other housing funds or in social institutions on the grounds and in the manner prescribed by law.

**Article 46.**

1. Everyone has the right to education.

2. Basic general education is compulsory.

3. Everyone has the right to receive pre-school, basic general, secondary general and primary vocational education free of charge in state educational organizations.

4. The state creates conditions for teaching each citizen the state, official and one of the foreign languages, starting from pre-school education institutions to secondary general education.

5. The state creates equal conditions for the development of state, municipal, private and other forms of educational institutions.

6. The state creates conditions for the development of physical culture and sports.

7. The state promotes professional development of citizens in the manner prescribed by law.

**Article 47.**

1. In the Kyrgyz Republic, young people are guaranteed the right to spiritual, cultural, moral and physical development.

2. The state ensures the implementation of a youth policy aimed at creating the necessary conditions for the education and employment of young people, support for young families, free participation of young people in political, social, economic, cultural and other spheres of activities.

**Article 48.**

1. For the purpose of self-realization and personal development, everyone is guaranteed the freedom of scientific, technical, artistic and other types of creativity, teaching and learning. Everyone has the right to carry out creative activities in accordance with his or her interests and abilities.

2. Everyone has the right to participate in cultural life and access to cultural values.

3. The state creates conditions for improving the legal culture and legal awareness of citizens.

4. Intellectual property is protected by law.

**Article 49.**

1. Everyone has the right to an ecological environment favourable for life and health.

2. Everyone has the right to compensation for harm caused to health or property by actions in the field of nature usage.



3. Everyone shall protect and take care of the natural environment, flora and fauna.

**Article 50.**

Everyone shall pay taxes and fees in the cases and in the manner prescribed by law.

## **CHAPTER V. CITIZENSHIP. RIGHTS AND OBLIGATIONS OF A CITIZEN**

**Article 51.**

1. Citizenship of the Kyrgyz Republic is a stable legal relationship between a person and the state, expressed in the totality of their mutual rights and obligations.

2. No citizen may be deprived of his or her citizenship. Persons who are citizens of the Kyrgyz Republic are recognized as belonging to the citizenship of another state in accordance with the laws and international treaties to which the Kyrgyz Republic is a party.

3. Everyone who has proved his or her belonging to the people of Kyrgyzstan has the right to acquire citizenship of the Kyrgyz Republic in a simplified manner.

Kyrgyz living outside the Kyrgyz Republic, despite having the citizenship of another state, have the right to obtain citizenship of the Kyrgyz Republic in a simplified manner.

The procedure and conditions for acquiring citizenship of the Kyrgyz Republic are determined by law.

4. The passport of a citizen of the Kyrgyz Republic is the property of the state.

5. A citizen of the Kyrgyz Republic cannot be expelled from the republic or extradited to another state.

6. The Kyrgyz Republic guarantees its citizens protection and patronage outside its borders.

7. Foreign citizens or stateless persons who were previously citizens of the Kyrgyz Republic are entitled to a residence permit in a simplified manner.

**Article 52.**

1. In the Kyrgyz Republic, foreign citizens and stateless persons have rights and obligations on an equal basis with citizens of the Kyrgyz Republic, except for cases established by laws or international treaties that have entered into force in accordance with the procedure established by law, to which the Kyrgyz Republic is a party.

2. The Kyrgyz Republic, in accordance with international obligations, provides political asylum to foreign citizens and stateless persons persecuted for political reasons, as well as for violations of human rights and freedoms.

A person who has received political asylum cannot be extradited to another state.

**Article 53.**

1. Compliance with the rules and norms of social behaviour, respect for the interests of society is the duty of every person. The exercise by a person of his or her rights and freedoms must not violate the rights and freedoms of other persons.

2. Everyone has the right to carry out any actions and activities, except those prohibited by the Constitution and laws.

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

**Article 54.**

1. Defence of the Motherland is a sacred duty and obligation of the citizens of the Kyrgyz Republic.

2. Citizens of the Kyrgyz Republic carry military service within the limits and under the conditions established by law. The grounds and procedure for exemption from military service or its replacement by alternative service shall be established by law.

## **CHAPTER VI. GUARANTEES OF RIGHTS AND FREEDOMS OF HUMAN AND CITIZEN**

**Article 55.**

The Kyrgyz Republic recognizes and guarantees the rights and freedoms of a human and a citizen in accordance with the generally recognized principles and norms of international law, as well as international treaties that have entered into force in the manner prescribed by law, to which the Kyrgyz Republic is a party.

**Article 56.**

1. The state ensures the rights and freedoms of citizens in the manner prescribed by the Constitution and laws.

2. The Kyrgyz Republic should not adopt laws that abolish or diminish human rights and freedoms.

3. Restrictions concerning the physical and moral integrity of a person are permissible only on the basis of the law, by a court verdict as a punishment for a crime committed.

4. No one may be subjected to torture or other inhuman, cruel or degrading treatment or punishment.

5. Every person deprived of liberty has the right to be treated humanely without degrading human dignity.

6. Medical, biological, psychological experiments on people are prohibited without their voluntary consent, expressed and duly certified.

**Article 57.**

1. Everyone is presumed innocent of a crime and/or misdemeanour until proven guilty in the manner prescribed by law and established by a valid court verdict. Violation of this principle is the basis for compensation for material damage and moral damage in court.

2. Nobody has to prove their innocence. Any doubts about guilt shall be interpreted in favour of the accused.

3. No one can be convicted solely on the basis of his or her own confession to a crime.

4. The burden of proving guilt rests with the accuser. Evidence obtained in violation of the law cannot be used to substantiate an accusation and make a court decision.

5. No one is obliged to testify and give evidence against himself or herself, his or her spouse) and close relatives, the circle of which is determined by law.

**Article 58.**

1. Everyone has the right to have a case heard by a jury in cases provided for by law.

2. Every convicted person has the right to ask for pardon and commutation of punishment.

3. No one should be held legally responsible twice for the same offence.

4. Every convicted person has the right to have his or her case heard by a higher court in accordance with law.

5. Every person has the right to apply for the protection of his or her violated rights and freedoms to international human rights bodies in accordance with international treaties that have entered into force in the manner prescribed by law.

**Article 59.**

1. Every person has the right to liberty and security of person.

2. No one may be deprived of liberty solely on the ground that he or she is unable to fulfil a civil obligation.

3. No one can be detained, taken into custody, or deprived of liberty except by a court decision and only on the grounds and in the manner established by law.

4. No one can be detained for over 48 hours without a court order.

Each detained person must be immediately brought before a court before the expiration of 48 hours from the moment of detention to decide on the legality and justification of his or her detention. If the ground on which the person was detained ceases to exist, he or she must be released immediately.

In some cases, the law may establish shorter periods of detention.

5. Every detainee must be promptly informed of the reasons for the detention and explained his or her rights.

From the moment of detention, a person is ensured security, is given the opportunity to defend himself or herself personally, to use the qualified legal assistance of a lawyer, as well as the right to a medical examination and medical assistance.

6. Every person detained in violation of the provisions of this article shall have the right to compensation for damages at the expense of the state, with the payment of compensation in the manner and amount established by law.

In the event that knowingly illegal and unjustified arrest and detention are revealed, officials bear criminal liability.

**Article 60.**

1. A law that establishes or aggravates the liability of a person has no retroactive effect. No one can be held responsible for actions that were not recognized as an offence at the time they were committed. If, after the offence has been committed, liability for it has been eliminated or mitigated, the new law shall apply.

2. The criminal law establishing liability does not apply by analogy.

**Article 61.**

1. Everyone is guaranteed judicial protection of his or her rights and freedoms provided for by the Constitution, laws, international treaties to which the Kyrgyz Republic is a party, and generally recognized principles and norms of international law.

2. Every person has the right to protect his or her rights and freedoms, as well as to ensure the restoration of violated rights by all available means not prohibited by law.

3. The state ensures the development of out-of-court judicial and pre-trial methods, forms and means of protecting the rights and freedoms of a human and a citizen.

For out-of-court resolution of disputes arising from civil legal relations, arbitration courts may be established. The procedure for the formation, powers and activities of arbitration courts are determined by law.

4. Everyone has the right to receive qualified legal assistance. In cases stipulated by law, legal assistance is provided at the expense of the state.

**Article 62.**

1. The state guarantees the publication of laws and other regulations concerning the rights, freedoms and obligations of a person, which is a prerequisite for their application.
2. The rights and freedoms established by the Constitution are not exhaustive and should not be interpreted as a denial or derogation of other universally recognized rights and freedoms of a human and a citizen.

**Article 63.**

1. It is prohibited to pass laws restricting the freedom of speech, press and mass media.
  2. The state guarantees everyone the protection of personal data.
- Access to personal data of citizens and their receipt are carried out only in cases provided for by law.

**Article 64.**

The organization and procedure for the activities of the bar as a self-governing professional association of lawyers, as well as the rights, duties and responsibilities of lawyers are determined by law.

**Article 65.**

In the Kyrgyz Republic, folk customs and traditions that do not infringe on human rights and freedoms are supported by the state.

**SECTION THREE - GOVERNMENT AUTHORITIES****CHAPTER I. THE PRESIDENT OF THE KYRGYZ REPUBLIC****Article 66.**

1. The President is the head of state, the highest official and heads the executive power branch of the Kyrgyz Republic.
2. The President ensures the unity of the people and state power.
3. The President is the guarantor of the Constitution, of the rights and freedoms of a human and a citizen.
4. The President defines the main directions of the domestic and foreign policy of the state. The President ensures the unity of state power, coordination and interaction of state bodies.
5. The President represents the Kyrgyz Republic in domestic and international relations. The President takes measures to protect the sovereignty and territorial integrity of the Kyrgyz Republic.

**Article 67.**

1. The President is elected by the citizens of the Kyrgyz Republic for a term of 5 years.
2. The same person cannot be elected President for more than two terms.

**Article 68.**

1. A citizen of the Kyrgyz Republic who has reached the age of 35, speaks the state language and has lived in the republic for at least 15 years in total can be elected President.
2. The number of candidates for the post of President is not limited. A person who has submitted a nationwide development program and collected at least 30,000 signatures of voters can be registered as a presidential candidate.

The procedure for electing the President is determined by constitutional law.

**Article 69.**

1. Upon taking office, the President takes an oath to the people of the Kyrgyz Republic.
2. The powers of the President are terminated from the moment the newly elected President takes office.
3. For the period of exercising his or her powers, the President suspends his or her membership in a political party and stops any actions related to the activities of political parties.

**Article 70.**

1. The President:
  - 1) determines the structure and composition of the Cabinet of Ministers;
  - 2) with the consent of the Jogorku Kenesh, appoints the Chairman of the Cabinet of Ministers, his or her deputies and other members of the Cabinet of Ministers;
  - 3) accepts petitions for the resignation of the Chairman of the Cabinet of Ministers, his or her deputies and other members, adopts the decision on their resignation;
  - 4) on his or her own initiative or taking into account the proposal of the Jogorku Kenesh, the People's Kurultai, within the law, dismisses members of the Cabinet of Ministers and heads of other executive authorities;
  - 5) appoints and dismisses heads of other executive authorities;
  - 6) appoints and dismisses heads of local state administrations;
  - 7) forms the Administration of the President;
  - 8) forms and heads the Security Council;

- 9) appoints and dismisses the Secretary of State;
- 10) appoints and dismisses the Commissioner for Children's Rights.

2. The President:

- 1) adopts a decision to call a referendum on his or her own initiative or at the initiative of at least 300 thousand voters, or at the initiative of the majority of the total number of deputies of the Jogorku Kenesh;
- 2) calls elections to the Jogorku Kenesh in the cases provided for by the Constitution; decides on calling early elections to the Jogorku Kenesh in the manner and in the cases provided for by the Constitution;
- 3) calls elections to local keneshes; in the manner and cases prescribed by law, dissolves local keneshes; calls early elections to local keneshes.

3. The President:

- 1) submits draft laws to the Jogorku Kenesh;
- 2) signs and promulgates laws; returns laws with objections to the Jogorku Kenesh;
- 3) addresses the people, the Jogorku Kenesh, the People's Kurultai with annual messages on the state of affairs in the country and the main directions of the domestic and foreign policy of the state;
- 4) submits annually to the Jogorku Kenesh information on his or her activities;
- 5) has the right to convene, if necessary, an extraordinary meeting of the Jogorku Kenesh and determine the issues to be considered;
- 6) has the right to speak at meetings of the Jogorku Kenesh and the People's Kurultai.

4. The President:

- 1) submits candidates to the Jogorku Kenesh for election to the positions of judges of the Constitutional Court and the Supreme Court at the proposal of the Council for Justice Affairs;
- 2) submits candidates to the Jogorku Kenesh for the dismissal of judges of the Constitutional Court and the Supreme Court at the proposal of the Council of Judges in cases provided for by this Constitution and the constitutional law;
- 3) appoints judges of local courts on the proposal of the Council for Justice Affairs;
- 4) dismisses judges of local courts at the proposal of the Council of Judges in cases provided for by the Constitution and the constitutional law;
- 5) on the proposal of the Council of Judges from among the judges of the Constitutional Court and the Supreme Court and with the consent of the Jogorku Kenesh, appoints the Chairmen of the Constitutional Court and the Supreme Court for a period of 5 years; dismisses the Chairmen of the Constitutional Court and the Supreme Court in the manner prescribed by the Constitution and constitutional law;
- 6) on the proposal of the chairmen of the Constitutional Court and the Supreme Court, from among the judges of the Constitutional Court and the Supreme Court, appoints deputy chairmen of the Constitutional Court and the Supreme Court for a period of 5 years.

5. The President:

- 1) appoints the Prosecutor General with the consent of the Jogorku Kenesh; in cases stipulated by law, dismisses the Prosecutor General with the consent of at least half of the total number of deputies of the Jogorku Kenesh; on the proposal of the Prosecutor General, appoints and dismisses his or her deputies;
- 2) nominates a candidate to the Jogorku Kenesh for election to the post of Chairman of the National Bank; on the proposal of the chairman of the National Bank, appoints deputy chairmen and members of the board of the National Bank, in cases provided for by law, dismisses them from office;
- 3) submits to the Jogorku Kenesh nominations of candidates for the election and dismissal of half of the composition of the Central Commission for Elections and Referendums;
- 4) submits to the Jogorku Kenesh for election and dismissal of one-third of the members of the Accounts Chamber;
- 5) appoints the chairman of the Accounts Chamber from among the members of the Accounts Chamber elected by the Jogorku Kenesh and dismisses him or her in cases provided for by law.

6. The President:

- 1) represents the Kyrgyz Republic within the country and abroad;
- 2) negotiates and signs international treaties; has the right to transfer the said powers to other officials;
- 3) signs instruments of ratification and instruments of accession to international treaties;
- 4) appoints the heads of diplomatic missions of the Kyrgyz Republic in foreign states and permanent representatives in international organizations; withdraws them; accepts letters of credence and revocable letters of heads of diplomatic missions of foreign states.

7. The President decides on the issues of acceptance and renunciation of the citizenship of the Kyrgyz Republic.

8. The President is the Commander-in-Chief of the Armed Forces of the Kyrgyz Republic, determines, appoints and dismisses the highest command staff of the Armed Forces of the Kyrgyz Republic.

9. The President:

1) in the cases provided for by the constitutional law, warns of the introduction of a state of emergency, and, if necessary, introduces it in certain areas without prior announcement, of which he or she immediately informs the Jogorku Kenesh;

2) announces general or partial mobilization; declares a state of war in the event of aggression or an immediate threat of aggression against the Kyrgyz Republic and immediately submits this issue for consideration by the Jogorku Kenesh;

3) declares martial law in the interests of protecting the country and the security of its citizens and immediately submits this issue for consideration by the Jogorku Kenesh.

10. The President:

1) awards state awards, state prizes and confers honorary titles of the Kyrgyz Republic;

2) confers the highest military ranks, diplomatic ranks and other special ranks;

3) grants pardon.

11. The President exercises other powers provided by the Constitution and laws.

#### **Article 71.**

The President exercises his or her powers through the adoption of decrees and orders, which are binding on the entire territory of the Kyrgyz Republic.

#### **Article 72.**

1. The powers of the President may be terminated early in the event of resignation at his or her request, removal from office in the manner prescribed by the Constitution, as well as in case of impossibility to exercise powers due to illness or in the event of his or her death.

2. If it is impossible for the President to fulfil his or her duties due to illness, the Jogorku Kenesh, on the basis of the conclusion of the state medical commission created by it, decides on the early dismissal of the President from office by at least two-thirds of the votes of the total number of deputies of the Jogorku Kenesh.

#### **Article 73.**

1. The President may be held criminally liable after being removed from office.

2. The President may be removed from office for the following reasons:

- for violation of the Constitution and laws;

- for unlawful interference with the powers of the Jogorku Kenesh, the activities of the judiciary.

3. The decision of the Jogorku Kenesh to bring charges against the President to remove him or her from office must be taken by two-thirds of the votes of the total number of deputies of the Jogorku Kenesh at the initiative of at least half of the total number of deputies, subject to the conclusion of a special commission formed by the Jogorku Kenesh, which is sent to the Prosecutor General's Office and Constitutional Court.

4. The President may be removed from office on the basis of an accusation brought by the Jogorku Kenesh, confirmed by the conclusion of the Prosecutor General on the presence of signs of a crime in the actions of the President, and the conclusion of the Constitutional Court on compliance with the established procedure for bringing charges.

5. The decision of the Jogorku Kenesh to remove the President from office must be taken by a majority of at least two-thirds of the total number of deputies of the Jogorku Kenesh no later than three months after the accusation against the President is brought. If within this period the decision of the Jogorku Kenesh is not adopted, the accusation is considered dismissed.

#### **Article 74.**

1. In the event of early termination of his or her powers by the President for the reasons specified in the Constitution, until the election of a new President, his or her powers shall be performed by the Toraga of the Jogorku Kenesh.

2. If the Toraga of the Jogorku Kenesh cannot exercise the powers of the President, the powers of the President are exercised by the Chairman of the Cabinet of Ministers.

3. If the Toraga of the Jogorku Kenesh and the Chairman of the Cabinet of Ministers cannot exercise the powers of the President, the execution of the powers of the President is determined by the constitutional law.

#### **Article 75.**

1. All former presidents, except for those removed from office in accordance with the procedure established by the Constitution, have the status of ex-president of the Kyrgyz Republic.

2. The status of the ex-president is established by law.

## CHAPTER II. LEGISLATIVE POWER OF THE KYRGYZ REPUBLIC

### Article 76.

1. Jogorku Kenesh is the Parliament of the Kyrgyz Republic and the highest representative body exercising legislative power and control functions within its powers.

2. The Jogorku Kenesh consists of 90 deputies and is elected for a term of 5 years.

A citizen of the Kyrgyz Republic who has reached the age of 25 on the election day and has the right to vote may be elected as a deputy of the Jogorku Kenesh.

The procedure for electing deputies to the Jogorku Kenesh is determined by the constitutional law.

3. A deputy of the Jogorku Kenesh may be recalled in the manner and in the cases provided for by the constitutional law.

4. Deputies of the Jogorku Kenesh may join factions and deputy groups.

### Article 77.

1. The Jogorku Kenesh gathers for its first session no later than 15 days after the election results are determined.

2. The first session of the Jogorku Kenesh is opened by the oldest by age deputy of the Jogorku Kenesh.

3. From the day of the first meeting of the Jogorku Kenesh, the powers of the deputies of the Jogorku Kenesh of the previous convocation shall cease.

4. The powers of the newly elected deputies of the Jogorku Kenesh begin from the day they take the oath.

### Article 78.

1. A deputy of the Jogorku Kenesh may not be subjected to persecution for the opinions expressed by him or her in connection with his or her deputy activity or for the results of voting in the Jogorku Kenesh. Bringing a deputy to criminal liability is allowed only with the consent of the majority of the total number of deputies of the Jogorku Kenesh, except for cases when he or she was caught at the scene of the crime.

2. A deputy of the Jogorku Kenesh may not combine deputy activity with other state or municipal service. He or she cannot carry out entrepreneurial activities, be a member of the body or supervisory board of a commercial organization.

A deputy of the Jogorku Kenesh may be engaged in scientific, pedagogical and other creative activities.

### Article 79.

1. The powers of a deputy of the Jogorku Kenesh shall terminate simultaneously with the termination of the activities of the corresponding convocation of the Jogorku Kenesh.

2. The powers of a deputy of the Jogorku Kenesh are terminated early in the following cases:

1) submission by him or her of a written application for the resignation of deputy powers;

2) renunciation of citizenship, acceptance of citizenship of another state;

3) withdrawal of a deputy mandate;

4) transfer to another job or non-leaving a job that is incompatible with the performance of deputy powers;

5) recognition of elections as invalid;

6) departure for permanent residence outside the Kyrgyz Republic;

7) declaring a deputy incompetent by a court;

8) the entry into force of a judgement of conviction against him or her;

9) absence from meetings of the Jogorku Kenesh without good reason for 10 working days during one session;

10) the entry into force of a court decision on declaring him or her missing or dead;

11) death of a deputy.

3. Early termination of the powers of a deputy of the Jogorku Kenesh on the specified grounds is carried out by a decision of the Central Commission for Elections and Referendums, adopted no later than 30 calendar days from the date of establishing the grounds.

### Article 80.

1. Jogorku Kenesh:

1) makes changes and additions to this Constitution in the manner prescribed by the Constitution;

2) passes laws;

3) gives official interpretation of laws;

4) ratifies and denounces international treaties in the manner prescribed by law;

5) resolve issues on changing the state borders of the Kyrgyz Republic;

6) gives consent to the appointment of the Chairman of the Cabinet of Ministers, his or her deputies and members of the Cabinet of Ministers;

7) approves the republican budget;

8) hears the annual report of the Cabinet of Ministers on the execution of the republican budget;

9) considers issues of the administrative-territorial structure of the Kyrgyz Republic;

10) issue acts of amnesty.

2. Jogorku Kenesh:

1) calls the election of the President;

2) submits to the President proposals on holding a referendum in the manner prescribed by the Constitution.

3. Jogorku Kenesh:

1) on the basis of the proposal of the Council for Justice Affairs, on the proposal of the President, elects judges of the Supreme Court and the Constitutional Court by at least half of the total number of deputies of the Jogorku Kenesh; in cases stipulated by the Constitution and constitutional law, releases them from office upon the proposal of the President;

2) with at least half of the votes of the total number of deputies of the Jogorku Kenesh gives consent to the candidates nominated by the President for the appointment of the chairmen of the Constitutional Court and the Supreme Court from among their judges for a period of 5 years;

3) gives consent to the dismissal of the chairmen of the Constitutional Court and the Supreme Court on the proposal of the President on the basis of the proposal of the Council of Judges in cases provided for by the constitutional law;

4) approves the composition of the Council for Justice Affairs in the manner prescribed by the constitutional law;

5) elects, on the proposal of the President, the chairman of the National Bank; dismisses him or her from office in cases provided for by law;

6) elects members of the Central Commission for Elections and Referendums: one half is based on the proposal of the President, the other half is on its own initiative; and releases them in cases provided for by law;

7) elects members of the Accounts Chamber: one third of the composition is based on the proposal of the President, two thirds are on its own initiative; releases them from office in cases provided for by law;

8) elects, in cases provided for by law, dismisses the Akyikatchy (Ombudsman); gives consent to bringing him or her to criminal liability;

9) elects, in cases provided for by law, dismisses from office on the proposal of the Akyikatchy (Ombudsman) his or her deputies, gives consent to bringing them to criminal liability;

10) on the proposal of the President, gives consent to the appointment, dismissal and bringing to criminal liability of the Prosecutor General by at least half of the votes of the total number of deputies of the Jogorku Kenesh;

11) approves by a majority of at least two-thirds of the votes of the total number of deputies of the Jogorku Kenesh the initiative of one third of the total number of deputies of the Jogorku Kenesh to dismiss the Prosecutor General in cases provided for by law.

4. Jogorku Kenesh:

1) introduces a state of emergency in the manner and in the cases provided for by the constitutional law; approves or cancels decrees of the President on this issue;

2) resolve issues of war and peace, the imposition of martial law, the declaration of a state of war; approves or cancels decrees of the President on this issue;

3) resolves the issue of the possibility of using the Armed Forces of the Kyrgyz Republic outside its borders, if necessary, to fulfil interstate treaty obligations to maintain peace and security;

4) establishes military ranks, diplomatic ranks and other special ranks of the Kyrgyz Republic;

5) establishes state awards, state prizes and honorary titles of the Kyrgyz Republic.

5. Jogorku Kenesh:

1) hears annual messages, information of the President and speeches of representatives of foreign states, international organizations;

2) hears the annual reports of the Akyikatchy (Ombudsman) and the Chairman of the Central Commission for Elections and Referendums;

3) hears the annual reports of the Prosecutor General, chairmen of the National Bank, the Accounts Chamber.

6. The Jogorku Kenesh, in the manner prescribed by the Constitution, brings charges against the President; decides to remove the President from office.

7. The Jogorku Kenesh exercises other powers provided for by the Constitution and laws of the Kyrgyz Republic.

#### **Article 81.**

1. The Jogorku Kenesh elects the Toraga of the Jogorku Kenesh and his or her deputies from among its members.

2. The Toraga of the Jogorku Kenesh:

- 1) conducts meetings of the Jogorku Kenesh;
  - 2) carries out general management of the preparation of issues for consideration at meetings of the Jogorku Kenesh;
  - 3) signs the acts adopted by the Jogorku Kenesh;
  - 4) represents the Jogorku Kenesh in the Kyrgyz Republic and abroad, ensures the interaction of the Jogorku Kenesh with the President, the People's Kurultai, state executive bodies, judicial authorities and local self-government;
  - 5) carries out general management and control over the activities of the apparatus of the Jogorku Kenesh;
  - 6) exercises other powers to organize the activities of the Jogorku Kenesh, provided for by the Rules of the Jogorku Kenesh.
3. The Toraga of the Jogorku Kenesh is elected by secret ballot by a majority vote of the total number of deputies of the Jogorku Kenesh.

The Toraga of the Jogorku Kenesh annually reports to the Jogorku Kenesh.

The Toraga of the Jogorku Kenesh may be recalled by the decision of the Jogorku Kenesh adopted by a majority vote of the total number of deputies.

#### **Article 82.**

1. The Jogorku Kenesh forms committees from among the deputies, as well as temporary commissions; forms their compositions.
2. The committees of the Jogorku Kenesh carry out the preparation and preliminary consideration of issues related to the powers of the Jogorku Kenesh, control the implementation of laws and decisions adopted by the Jogorku Kenesh.
3. Laws, regulations of the Jogorku Kenesh are adopted after preliminary consideration of their drafts by the relevant committees of the Jogorku Kenesh.
4. The appointment and dismissal of the heads of state bodies assigned to the powers of the Jogorku Kenesh are made at a meeting of the Jogorku Kenesh, subject to the conclusion of the relevant committees of the Jogorku Kenesh.

#### **Article 83.**

1. Sessions of the Jogorku Kenesh are carried out in the form of meetings and are held from the first working day of September to the last working day of June of the next year.
2. Sittings of the Jogorku Kenesh are held openly, if the nature of the issues under consideration does not require holding closed meetings.
3. Extraordinary sessions of the Jogorku Kenesh are convened by the President, the Toraga of the Jogorku Kenesh and at the initiative of at least one third of the deputies of the Jogorku Kenesh.
4. The session of the Jogorku Kenesh is valid provided that the majority of the total number of deputies of the Jogorku Kenesh is present at it.
5. Decisions of the Jogorku Kenesh are taken at meetings by personal voting of deputies.

#### **Article 84.**

1. The Jogorku Kenesh may decide to dissolve itself. The decision on self-dissolution is taken at the initiative of one third of the total number of deputies of the Jogorku Kenesh by a majority of at least two thirds of the votes.
2. The President calls early elections within five days from the date of dissolution of the Jogorku Kenesh.

#### **Article 85.**

The right of legislative initiative belongs to:

- 1) 10 thousand voters (popular initiative);
- 2) the President;
- 3) deputies of the Jogorku Kenesh;
- 4) Chairman of the Cabinet of Ministers;
- 5) the Supreme Court on matters within its jurisdiction;
- 6) People's Kurultai;
- 7) the Attorney General on matters within his or her jurisdiction.

#### **Article 86.**

1. Draft laws are submitted to the Jogorku Kenesh.
2. Draft laws defined by the President and the Chairman of the Cabinet of Ministers as urgent are considered by the Jogorku Kenesh in an extraordinary manner.
3. Draft laws providing for an increase in expenditures covered by the state budget are adopted by the Jogorku Kenesh after the Cabinet of Ministers determines the source of funding.
4. Laws are adopted by the Jogorku Kenesh in three readings.



Laws, decisions of the Jogorku Kenesh are adopted by a majority of the total number of deputies, unless otherwise provided for by the Constitution.

5. Constitutional laws, laws on changing the state border are adopted by the Jogorku Kenesh in at least three readings by a majority of at least two-thirds of the votes of the total number of deputies of the Jogorku Kenesh.

#### **Article 87.**

1. The law adopted by the Jogorku Kenesh is sent to the President for signing within 14 working days.

2. The President no later than one month from the date of receipt of the law signs or returns it with his or her objections to the Jogorku Kenesh for reconsideration.

3. If, upon reconsideration, the law returned with objections is approved in the previously adopted version by a majority of at least two-thirds of the total number of deputies of the Jogorku Kenesh, such a law must be signed by the President within 14 working days from the date of receipt.

#### **Article 88.**

The law enters into force after 10 days from the date of its official publication in the official print body, unless another period is provided for in the law itself or the law on the procedure for its entry into force.

### **CHAPTER III. EXECUTIVE POWER OF THE KYRGYZ REPUBLIC**

#### **Article 89.**

1. Executive power in the Kyrgyz Republic is exercised by the President.

2. The structure and composition of the Cabinet of Ministers are determined by the President.

The Chairman of the Cabinet of Ministers is the head of the Presidential Administration.

3. The President, on the basis of a constitutional law, directs the activities of the executive branch, gives instructions to the Cabinet of Ministers and its subordinate bodies, controls the implementation of its instructions, cancels acts of the Cabinet of Ministers and its subordinate bodies, and temporarily removes members of the Cabinet of Ministers from office.

4. The President presides over meetings of the Cabinet of Ministers.

5. The President is personally responsible for the results of the activities of the Cabinet of Ministers and the executive branch.

6. If the Jogorku Kenesh recognizes the report on the execution of the republican budget as unsatisfactory, the responsibility of members of the Cabinet of Ministers is considered by the President.

#### **Article 90.**

1. The Cabinet of Ministers consists of the Chairman, Deputy Chairmen and other members of the Cabinet of Ministers.

The Chairman of the Cabinet of Ministers, his or her deputies and members of the Cabinet of Ministers are appointed by the President with the consent of the Jogorku Kenesh.

2. The Chairman of the Cabinet of Ministers, in accordance with the Constitution, constitutional law and decrees of the President, organizes the activities of the Cabinet of Ministers.

The Chairman of the Cabinet of Ministers is responsible to the President for the activities of the Cabinet of Ministers.

#### **Article 91.**

1. The Cabinet of Ministers:

1) ensures the implementation of the Constitution and laws;

2) implements the main directions of the domestic and foreign policy of the state;

3) takes measures to ensure the rule of law, the rights and freedoms of citizens, the protection of public order, and the fight against crime;

4) ensures the implementation of measures to protect the sovereignty and territorial integrity of the state, the protection of the constitutional order, as well as measures to strengthen the defence capability, national security and law and order;

5) ensures the implementation of financial, price, tariff, investment and tax policies;

6) develops the republican budget and ensures its implementation;

7) takes measures to ensure equal conditions for the development of all forms of ownership and their protection, management of state property;

8) ensures the implementation of a unified state policy in the socio-economic and cultural spheres;

9) develops and implements nationwide programs for economic, social, scientific and technological, spiritual and cultural development;

10) ensures the implementation of foreign economic activity;

11) ensures effective interaction with civil society;

12) exercises other powers assigned to its jurisdiction by the Constitution and laws.

2. The organization and procedure for the activities of the Cabinet of Ministers are determined by the constitutional law.

**Article 92.**

1. The President, on his or her own initiative, has the right to dismiss the current composition or a member of the Cabinet of Ministers.

2. Members of the Cabinet of Ministers have the right to submit their resignations. Resignation is accepted or rejected by the President.

The resignation of the Chairman of the Cabinet of Ministers does not entail the resignation of the entire Cabinet of Ministers.

3. Until the appointment of a new composition of the Cabinet of Ministers, the current composition of the Cabinet of Ministers continues to perform its duties.

4. The assumption of office by the elected President entails the resignation of the entire composition of the Cabinet of Ministers.

**Article 93.**

1. The executive power on the territory of the corresponding administrative-territorial unit is exercised by the local state administration.

2. The organization and activities of the local state administration are determined by law.

3. Local state administrations operate on the basis of the Constitution, laws, regulations of the President and the Cabinet of Ministers.

4. Decisions of the local state administration, adopted within its competence, are binding on the relevant territory.

**CHAPTER IV. JUDICIAL POWER OF THE KYRGYZ REPUBLIC**

**Article 94.**

1. Justice in the Kyrgyz Republic is carried out only by the court.

In the manner and cases prescribed by law, citizens of the Kyrgyz Republic have the right to participate in the administration of justice.

2. Judicial power is exercised through constitutional, civil, criminal, administrative and other forms of legal proceedings provided for by law.

3. The judicial system of the Kyrgyz Republic is established by the Constitution and laws; it consists of the Constitutional Court, the Supreme Court and local courts.

Specialized courts may be established by law.

The creation of emergency courts is not allowed.

4. The order of organization and activity of the courts is determined by the constitutional law.

**Article 95.**

1. Judges are independent and subject only to the Constitution and laws.

2. A judge has the right of inviolability and cannot be detained or taken into custody, subjected to a search or body search, except when he or she was caught at the scene of a crime.

3. No one has the right to demand from the judge a report on a particular case.

Any interference in the administration of justice is prohibited. Persons guilty of influencing a judge shall be liable under the law.

4. The judge is provided with social, material and other guarantees of his or her independence in accordance with his or her status.

5. A judge of the Constitutional Court may be a citizen of the Kyrgyz Republic not younger than 40 years old and not older than 70 years old, who has a higher legal education and at least 15 years of experience in the legal profession.

A judge of the Supreme Court may be a citizen of the Kyrgyz Republic not younger than 40 years old and not older than 70 years old, who has a higher legal education and at least 15 years of experience in the legal profession, including at least 5 years as a judge.

6. Judges of the Constitutional Court and the Supreme Court are elected until reaching the age limit.

7. Chairmen of the Constitutional Court and the Supreme Court are appointed by the President at the proposal of the Council of Judges and with the consent of the Jogorku Kenesh from among the judges of the Constitutional Court and the Supreme Court for a period of 5 years.

Deputy Chairmen of the Constitutional Court and the Supreme Court are appointed by the President on the

proposal of the Chairman of the Constitutional Court and the Supreme Court for a period of 5 years.

8. A judge of a local court may be a citizen of the Kyrgyz Republic not younger than 30 years old and not older than 65 years old, who has a higher legal education and at least 5 years of experience in the legal profession. Judges of local courts are appointed by the President on the proposal of the Council for Justice Affairs for the first time for a period of 5 years, and subsequently until reaching the age limit. The procedure for the nomination and appointment of judges of local courts is determined by the constitutional law.

From among the judges of local courts, the chairman of the Supreme Court appoints the chairmen of local courts and their deputies for a period of 5 years.

9. The status of judges of the Kyrgyz Republic is determined by the constitutional law, which may establish additional requirements for candidates for judicial positions and certain restrictions for judges of the Constitutional Court, the Supreme Court and local courts.

#### **Article 96.**

1. Judges of all courts of the Kyrgyz Republic hold their positions and retain their powers as long as their behaviour is impeccable. Violation of the requirements of the impeccable behaviour of a judge is the basis for bringing the judge to responsibility in the manner determined by the constitutional law.

2. In case of violation of the requirements of impeccability, the judge of the local court is dismissed from office at the proposal of the Council of Judges in accordance with the constitutional law.

On the above grounds, judges of the Constitutional Court and the Supreme Court may be early dismissed by the Jogorku Kenesh by a majority of at least two-thirds of the total number of deputies of the Jogorku Kenesh upon the proposal of the President, except for the cases specified in the Constitution.

The dismissal of judges of local courts in the cases specified in the Constitution is carried out by the President upon the proposal of the Council of Judges.

A person dismissed from the position of a judge in connection with his or her violation of the requirements of impeccability shall not have the right to further hold the positions of a judge and positions in law enforcement bodies established by law, and shall be deprived of the right to enjoy the benefits established for judges.

3. The powers of a judge are terminated at the proposal of the Council of Judges by the body that appointed him or her in accordance with the constitutional law, from the date of occurrence of the following grounds:

- death of a judge;
- reaching the age limit;
- voluntary resignation or transfer to another job;
- declaring him dead or missing;
- recognition as incompetent;
- renunciation of citizenship or acceptance of citizenship of another state;
- in other cases not related to violation of the requirements of impeccable behaviour.

4. Temporary removal from office, bringing judges to criminal and other liability is allowed with the consent of the Council of Judges in the manner determined by the constitutional law.

5. The selection of candidates for the positions of judges of local courts is carried out by the Council for Justice Affairs in the manner determined by constitutional law.

6. The transfer (rotation) of a judge of a local court is carried out by the President on the proposal of the Chairman of the Supreme Court in the manner and in the cases determined by the constitutional law.

7. The Council for Justice Affairs is formed from among judges, constituting at least two thirds of its composition, representatives of the President, the Jogorku Kenesh, the People's Kurultai and the legal community, constituting one third of its composition.

8. The organization and activities of the Council for Justice Affairs, its powers and the procedure for its formation are determined by the constitutional law.

#### **Article 97.**

1. The Constitutional Court is the highest body of judicial power, exercising constitutional control through constitutional proceedings to protect the foundations of the constitutional order, fundamental rights and freedoms of a human and citizen, to ensure the rule and direct operation of the Constitution.

2. Constitutional Court:

- 1) gives official interpretation of the Constitution;
- 2) resolve cases on the compliance of laws and other regulations of the Kyrgyz Republic with the Constitution;
- 3) gives an opinion on the constitutionality of international treaties that have not entered into force, to which the Kyrgyz Republic is a party;
- 4) resolves disputes on competence between the branches of state power;
- 5) gives an opinion to the draft law on amendments and additions to this Constitution;

- 6) gives an opinion on compliance with the established procedure for bringing charges against the President.
3. Everyone has the right to challenge the constitutionality of a law and other regulations if he or she considers that they violate the rights and freedoms recognized by the Constitution.
4. The decision of the Constitutional Court is final and not subject to appeal.

5. The establishment by the Constitutional Court of the unconstitutionality of laws or their provisions cancels their effect on the territory of the Kyrgyz Republic, and also cancels the effect of other regulatory legal acts based on laws or their provisions recognized as unconstitutional, with the exception of court decisions.

The establishment by the Constitutional Court of the unconstitutionality of by-laws or their parts cancels their effect on the territory of the Kyrgyz Republic.

6. Judicial decisions based on the norms of laws recognized as unconstitutional are reviewed by the court in each specific case on the basis of complaints from citizens whose rights and freedoms have been affected.
7. The composition and procedure for the formation of the Constitutional Court, as well as the procedure for the implementation of constitutional proceedings are determined by the constitutional law.

#### **Article 98.**

1. The Supreme Court of the Kyrgyz Republic is the highest judicial authority.
2. The Supreme Court reviews court decisions on applications from participants in a trial in civil, criminal, economic, administrative and other cases in the manner prescribed by law.
3. The Plenum of the Supreme Court gives clarifications on issues of judicial practice, which are obligatory for all courts and judges of the Kyrgyz Republic.
4. The decisions of the Supreme Court are final and not subject to appeal.

#### **Article 99.**

1. The state provides funding and proper conditions for the functioning of the courts and the activities of judges. Financing of the courts is carried out at the expense of the republican budget and should ensure the possibility of full and independent administration of justice.
2. The budget of the judiciary is formed by the judicial power independently and is included in the republican budget.

#### **Article 100.**

1. Trials in all courts are open. Hearing of the case in closed session is allowed only in cases stipulated by law. The decision of the court is announced publicly.
2. Trial of cases in absentia in courts is not allowed, except in cases provided for by law.
3. Legal proceedings are carried out on the basis of equality and competitiveness of the parties.
4. Cancellation, amendment or suspension of a court decision shall be carried out by the court in accordance with the procedure established by law.
5. The procedural rights of participants in the trial, as well as the rights of persons whose rights and interests were affected by court decisions, including the right to appeal against decisions, sentences, as well as the procedure for their implementation, are determined by law.

#### **Article 101.**

1. Decisions of the courts of the Kyrgyz Republic that have entered into legal force are binding on all state bodies, local self-government bodies, legal entities, public associations, officials and individuals and are subject to execution throughout the territory of the republic.
2. The court exercises control over the execution of court decisions and private rulings adopted by it.
3. Non-execution, improper execution or obstruction of the execution of court decisions shall entail liability established by law.

#### **Article 102.**

1. The court is not entitled to apply a regulation that is contrary to the Constitution.
2. If, during the consideration of a case in a court of any instance, a question arose about the constitutionality of a law or other regulation on which the decision of the case depends, the court sends a request to the Constitutional Court.

#### **Article 103.**

1. Judicial self-government operates to resolve issues of the internal activities of the courts.
2. The bodies of judicial self-government in the Kyrgyz Republic are the Congress of Judges, the Council of Judges and the Assembly of Judges.  
The Congress of Judges is the highest body of judicial self-government.  
The Council of Judges is an elected body of judicial self-government, which operates between congresses of

judges and protects the rights and legitimate interests of judges, considers issues of bringing judges to disciplinary responsibility, controls the formation and execution of the budget of courts, and organizes training and advanced training for judges.

The Assembly of Judges is the primary body of judicial self-government.

3. The organization and procedure for the activities of bodies of judicial self-government are determined by law.

**Article 104.**

Justice is administered free of charge in the cases provided for by law, as well as in any case when the persons participating in the trial present evidence that they do not have sufficient funds to conduct it.

## **CHAPTER V. STATE AUTHORITIES OF THE KYRGYZ REPUBLIC WITH A SPECIAL STATUS**

**Article 105.**

Supervision over the exact and uniform execution of laws and other regulations is carried out by the Prosecutor's Office of the Kyrgyz Republic.

The prosecution authorities carry out criminal prosecution, participate in court proceedings, supervise the execution of court decisions and other powers provided for by constitutional law.

**Article 106.**

The National Bank supervises the banking system of the Kyrgyz Republic, determines and implements the monetary policy in the Kyrgyz Republic, develops and implements a single currency policy, has the exclusive right to issue banknotes, and implements various forms and principles of bank financing.

**Article 107.**

The Central Commission for Elections and Referendums ensures the preparation and conduct of elections and referendums in the Kyrgyz Republic.

**Article 108.**

The Accounts Chamber audits the execution of the republican and local budgets, extra-budgetary funds, the use of state and municipal property.

**Article 109.**

Parliamentary control over the observance of human and civil rights and freedoms in the Kyrgyz Republic is carried out by Akyikatchy (Ombudsman).

**Article 110.**

The organization and procedure for the activities of the state bodies specified in this section, as well as guarantees of their independence, are determined by constitutional laws.

## **SECTION FOUR - LOCAL SELF-GOVERNMENT**

**Article 111.**

1. Local self-government is the right guaranteed by the Constitution and the real opportunity for local communities to independently resolve issues of local importance in their own interests and under their own responsibility.

2. Local self-government in the Kyrgyz Republic is carried out by local communities on the territory of the respective administrative-territorial unit.

3. Local self-government is exercised by local communities of citizens directly or through local self-government bodies.

4. Financing of local self-government is provided from the relevant local budget, as well as from the republican budget.

5. The state guarantees the independence of local self-government bodies in matters of formation and execution of local budgets.

The formation and execution of the local budget is carried out in accordance with the principles of transparency, public participation and accountability of local governments to the local community.

**Article 112.**

1. Local self-government bodies consist of representative bodies and executive bodies.

2. Executive bodies of local self-government and their heads are accountable in their activities to representative bodies.

**Article 113.**

1. Deputies of local keneshes are elected by citizens residing in the corresponding administrative-territorial unit in the manner prescribed by law with equal opportunities.

2. The powers and organization of the activities of the executive bodies of local self-government are determined

in the manner prescribed by law.

3. In accordance with the law, local keneshes:

1) approve local budgets, control their execution;

2) approve programs of socio-economic development and social protection of the population of the local community;

3) resolve other issues of local importance in cases provided for by laws.

**Article 114.**

1. State bodies have no right to interfere with the powers of local self-government bodies, except in cases provided for by law.

2. State powers may be delegated to local self-government bodies upon transfer of material, financial and other resources necessary for their implementation. State powers may be delegated to local self-government bodies on the basis of laws and other regulations. Local self-government bodies are accountable to state bodies for the powers delegated to them.

3. Local self-government bodies are responsible to the state and its bodies for the implementation of laws, to the local community for the results of their work.

4. Local self-government bodies are guaranteed judicial protection in the event of reimbursement of additional expenses of the local budget arising by decision of state bodies.

**Article 115.**

1. In the Kyrgyz Republic, citizens have the right to establish aksakal courts.

2. The courts of aksakals, in accordance with the powers provided for by law, consider cases to reconcile the parties and make fair decisions that do not contradict the law.

3. Decisions of aksakal courts may be appealed in the manner prescribed by law.

4. The activity of aksakal courts is financed from the local budget.

5. The procedure for the creation of aksakal courts, their powers and activities are determined by law.

**SECTION FIVE - PROCEDURE FOR ADOPTING, AMENDING AND ADDITIONING THE CONSTITUTION**

**Article 116.**

1. The Constitution may be adopted at the initiative of at least 300,000 voters or the President, or two-thirds of the total number of deputies of the Jogorku Kenesh in a referendum appointed by the President.

2. Changes and additions to the provisions of the first, second and fifth sections of the Constitution may be adopted at the initiative of at least 300,000 voters or the President, or two-thirds of the total number of deputies of the Jogorku Kenesh in a referendum appointed by the President.

3. Changes and additions to the provisions of the third and fourth sections of the Constitution are adopted by the Jogorku Kenesh at the initiative of the President or two thirds of the total number of deputies of the Jogorku Kenesh.

The Jogorku Kenesh adopts the law on amendments and additions to the Constitution no later than 6 months from the date of submission of the draft law for consideration by the Jogorku Kenesh.

The law on amendments to the Constitution is adopted by the Jogorku Kenesh by a majority of at least two thirds of the votes of the total number of deputies of the Jogorku Kenesh after at least three readings with a break between readings of 2 months.

4. The Constitutional Court of the Kyrgyz Republic issues an opinion for making amendments and additions to the Constitution.

5. It is prohibited to adopt the Constitution and make amendments and additions to the Constitution during a state of emergency and martial law.

6. The law on the adoption of the Constitution, amendments and additions to the Constitution is signed by the President.

7. Amendments and additions to the Constitution may provide for the adoption of the Constitution in a new edition.

**Article 2.**

1. The Constitution of the Kyrgyz Republic, as amended by this Law, is signed by the President of the Kyrgyz Republic.

2. Laws and other regulations that were in force on the territory of the Kyrgyz Republic before the entry into force of the Constitution as amended by this Law shall be applied to the extent that does not contradict this Constitution.

3. Part 2 of Article 44 of the Constitution as amended by this Law shall enter into force on 1 January 2023.

**Article 3.**

1. The President of the Kyrgyz Republic, elected in 2021 for a term of 6 years, exercises powers in accordance with the Constitution. The term of the elected President for 6 years shall be counted as the first term of election in accordance with this Constitution.

2. Prior to the election of elected bodies and the appointment of officials at all levels in accordance with the Constitution as amended by this Law, elected and appointed state bodies and officials continue to exercise their powers until they are elected, formed or appointed.

3. Elections of deputies of the Jogorku Kenesh are held in accordance with this Constitution.

**Article 4.**

In connection with the entry into force of the Constitution as amended by this Law, the Government of the Kyrgyz Republic is considered to have resigned. Until the composition of the Cabinet of Ministers is formed in accordance with the Constitution as amended by this Law, the President, on the basis of a Decree, temporarily forms the composition of the Cabinet of Ministers and appoints the heads of other executive bodies.

**Article 5.**

1. The current judges of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic are recognized as judges of the Constitutional Court of the Kyrgyz Republic and retain their powers for the entire period of their election.

2. Judges of the Supreme Court of the Kyrgyz Republic retain their powers for the entire period of their election.

3. The Chairman of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic and his or her deputies, the Chairman of the Supreme Court of the Kyrgyz Republic and his or her deputies shall retain their powers for the term for which they were elected or approved.

4. The current judges of local courts retain their powers for the entire term of their appointment.

**Article 6.**

Until the formation of the Council for Justice Affairs in accordance with the constitutional law, the Council for the Selection of Judges performs its functions.

**Article 7.**

1. This Law and the Constitution as amended by this Law shall enter into force on the day of its official publication.

2. From the date of entry into force of this Law and the Constitution, to recognize as invalid:

- The Constitution of the Kyrgyz Republic, adopted by referendum on 27 June 2010;
- Law of the Kyrgyz Republic “On Enactment of the Constitution of the Kyrgyz Republic,” adopted by referendum on 27 June 2010;
- Law of the Kyrgyz Republic “On Amendments to the Constitution of the Kyrgyz Republic” dated 28 December 2016 No. 218.

3. Keep 5 May as the Day of the adoption of the first Constitution of independent and sovereign Kyrgyzstan.

**Article 8.**

Within six months, the Jogorku Kenesh and the Cabinet of Ministers must take the necessary measures arising from the Constitution, including bringing existing laws and their decisions in line with the Constitution.

President of the Kyrgyz Republic      S. Zhaparov