

LAW OF THE KYRGYZ REPUBLIC
ON THE NEW EDITION OF THE CONSTITUTION
OF THE KYRGYZ REPUBLIC

We, the People of the Kyrgyzstan, supporting revival and improvement of the statehood of the Kyrgyz people; remembering that the unity of the Kyrgyz is the basis for stability of the country and accord of all people of the Kyrgyzstan; following precepts of our ancestors to live in unity, peace and accord, hereby adopt this Constitution.

SECTION I

The Constitution of the Kyrgyz Republic adopted on the 12th session of the Supreme Council of the Republic of Kyrgyzstan on May 5, 1993 shall be set out in the following wording:

CONSTITUTION OF THE KYRGYZ REPUBLIC

CHAPTER ONE

General Principles of the Constitutional Order

Article 1

1. The Kyrgyz Republic (Kyrgyzstan) is a sovereign, unitary, democratic, rule-of-law, social state.
2. The sovereignty of the Kyrgyz Republic is not limited and shall extend throughout its territory.
3. The people of Kyrgyzstan are the holders of sovereignty and are the single source of state power in the Kyrgyz Republic.
4. The people of the Kyrgyz Republic exercise their power directly and through a system of state bodies and local self-governance bodies on the basis of this Constitution and laws of the Kyrgyz Republic.

The President and the Jogorku Kenesh elected by people have the right to act on their behalf.

5. Laws and other important matters of state life may be referred for a referendum (national vote). The procedure for holding a referendum shall be established by constitutional law.
6. Citizens of the Kyrgyz Republic elect the President of the Kyrgyz Republic, deputies of the Jogorku Kenesh of the Kyrgyz Republic and and deputies of local keneshes.

Elections shall be free and shall be held on the basis of universal equal and direct suffrage by secret ballot. Citizens who have attained the age of 18 shall have voting rights.

Article 2

1. The State and its bodies shall serve the whole society, and not a particular group.
2. No separate group of people, association, or any individual person shall have the right to usurp power of the State.

3. The state, its bodies, local self-government bodies and their officials shall not act outside the scope of their authorities stipulated by this Constitution.

Article 3

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

2. For purposes of organizing state governance and local self-governance, the territory of the Kyrgyz Republic is divided into administrative territorial units determined by law.

3. The cities of Bishkek and Osh shall be cities of the republican significance and their status shall be determined by law.

Article 4

1. In the Kyrgyz Republic, private, state, communal, and other forms of property shall be recognized and protected.

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

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

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

4. The Kyrgyz Republic shall protect the right of ownership of its citizens and legal entities to property, and also their and its own property and ownership located within territories of other states.

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

The land also may be private, communal, or other type of property.

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

Article 5

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

2. In the Kyrgyz Republic, the Russian language shall be used as an official language.

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

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

Article 6

1. The Kyrgyz Republic has state symbols - the State Flag, Emblem, and Anthem, their description and manner of official use shall be established by law.
2. The Capital of the Kyrgyz Republic is the City of Bishkek.
3. The unit of currency of the Kyrgyz Republic is the Som.

Article 7

1. State power in the Kyrgyz Republic is based on the following principles:
 - the supremacy of the power of the people, represented and ensured by the nationally elected head of the state, the President of the Kyrgyz Republic;
 - the separation of state power into legislative, executive, and judicial branches, and their coordinated functioning and interaction;
 - the responsibility of state bodies and local self-governing bodies to the people and execution by them of their authority in the interest of the people;
 - the differentiation between functions and authorities of state power and local self-governance.

Article 8

1. In the Kyrgyz Republic no religion shall be recognized as the state one or mandatory.
2. In the Kyrgyz Republic political diversity shall be recognized.
3. In the Kyrgyz Republic political parties, trade unions and other public associations may be organized; the State ensures the observance of their rights and legal interests.
4. Political parties may participate in State affairs only in the ways provided by this Constitution and laws:
5. In the Kyrgyz Republic the following are not allowed:
 - merger of State and party institutions, as well as subordination of State activity to party programs and decisions;
 - establishment and activity of party organizations within state institutions and organizations; carrying out party activity by civil servants, excluding cases when such activity is carried out outside their work activities;
 - membership in parties and rendering support to any political party by those serving in the military, law enforcement and judicial bodies.
 - establishment of political parties on a religious basis. Religious organizations shall not pursue political goals and tasks;
 - interference by religious organizations and ministers of religious sects with the activity of state bodies;

- activity of foreign political parties, public and religious organizations, their representatives and branches pursuing political goals;

Article 9

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

2. The right to initiate war shall not be acknowledged except in cases of aggression against Kyrgyzstan and other states bound by responsibilities for collective defense. In each instance, permission for military units of the Armed Forces to cross the borders of the Kyrgyz Republic shall be granted by decision of the Jogorku Kenesh of the Kyrgyz Republic to be adopted by a majority of not less than two thirds of the total number of deputies.

3. The use of Armed Forces to resolve internal State political issues is prohibited.

4. The Kyrgyz Republic strives towards universal and just peace, mutually beneficial cooperation, and resolution of global and regional problems by peaceful means.

Article 10

A state of emergency in Kyrgyzstan may be imposed only in cases and procedures established by the Constitution and constitutional law.

Article 11

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

2. Procedure for formation, adoption and implementation of the republican and local budgets, auditing of their implementation shall be determined by law. Republican budget shall be adopted annually as a law.

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

Article 12

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

2. Constitutional laws, laws and other normative legal acts are to be adopted on the basis of the Constitution.

3. International treaties and agreements to which the Kyrgyz Republic is a party and other universally accepted principles and norms of international law shall be a constituent part of the legislation of the Kyrgyz Republic.

CHAPTER TWO
HUMAN AND CITIZENS' RIGHTS AND FREEDOMS
SECTION ONE
HUMAN RIGHTS AND FREEDOMS

Article 13

1. Basic rights and freedoms of an individual belong to him/her from birth. Rights and freedoms of an individual shall be always functional. They are accepted as absolute and inalienable; determine the meaning and content of the activity of the legislative, executive powers, local self-government, protected by law and court.
2. The personality and dignity of individuals in the Kyrgyz Republic is sacred and inviolable.
3. In the Kyrgyz Republic all persons in the Kyrgyz Republic shall be equal before the law and the court. No one shall be subject to any type of discrimination, violation of his/her rights and freedoms, on the grounds of ethnic origin, sex, race, nationality, language, political and religious belief, or other conditions or circumstances of a personal or social nature.
4. In the Kyrgyz Republic men and women have equal freedoms and rights and equal opportunities for their realization.

Article 14

1. Every person in the Kyrgyz Republic has the essential right to life. No one can be deprived of his life.
2. Everyone has the right to defend his life and health, life and health of other persons from unlawful infringements.
3. The dwelling is inviolable. No one has the right to penetrate into the dwelling against the will of those who reside in it.

Search and other legal procedural actions are allowed only in the cases stipulated by the law with the providing a right to a person to appeal the legality of such actions in the court.

Everyone has the right:

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

to possess, use, and dispose of his property, results of his intellectual and creative activity.

to economic freedom, free use of abilities and property for any economic activity, which is not prohibited by law.

to free labor, use of his/her abilities for labor and choice of profession and occupation and also the right for remuneration for labor and social protection.

to familiarize in the bodies of state government, the bodies of local self-governance, organizations with the information about himself/herself, which is not state secret or other confidential information, protected by law.

to forward requests to the bodies of state government, bodies of local self-government and officials;

to compensation by the State for any harm caused by illegal actions of state bodies, bodies of local self-government and their officials while on duty.

to appeal to court with the demand to refute untrue information about himself/herself or his/her family members and to claim damages for actual or moral harm caused by collection, keeping and dissemination of false information.

to secrecy of correspondence, telephonic and telegraphic, postal and other communications.

to freely gather, store, and use information and to disseminate it orally, in writing or otherwise.

to inviolability of one's private and family life, to respect and protection of one's honor and dignity;

to freely identify his nationality.

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

5. Everyone is guaranteed freedom of religion and atheistic views.

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

Article 15

1. No one may be subjected to arrest or detention except on the basis and in accordance with the procedures established by law.

2. Each detained person shall be urgently, within 48 hours, brought to court to decide whether his detention is legal.

3. Each detained person shall be informed urgently about the motives for the detention, explained his/her rights and given an opportunity, from the moment of detention, to protect himself/herself personally and use legal assistance of a lawyer.

4. Each person is guaranteed protection of his rights and freedoms in court.

In the event of a public or other accusation, everyone has the right to defend his/her honor, dignity, business reputation and his/her rights in a court; under no circumstance shall he/she be denied such court protection.

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

No one shall be obligated to testify against himself/herself, his/her spouse and close relative, which are determined as such by the law. The law may provide for other cases of excusing from the obligation to testify.

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

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

6. Everyone has the right to have his case considered in court with the participation of jurors in cases stipulated by law.

7. A citizen is presumed innocent of committing a criminal offense until determined guilty by a court sentence which came into legal force;

8. Any actions aimed at imposing responsibility for a crime on a person before a decision has been made by a court are not allowed, and are grounds for compensation to the victim through the court for the material and moral harm suffered.

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

10. Everyone convicted of a criminal crime shall have the right to review of his/her conviction and sentence by a higher tribunal according to the law, as well as to appeal for pardon or commutation of the sentence.

11. No one shall bear legal liability twice for the same offence.

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

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

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

15. Everyone has the right to appeal to international courts

Article 16

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

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

3. The state provides maintenance, up-bringing, education for orphans and children without parental support.

4. Respect for the elderly and caring for relatives and close ones are sacred responsibility of the people of Kyrgyzstan.

Article 17

1. The rights and freedoms provided by this Constitution are not exhaustive and should not be interpreted as negating or diminishing other universally recognized human rights and freedoms.
2. Everyone must observe the Constitution and the laws of the Kyrgyz Republic, and must respect the rights, freedoms, honor and dignity of other people.
3. Everyone, who enjoys his/her own rights and freedoms, shall not restrict rights and freedoms of other people.

Article 18

1. In the Kyrgyz Republic, no laws shall be issued which abolish human rights and freedoms.
2. Restrictions to the exercise of rights and freedoms are allowed by the Constitution and laws only for the purposes of protecting the rights and freedoms of other persons, public safety and order, territorial integrity, the protection of the constitutional order. But doing so, the essence of constitutional rights and freedoms shall not be affected.

Article 19

1. Limitations which affect the physical and moral inviolability of an individual are allowed only on the basis of law by the decision of a court as punishment for committing of a crime. No one may be tortured, subjected to mistreatment or inhuman, degrading punishments.
2. Conducting medical, biological, and psychological experiments on people are prohibited without the properly expressed and verified voluntary agreement of the person participating in the experiment.
3. The Kyrgyz Republic may grant asylum to foreign citizens and persons without citizenship prosecuted for political reasons by a procedure established by law.

SECTION TWO

CITIZENSHIP. RIGHTS AND DUTIES OF A CITIZEN

Article 20

1. The affiliation of an individual to the Kyrgyz Republic and his/her status is determined by citizenship.
2. Every citizen of the Kyrgyz Republic by virtue of his/her citizenship enjoys rights and bears responsibilities.
3. No citizen of the Kyrgyz Republic can be deprived of his/her citizenship or his right to change his/her citizenship. Citizens of the Kyrgyz Republic shall be recognized as citizens of other states in accordance with the laws of the Kyrgyz Republic and international treaties.
4. The Kyrgyz people living outside the Kyrgyz Republic, regardless of their citizenship in another state, have the right to acquire citizenship of the Kyrgyz Republic in accordance with the streamlined procedures. Procedures and conditions for receiving the citizenship of the Kyrgyz Republic are stipulated by laws.

5. A citizen of the Kyrgyz Republic may not be expelled from the country or extradited to another state.
6. The Kyrgyz Republic guarantees the defense and protection of its citizens beyond its borders.

Article 21

1. Citizens of the Kyrgyz Republic shall have the right to freedom of association.
2. Associations of citizens shall be prohibited to form militarized forces.
3. Citizens of the Kyrgyz Republic and their associations shall be allowed to engage in any act or activity, except those prohibited or restricted by this Constitution and laws of the Kyrgyz Republic.
4. It is the duty of the state, all its bodies, local self-governance bodies and their officials to provide for protection of the rights and freedoms of citizens, to prevent the infringement upon rights in this area and to restore violated rights.
5. The Kyrgyz Republic guarantees judicial defense of all rights and freedoms of citizens fixed by the Constitution and the laws of the Kyrgyz Republic.
6. Laws of the Kyrgyz Republic concerning the rights and duties of citizens are to be applied equally to all citizens and do not bestow on anyone advantages and privileges, except in cases provided by the Constitution of the Kyrgyz Republic and by laws for the social protection of citizens.

Article 22

Everyone is obliged to pay taxes and fees in accordance with the procedures provided by law of the Kyrgyz Republic.

Article 23

1. Citizens of the Kyrgyz Republic have the right to:
 - participate in the discussion and adoption of laws and decisions of republican and local significance.
 - to elect and to be elected to the bodies of state government and local self-governance, and to participate in referendum according to the procedures provided by law of the Kyrgyz Republic.
2. Citizens of the Kyrgyz Republic has the right to hold kurultays, which is the sacred historic tradition of the Kyrgyz people, on issues regarding the performance of state bodies, local self-governance bodies and others important issues. Decision of people's kyryltay shall be sent to respective bodies as recommendations.
3. Citizens of the Kyrgyz Republic have equal rights to be employed in government and municipal services. Procedure for employment in government and municipal bodies is established by law.

Article 24

1. Defense of the Fatherland is the sacred right and duty of citizens of the Kyrgyz Republic.
2. The basis and procedures for exemption from military service or its replacement by alternative service shall be established by the law.

Article 25

Citizens of the Kyrgyz Republic have the right to assemble peacefully, without weapons and conduct political meetings, rallies, marches, demonstrations and picketing, provided there was a prior notification of state authorities or local self-governance bodies. The procedures and conditions shall be established by law.

Article 26

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

Article 27

1. Social security at the expense of the state in old age, in sickness and in the event of disability or loss of the main provider is guaranteed to citizens of the Kyrgyz Republic in accordance with the procedure established by laws.
2. Pensions and social security in accordance with economic resources of the society shall provide a standard of living not below the minimum wage established by law.
3. Voluntary social insurance and establishment of additional forms of social security and charity are encouraged.

Article 28

1. Citizens of the Kyrgyz Republic shall have the right to free labor, use of their abilities for labor and choice of profession and occupation, to job protection and working conditions which comply with requirements of security and hygiene, the right to remuneration for labor and social protection not less than the minimum subsistence wage establish by law.
2. The state will concern itself with professional training and improvement of professional qualification of citizens, and encourages activities of international organizations, which have the aim of strengthening the right to work.
3. Child labor, forced labor of citizens is prohibited, except in cases of war, natural disaster, epidemic, or in other extraordinary circumstances, as well as in accordance with execution of punishment per order of court.

Article 29

Citizens of the Kyrgyz Republic have the right to participate in the formation of the republican and local budgets, as well as the right to be informed about actual budget expenditures. Procedures for their participation shall be established by law.

Article 30

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

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

Article 31

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

Article 32

1. Every citizen of the Kyrgyz Republic has the right to education.
2. General basic education shall be compulsory and free of charge; everyone shall have the right to receive it at state and municipal educational institutions.
3. The state shall create conditions for teaching each citizen to the state language and two foreign languages starting from pre-school to basic educational facilities.
4. Each citizen has the right to both free and paid education.

Article 33

Citizens of the Kyrgyz Republic have the right to housing. This right shall be provided by development of state-owned, municipal and individual housing fund, housing fund of organizations and by encouraging citizens to acquire dwellings on the conditions and in the procedure established by legislation of the Kyrgyz Republic.

Article 34

1. Citizens of the Kyrgyz Republic have the right to the protection of health.
2. First medical aid and medical aid for some diseases established by law, as well as medical service to socially vulnerable population is free; everyone has the right to receive medical aid at the state and private medical facilities.

Procedures for receiving medical aid are regulated by law.

Article 35

Citizens of the Kyrgyz Republic have the right to a healthy, safe environment and to compensation for damage caused to one's health or property by activities in the field of utilizing nature.

Article 36

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

Article 37

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

Article 38

For the purposes of extrajudicial resolution of disputes arising from civil law relations, citizens of the Kyrgyz Republic has the right to establish the courts of commercial arbitration. Powers, as well as procedure of formation and activities of commercial arbitration courts shall be defined by law.

Article 39

Citizens have the right to establish the courts of aksakals. Procedure for establishing the courts of aksakals, their powers and activities shall be defined by law.

Article 40

1. Everyone has the right for qualified legal assistance. In cases provided by law, legal assistance is provided at the expense of the state.
2. Organization and activities of advocate organizations as a self-directed professional society of lawyers, as well as their rights and responsibilities shall be established by law.

Article 41

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

CHAPTER THREE

THE PRESIDENT OF THE KYRGYZ REPUBLIC

Article 42

1. The President of the Kyrgyz Republic is the head of state and the highest official of the Kyrgyz Republic.
2. The President of the Kyrgyz Republic is the symbol of the unity of the people and state power, the guarantor of the Constitution of the Kyrgyz Republic, and of rights and freedoms of the person and citizen.
3. The President of the Kyrgyz Republic defines the fundamental directions of internal and external policy of the state, represents the Kyrgyz Republic within the country and in international relations, adopts measures to protect the sovereignty and territorial integrity of the Kyrgyz Republic, and ensures the unity and continuity of state power and the coordinated functioning and interaction of state bodies and their responsibility to the people.

SECTION ONE

ELECTION OF THE PRESIDENT

Article 43

1. The President of the Kyrgyz Republic shall be elected for a term of five years.
2. The same person cannot be elected President of the Kyrgyz Republic for more than two consecutive terms.

Article 44

1. A citizen of the Kyrgyz Republic who is not younger than 35 years of age and not older than 65 years of age, who has command of the state language and who has been a resident of the republic for not less than 15 years in total may be elected President. A citizen with a criminal conviction record, which has not been cancelled or voided in accordance with the procedure established by law, cannot be elected President.
2. The number of candidates for the office of the President of the Kyrgyz Republic is not limited. A person, who who has collected not less than 50,000 voters' signatures may be registered as a candidate for the President.
3. Procedure of election of the President is stipulated by Law.

Article 45

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

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

to sacredly observe and defend the Constitution and laws;

to defend the sovereignty and independence of the Kyrgyz state; to respect and guarantee the rights and freedoms of all citizens of the Kyrgyz Republic;

with honor and tirelessly to perform the great responsibility of the President entrusted to me by the confidence of all people"

2. The term of the Presidential mandate begins from the moment of taking the oath. The powers of the President terminate upon the moment when the newly elected President takes the office.
3. The President shall suspend his/her activity in political parties and organizations during the term of office until the beginning of a new presidential election.

SECTION TWO

POWERS OF THE PRESIDENT

Article 46

1. The President:

- 1) appoints the Prime Minister and members of the Government in accordance with the procedure set forth in the Constitution;
- 2) accepts the resignation petitions of the Prime Minister, Government or its member; decides on resignation of the Prime Minister or Government;
- 3) on his own initiative or at the suggestion of the Prime Minister dismisses from the office a member of the Government.
- 4) appoints at the proposal of the Prime Minister heads of administrative institution, other bodies of executive authority; on his own initiative or at the suggestion of the Prime Minister of the Kyrgyz Republic has a right to dismiss from the office a head of an administrative institution or other body of executive authority;
- 5) upon consultation with the Prime Minister appoints heads of local state administrations; dismisses them from office;
- 6) appoints the State Secretary and determines his status and powers; forms Administration of the President, supporting his/her activity;
- 7) forms and heads the Security Council and other coordinating bodies;
- 8) forms the services of state protection and the National Guard, which are under his/her subordination.
- 9) forms, abolishes and reorganizes state bodies, which are subordinate and report immediately to the President, appoints and dismisses their heads from office
- 10) defines terms of payment for state and municipal servants.

2. The President:

- 1) submits to the Jogorku Kenesh candidates for election of judges of the Constitutional Court;
- 2) submits at the suggestion of the National Council of Justice to the Jogorku Kenesh candidates for election of the judges of the Supreme Court;
- 3) appoints and dismisses at the suggestion of the National Council of Justice local judges;
- 4) appoints with the consent of the Jogorku Kenesh the Prosecutor General; appoints at the suggestion of the Prosecutor General the deputies of the Prosecutor General, relieves them of office;

5) submits to the Jogorku Kenesh candidacy for the election to the Chairman of the National Bank, appoints at the suggestion of the Chairman of the National Bank deputy chairmen and members of the board of the National Bank; and relieves them of office;

6) appoints with the consent of the Jogorku Kenesh the Chairman of the Central Commission on Elections and Referenda, appoints one-half of the members of the Central Commission on Elections and Referenda; relives them of their office;

7) submits to the Jogorku Kenesh a declaration for election and dismissal of the office of the Chairperson and auditors of the Accounting Chamber

3. The President:

1) directs the foreign policy of the Kyrgyz Republic;

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

3) signs instruments of ratification;

4) appoints after consultations with the respective committee of the Jogorku Kenesh and recalls diplomatic representatives of the Kyrgyz Republic in foreign states and international organizations; accepts the credentials and letters of recall of the heads of diplomatic missions of foreign states and representatives of international organizations;

5) decides on issues of acceptance and forfeiture of citizenship in the Kyrgyz Republic and of granting political asylum.

4. The President:

1) confers state awards of the Kyrgyz Republic;

2) confers honorary titles of the Kyrgyz Republic;

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

4) grants pardons.

5. The President:

1) submits draft laws to the Jogorku Kenesh;

2) signs and promulgates laws; returns laws with his objections to the Jogorku Kenesh of the Kyrgyz Republic;

3) speaks to the people in yearly messages on the state of affairs in the country, to be delivered at a sitting of the Jogorku Kenesh.

4) is entitled to suspend effect of normative legal acts of the Government and other bodies of executive authority;

6. The President :

1) has the right to call early meeting of the Jogorku Kenesh and to determine issues subject to consideration;

2) designates referendum on his own initiative, or decides to call referendum upon the initiative of no less than 300, 000 voters or a majority of the total number of deputies of the Jogorku Kenesh;

3) calls elections to the Jogorku Kenesh under the circumstances set forth in this Constitution;

4) calls elections to local Keneshes and carries out their dissolution under the circumstances set forth in the law .

7. The President on the grounds specified by the constitutional law, warns of the possibility of introducing a state of emergency, and when necessary introduces a state of emergency in specific localities without prior declaration, of which action he promptly informs the Jogorku Kenesh.

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

9. The President is the Commander-in-Chief of the Armed Forces, defines, appoints and displaces higher commanders of the Armed Forces of the Kyrgyz Republic.

10. The President ensures that the state bodies responsible for defense and national security affairs, internal and international affairs exercise their powers; at the proposal of the Prime Minister approves regulations on them, appoints and dismisses their heads and deputy heads.

11. The President exercises other authorities set forth in this Constitution and laws.

Article 47

1. The President issues decrees and orders in accordance with and for the execution of the Constitution and laws.

2. Decrees and orders of the President must be executed on the entire territory of the Kyrgyz Republic.

Article 48

The President has the right to transfer powers specified in sub item 2 of item 3 of Article 46 of the Constitution to the Prime Minister, members of the Government, and other officials.

Article 49

1. The President enjoys the right of immunity. The honor and dignity of the President is protected by law.

2. The maintenance, service and protection of the President, as well as his family, is provided at state expense.

Article 50

1. The powers of the President may be terminated prematurely as a result of resignation on his own petition, upon his dismissal from office in accordance with the procedure specified in this Constitution or also upon inability to execute his powers due to illness or as a result of his death.

2. If the President is unable to carry out his duties due to illness, the Jogorku Kenesh is to adopt a decision on early dismissal of the President from office based upon the conclusion of a State Medical Commission created by it upon a vote of no less than two-thirds of the total number of the deputies of the Jogorku Kenesh.

Article 51

1. The President may be dismissed from office only on the basis of a charge brought by the Jogorku Kenesh of high treason or commitment of another grievous crime confirmed by the conclusion of the General Prosecutor's Office on presence of evidences of a crime in the actions of the President and by the conclusion of the Constitutional Court of the Kyrgyz Republic on observance of the established order for bringing of charges.

2. The decision of the Jogorku Kenesh to bring a charge against the President for dismissal of him/her from office must be made by the majority of not less than two-thirds of the total number of deputies of the Jogorku Kenesh upon the initiative of the majority of the total number of deputies, and is to be accompanied with a conclusion of a special commission formed by the Jogorku Kenesh.

3. The decision of the Jogorku Kenesh about the dismissal of the President from office must be made by the majority of not less than three-fourths of the total number of deputies of the Jogorku Kenesh, not later than three months after bringing of the charge against the President. If a decision is not reached by the Jogorku Kenesh within this period, the charge shall be considered refuted.

Article 52

1. If the President is unable to exercise his powers for reasons stated in this Constitution, the Toraga (Speaker) of the Jogorku Kenesh (Parliament) thereafter shall exercise his powers until the election of a new President. If the Toraga is unable to exercise powers of the President, the Prime Minister shall exercise powers of the President. Elections of a new President must in this case be conducted within three months after the termination of powers of the President.

2. Officials exercising powers of the President do not have the right to call an early election of the Jogorku Kenesh, to call a referendum, to terminate the authority of the Government, or to make proposals for introducing amendments and supplements to the Constitution.

Article 53

1. All former Presidents, except those who have been dismissed from office by the procedure established in Article 51 of this Constitution, shall have the title of ex-President .

2. The status of the ex-President is stipulated by law.

CHAPTER FOUR
LEGISLATURE OF THE KYRGYZ REPUBLIC
SECTION ONE
THE JOGORKU KENESH

Article 54

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

2. The Jogorku Kenesh shall consist of 90 deputies, which will be elected for five-year term based on party lists.

A citizen who is not younger than 25 years of age, and has the right to participate in the elections, may be elected a Deputy of the Jogorku Kenesh.

A person with a criminal record, if his/her conviction was not cancelled or voided in accordance with the law, cannot be elected a deputy of the Jogorku Kenesh.

3. Procedure for election of deputies of the Jogorku Kenesh shall be stipulated by law.

Article 55

1. The Jogorku Kenesh shall assemble for its first session after election with no less than two-thirds of the members of the constitutional staff not later than 30 days after election.

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

3. Powers of the deputies of the Jogorku Kenesh shall begin from the day of taking the oath.

4. From the day of the first session of the newly convened Jogorku Kenesh begins and deputies take an oath with no less than two-thirds of the members, the powers of the prior sessions of the Jogorku Kenesh end.

Article 56

1. A Deputy of the Jogorku Kenesh enjoys immunity. He may not be prosecuted for opinions expressed in the course of execution of his powers or for voting in the Jogorku Kenesh. A deputy may not be detained or arrested, exposed to search or personal inspection, except in cases when he is caught in the act. Institution of criminal as well as administrative proceedings against a deputy by court shall be allowed only with the consent of the Jogorku Kenesh, with an exception for cases of commitment of grave crimes.

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

A deputy of the Jogorku Kenesh has the right to engage in teaching, scientific, or other creative activity, if such activity does not interfere with the performance of his duties as a Deputy.

Article 57

1. Powers of a Deputy of the Jogorku Kenesh shall be terminated simultaneously with the termination of powers of the Jogorku Kenesh.
2. Powers of a Deputy of the Jogorku Kenesh, beside the basis stipulated in item 1 of this Article, shall be terminated early in the following cases: submission of resignation in writing, renunciation of citizenship, loss of citizenship or acquisition of another citizenship, acceptance of a job or failure to quit a job not compatible with fulfillment of his duties as a Deputy, annulment of the elections, change of permanent residence beyond the borders of the Kyrgyz Republic, a court decision that the Deputy is not legally capable, entry into force of a court decision on announcing the Deputy missing or deceased, and death of a Deputy, in the event of entry into force of a guilty verdict against him by court, in case of absence at the sittings of the Jogorku Kenesh for 30 and more working days during one session without any good reason, as well as quitting or exclusion of a deputy from the political party from which he/she was elected according to the law; cessation of activity of a political party from which he/she was elected according to the law.

Early termination of powers of a Deputy of the Jogorku Kenesh based on the above mentioned reasons, shall be executed based on a Resolution of the Central Committee on Elections and Referenda, which shall be adopted not later than 30 days from the day of origination of grounds thereto.

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

SECTION TWO

POWERS OF THE JOGORKU KENESH

Article 58

1. The work of the Jogorku Kenesh includes:
 - 1) introduction of amendments and supplements to the Constitution, in the procedure established by the Constitution;
 - 2) adoption of laws;
 - 3) official interpretation of laws adopted by it;
 - 4) alteration of the borders;
 - 5) approval of the republican budget and the report on its implementation, submitted by the Government;
 - 6) deciding matters of administrative and territorial structure of the Kyrgyz Republic;
 - 7) appointment of elections of the President;
 - 8) approval of nation-wide programs for social and economic development submitted by the Government;

- 9) approval of the structure of the Government upon proposal of the Prime Minister;
- 10) expression of the vote of no confidence to the Government, to an individual Government member in cases provided by this Constitution;
- 11) election and dismissal, upon nomination by the President, of judges of the Constitutional Court;
- 12) election and dismissal, upon nomination by the President, of judges of the Supreme Court;
- 13) hearing addresses and statements of the President,
- 14) giving consent to appointment of the Prosecutor General; giving consent to criminal as well as administrative proceedings against him by court.
- 15) election, upon nomination by the President, of the Chairperson of the National Bank;
- 16) giving consent to appointment of the Chairman of the Central Commission on Elections and Referenda;
- 17) election of one-half of the members of the Central Commission on Elections and Referenda; dismissing them from office in cases and in accordance with the procedure stipulated by law.
- 18) election and dismissal from office, upon the proposal of the President, of the Chairperson of the Accounting Chamber.
- 19) election and dismissal from office, upon the proposal, of all auditors of the Accounting Chamber;
- 20) election and dismissal from office, of the Ombudsman (Akyikatchy); giving consent to criminal as well as administrative proceedings against them by court;
- 21) election and dismissal, upon the proposal of the Ombudsman (Akyikatchi), of his/her deputies; giving consent to criminal as well as administrative proceedings against him by court;
- 22) ratification and denunciation of international treaties, according to order established by law;
- 23) introduction of states of emergency, authorization or annulment of decrees of the President concerning this issue;
- 24) deciding matters of war and peace; introducing the state of war; and authorization or annulment of decrees of the President about these issues;
- 25) deciding matters about the possibility of using the Armed Forces of the Kyrgyz Republic beyond its borders when necessary to fulfill international treaty obligations in support of peace and security;
- 26) establishing of military ranks, diplomatic ranks, class categories and other special titles of the Kyrgyz Republic;

27) establishment of state awards and honorary titles of the Kyrgyz Republic;

28) issuing acts of amnesty;

29) hearing of speeches of leaders and other representatives of foreign countries, international organizations;

30) hearing of annual reports of the Chair of the Constitutional Court, Supreme Court, the Ombudsman (Akyikatchi);

31) hearing of annual reports of the Prime Minister on the work of the Government, General Prosecutor, Chair of the National Bank, Chair of the Accounting Chamber.

32) bringing charges against the President; dismissal of the President from office.

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

3. The Jogorku Kenesh exercises other powers stipulated in this Constitution and law.

Article 59

1. The Jogorku Kenesh adopts laws on issues envisaged in sub-items 1, 3-6, 9, 22-28 of item 1 of Article 58 of this Constitution; on other issues, including the issues of exercising oversight over implementation of laws; adopts resolutions.

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

Article 60

1. The Jogorku Kenesh shall elect from among its members a Toraga of the Jogorku Kenesh and his/her deputies.

2. The Toraga of the Jogorku Kenesh shall:

1) conducts the sessions of the Jogorku Kenesh;

2) generally carry out the preparation of issues for consideration during sessions of the Jogorku Kenesh;

3) signs acts adopted by the Jogorku Kenesh;

4) represents the Jogorku Kenesh in the Kyrgyz Republic and abroad, ensure interaction of the Jogorku Kenesh with the President, the Government, executive and judicial bodies of state authority, local self-governance bodies;

5) exercises general direction and control over activity of the Jogorku Kenesh Office;

6) performs other powers on organization of activity of the Jogorku Kenesh, imposed on him/her by the Rules of Procedure of the Jogorku Kenesh.

3. The Toraga of the Jogorku Kenesh shall be elected by secret ballot by the majority of votes of the deputies of the Jogorku Kenesh.

The Toraga shall be accountable to the Jogorku Kenesh and may be removed from his office by a decision of the Jogorku Kenesh adopted by the majority of not less than two-thirds of the total number of deputies of the Jogorku Kenesh.

4. The Deputies of Toraga of the Jogorku Kenesh are elected by secret ballot, fulfill specific functions of the Toraga as authorized by him, and substitute for the Toraga in his absence. Deputies of Toraga are recalled in accordance with the procedure provided by the Rules of Procedure of the Jogorku Kenesh.

Article 61

1. The Jogorku Kenesh forms committees out of its deputies, and also temporary commissions and forms their compositions.

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

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

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

Article 62

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

2. Sessions of the Jogorku Kenesh are conducted publicly; unless the nature of issues under consideration requires closed sessions.

3. The Toraga of the Jogorku Kenesh shall convene extraordinary sessions of the Jogorku Kenesh upon proposal of the President, the Government or not less than one third of deputies of the Jogorku Kenesh.

4. A sitting of the Jogorku Kenesh is legally valid upon the attendance of the majority of the total number of deputies of the Jogorku Kenesh.

5. Decision of the Jogorku Kenesh shall be adopted during sittings by deputy voting.

Article 63

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

2. The decision on self-dissolution can be adopted by not less than two-thirds of the total number of deputies of the Jogorku Kenesh.

3. The President designates the date for early elections of deputies of the Jogorku Kenesh, so that the newly elected Jogorku Kenesh convenes its first session not later than 60 days after the day of calling an early election.

SECTION THREE

LEGISLATIVE ACTIVITIES

Article 64

The right to initiate legislative drafting belongs to:

30.000 voters (a popular initiative);

the President;

deputies of the Jogorku Kenesh;

the Government;

Article 65

1. Draft laws are introduced in the Jogorku Kenesh.

2. If the President or the Government deems that a draft law requires urgent attention, the Jogorku Kenesh is required to review that draft law ahead of others on the docket.

3. Draft laws providing for increased costs to be covered from the national budget may be adopted by the Jogorku Kenesh if a source for funding is available.

4. Constitutional laws, laws interpreting the Constitution, laws introducing amendments and changes to the Constitution, and constitutional laws, laws introducing amendments to the constitutional laws, laws altering the state borders, are adopted by the Jogorku Kenesh after not fewer than two readings if not fewer than two-thirds of the total number of deputies of the Jogorku Kenesh have voted for them.

5. Introduction of amendments and changes to the Constitution and constitutional laws during states of emergency and martial rule is not allowed.

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

Article 66

1. A law adopted by the Jogorku Kenesh shall be sent within a month to the President for signing.

2. The President, not later than one month after receiving the law, shall sign it or return it with his objections to the Jogorku Kenesh for reconsideration.

3. Laws returned by the President may be reconsidered by the Jogorku Kenesh not earlier than after three months. This rule does not apply if the Jogorku Kenesh will agree with objections of the President of the Kyrgyz Republic..

4. If upon reconsideration the law is approved in the earlier adopted version by the majority vote of not less than two-thirds of the total number of deputies, and the laws indicated in item 4 of Article 65 of this Constitution- are adopted by the majority vote of not less than three-fourths of the total number of deputies of the Jogorku Kenesh, then the law shall be signed by the President within 14 days after its receipt.

If the law approved in a version adopted earlier is not signed in the stipulated period of time, this law is considered signed and shall be published.

Article 67

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

CHAPTER FIVE

EXECUTIVE POWER OF THE KYRGYZ REPUBLIC

Article 68

1. Executive power in the Kyrgyz Republic is exercised by the Government, by ministries accountable to it, by state committees, administrative departments, other executive authorities and local state administration.
2. The Government is the highest body of state executive power in the Kyrgyz Republic.
3. The activity of the Government is headed by the Prime Minister. The Government consists of the Prime Minister, Vice Prime Ministers, Ministers and Chairmen of State Committees.

The structure of the Government is defined by the Prime Minister and includes ministries and state committees of the Kyrgyz Republic. The structure of the Government is approved by the Jogorku Kenesh.

SECTION ONE

THE GOVERNMENT

Article 69

1. Deputies belonging to a political party which has received during the elections to the Jogorku Kenesh over 50 percent of mandates of deputies of the Jogorku Kenesh propose the President a candidate for the office of Prime Minister.

A candidate for the office of the Prime-Minister is submitted not later than five working days after the first session of the newly elected Jogorku Kenesh.

The President appoints the Prime-Minister not later than three days after submission.

2. Appointed Prime-Minister determines the structure of the Government and candidates for Government members.

The Prime Minister submits for the approval of the Jogorku Kenesh the structure of the Government within 7 working days from the day of his/her appointment. Candidacies for Government members, excluding Government members responsible for defense, security, internal and international affairs are submitted to the President within 5 working days from the approval of the Government structure.

The President appoints Government members not later than 3 days from the submission of candidates.

Article 70

1. In case if deputies belonging to a political party, which has received over 50 percent of mandates of deputies of the Jogorku Kenesh do not submit a candidate for Prime-Minister or the appointed Prime-Minister does not submit the structure of the Government to the Jogorku Kenesh, or does not submit candidacies for Government members and in case if there is no such a party, President proposes another political party to submit within 5 working days a candidate for the office of Prime-Minister by forming a coalition of majority deputies.

2. In case if deputies from the political party, which was offered to submit a candidate for Prime-Minister, do not to submit a candidate for the office of Prime-Minister in accordance with the procedure and terms established in item 2 of Article 69 of the Constitution to be approved by the Jogorku Kenesh and do not submit candidates for Government member, than the President offers deputies from another political party to submit a candidate for the office of Prime-Minister by forming a coalition of the majority of deputies.

3. In case if deputies from the political party indicated in item 2 of this Article, do not to submit to the Jogorku Kenesh a candidate for the office of Prime-Minister, or Prime-Minister in accordance with the procedures and terms stipulated in item 2 of this Article, does not submit the structure of the Government for the Jogorku Kenesh's approval and does not submit candidates for Government members, then the President offers the deputies of the third political party to submit a candidate for the office of Prime-Minister by forming a coalition of the majority of deputies.

4. In case if in accordance with the procedure and terms indicated in this Constitution, a candidate for the office of Prime-Minister is not submitted to the President, then the President calls for early elections to the Jogorku Kenesh and forms the Government. The Government formed by the President acts until political parties from the newly elected Jogorku Kenesh form the Government as stipulated in this Constitution.

Article 71

1. The Government is accountable to the President and the Jogorku Kenesh within the boundaries stipulated in this Constitution.

2. The President has the right to appear at sessions of the Government and set tasks and goals on achieving basic directions of the internal and external policy of State.

3. The Prime Minister presents a report on the work of the Government to the Jogorku Kenesh annually.

3. The Jogorku Kenesh based on the results of consideration of the report by the Prime Minister may consider about expressing lack of confidence in the Government by the initiative of one-third of the total number of deputies of the Jogorku Kenesh.

4. A resolution on expression of no confidence to the Government or its individual member is adopted by a majority of the total number of deputies of the Jogorku Kenesh

5. The issue of expressing vote of no confidence to the Government can not be considered by the Jogorku Kenesh six months prior to next elections of the President.

6. If the Jogorku Kenesh expresses vote of no confidence to the Government, the President may either make a decision about the resignation of the Government or disagree with the decision of the Jogorku Kenesh.

7. If within three months, the Jogorku Kenesh makes another decision to express the vote of no confidence to the Government, the President either announces the resignation of the Government or calls early elections to the Jogorku Kenesh.

8. If the Jogorku Kenesh expresses vote of no confidence to an individual member of the Government, the President may either make a decision about the resignation of an individual member of the Government or disagree with the decision of the Jogorku Kenesh. If within six months the Jogorku Kenesh makes another decision to express the vote of no confidence to the individual member of the Government, the President must make a decision on resignation of the individual member of the Government.

Article 72

1. Prime-Minister, Government or an individual member of the Government has the right to hand in resignation, which is accepted or declined by the President.

2. Acceptance of the resignation of the Prime-Minister results in the resignation of the Government and heads of administrative departments and other executive bodies.

Acceptance of the resignation of the Government results in the resignation of the whole composition of the Government and heads of administrative departments and other executive bodies.

3. Until the formation of the new Government and appointment of heads of administrative institutions and other executive bodies, the Prime-Minister, the Government members and heads of administrative institutions and other bodies of executive authority may continue to fulfill their authorities.

4. In case of resignation of the Prime-Minister, the Government, the Government shall be formed within the period and procedure stipulated in Articles 69-70 of this Constitution. For the deputies of the political party, which has received more than 50 percent of mandates of deputies of the Jogorku Kenesh, and if such party is not available, for deputies of another political party, specified in Article 70 of this Constitution, the time line for submission of a candidacy for the office of Prime-Minister to the President starts from the day of acceptance of the resignation of the Prime-Minister or Government by the President.

5. In case of dismissal of a Government member, the Prime-Minister within 5 working days submits to the President a candidate for appointment to the vacant position of a Government member.

Article 73

1. The Government shall decide on all issues about state administration, excluding the powers relegated by the Constitution and laws to the competency of the President and to the Jogorku Kenesh.

2. The Government:

- 1) ensures enforcement of the Constitution and laws, normative legal acts of the President, decrees of the Jogorku Kenesh and the Government; pursuance of internal and foreign policy of the state;
- 2) carries out measures to guarantee lawful activity, rights and freedoms of citizens, the protection of public order, the fighting of crime;
- 3) ensures pursuance of financial, price, tariff, investment and tax policy;
- 4) elaborates the republican budget and submits it to the Jogorku Kenesh and ensures its implementation; reports to the Jogorku Kenesh on implementation of the republican budget;
- 5) ensures pursuance of the unitary state policy in the socio-economic and cultural spheres;
- 6) develops and carries out nation-wide programs for economic, social, scientific, technical and cultural development;
- 7) takes measures to secure equal conditions for development of all forms of property and their protection, for management over state property;
- 8) takes measures to secure the state sovereignty, territorial integrity, defense of the constitutional structure, and also measures on defense capacity, national and public security, and rule of law;
- 9) organizes and ensures pursuance of foreign economic activity;
- 10) ensures interaction with the civil society;
- 11) exercises other powers relegated to its competence by the Constitution, laws, decrees of the President.

3. Functioning of the Government is provided by its Office, organization and operating procedures of which is established by a constitutional law.

Article 74

1. On the basis of and in pursuance of the Constitution and laws, normative legal acts of the President and Jogorku Kenesh, the Government issues decrees and instructions and organizes controls and secures their fulfillment.
2. Decrees and instructions of the Government are binding throughout the entire territory of the Kyrgyz Republic.
3. The Government oversees the activity of all ministries, state committees, administrative departments and other bodies of executive authority outside the structure of ministries and state committees and bodies of local administration.
4. Ministries, state committees, and administrative departments, other bodies of executive authority within the limits of their competency, issue orders and instructions on the basis of and as part of implementing of the Constitution, laws, acts of the President, resolutions of the Jogorku Kenesh, resolutions and instructions of the Government, and organize, check and ensure their implementation.

5. The Government hears reports of the heads of the ministries, state committees, administrative departments, other bodies of executive authority and also heads of the local state administrations and annuls their acts which contradict the legislation of the Kyrgyz Republic.

SECTION TWO

LOCAL STATE ADMINISTRATION

Article 75

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

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

Article 76

1. Local state administrations act on the basis of the Constitution, laws, normative legal acts of the President and the Government.

2. Decisions of local state administrations are binding on the respective territory and is mandatory on the respective territory.

CHAPTER SIX

CENTRAL STATE BODIES OF THE KYRGYZ REPUBLIC

SECTION ONE

OFFICE OF THE PROSECUTOR GENERAL

Article 77

The General Prosecutor Office of the Kyrgyz Republic exercises oversight over accurate and uniform implementation of laws and other normative legal acts of the Kyrgyz Republic. Bodies of the General Prosecutor conduct criminal prosecution and participate in trials of cases in cases and procedures set forth by law.

SECTION TWO

NATIONAL BANK

Article 78

The National Bank heads the banking system of the Kyrgyz Republic, determines and carries out money-and-credit policy in the Kyrgyz Republic, develops and implements unitary currency policy, possesses the exclusive right to issue money, implements various forms and principles of bank financing. Organization and activities of the National Bank are defined by law.

SECTION THREE

CENTRAL COMMISSION ON ELECTION AND REFERENDA

Article 79

The Central Commission on Election and Referenda arranges and carries out elections and referenda in the Kyrgyz Republic. Organization and activity of the Central Commission on Election and Referenda are defined by law.

SECTION FOUR

ACCOUNTING CHAMBER

Article 80

Accounting Chamber carries out audit of implementation of the republican and local budgets, extra-budgetary means, use of state and municipal property. Organization and activity of the Accounting Chamber are defined by law.

SECTION FIVE

AKYIKATCHY (OMBUDSMAN)

Article 81

Control over observance of human and civil rights and freedoms in the Kyrgyz Republic shall be imposed on the Ombudsman (Akyikatchy). Organization and activity of the Ombudsman (Akyikatchy) are defined by law.

CHAPTER SEVEN

JUDICIAL AUTHORITY IN THE KYRGYZ REPUBLIC

Article 82

1. Judicial authority in the Kyrgyz Republic is administered only by the court. Citizens of the Kyrgyz Republic can exercise the justice in cases and in the order specified by the law,
2. Judicial authority is exercised by means of the constitutional, civil, criminal, administrative and other forms of legal proceeding.
3. Judicial system shall be established by the Constitution and laws, consists of the Constitutional Court, the Supreme Court, and local courts. Specialized courts can be established by the constitutional law.

Creation of extraordinary courts is not allowed.

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

Article 83

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

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

Brining a judge of the Constitutional Court, the Supreme Court, to criminal and administrative responsibility imposed by the court is allowed only with the consent of the Jogorku Kenesh, and local court judges – with the consent of the President. Immunity of a judge shall extend to all of his personal and official residences and offices, to his means of transportation and to his communications, his correspondence, property and documents.

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

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

5. A citizen who is not younger than 35 years of age and not older 70 years of age and who has a higher legal education and not less than 10 years of experience in the legal profession, may be a judge of the Constitutional Court.

A citizen who is not younger than 35 years of age and not older 70 years of age and who has an higher legal education and not less than 10 years of experience in the legal profession, including no less than 5 years of experience as a judge, may be a judge of the Supreme Court.

Judges of the Constitutional Court and the Supreme Court are elected by the Jogorku Kenesh upon nomination by the President until they reach the age limit.

Chairs of the Constitutional Court and Supreme Court and their deputies shall be appointed by the President with the consent of the Jogorku Kenesh from among the judges of the Constitutional Court, Supreme Court

6. A citizen not younger than 30 years of age and not older than 65 years of age who has an advanced legal education and not less than 5 years of experience in the legal profession, may be a judge of a local court. Additional requirements can be established for candidates to judges of local courts by the Constitutional law on the Status of judges.

Judges of local courts are appointed by the President upon nomination of the National Council on Justice for the term of 5 years for the first time, and further until they reach the age limit.

From among local judges the President upon nomination of the National Council on Justice appoints chairs of local courts and their deputies for the term of five years.

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

Article 84

1. Judges of all courts shall preserve their authorities as long as their conduct is irreproachable.

2. A judge of the Constitutional Court, a judge of the Supreme Court may be dismissed early from his office by a majority vote of not less than two-thirds of the total number of deputies of the Jogorku Kenesh at the suggestion of the President.

3. In case of death of a judge, announcing him dead or missing, recognition him as not legally capable, loss of citizenship, renunciation of citizenship or acquisition of another citizenship, the powers of the judge shall be terminated by the body, which elected or appointed him, from the day of emergence of grounds according to the constitutional law.

4. Selection of candidates for local court judges, their nomination and transfer (rotation), suspension and dismissal from office is carried out by the National Council on Justice in accordance with the procedure defined by the constitutional law.

Brining of judges of all courts in the Kyrgyz Republic to criminal and administrative liability, imposed by the court is allowed only with the consent of the National Council on Justice.

5. The National Council on Justice shall be formed from among representatives of legislative, executive, judicial branches of power and public associations.

6. Organization and activity of the National Council on Justice, its powers are defined by the law.

Article 85

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

2. The Constitutional Court consists of nine judges of the Constitutional Court.

3. The Constitutional Court:

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

2) gives an official interpretation of the Constitutional norms;

3) determines the constitutionality of elections of the President;

4) issues a conclusions on dismissal of the President

5) issues a conclusion about drafts of law concerning amendments and supplements to this Constitution in accordance with the provisions of Article 98 of this Constitution;

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

The determination of the unconstitutionality of laws or their provisions by the Constitutional Court annuls their application on the territory of the Kyrgyz Republic and also cancels the effect of other normative legal acts based on the laws or provisions determined to be unconstitutional, with the exception of judicial acts.

Judicial acts based on norms of laws determined unconstitutional are reviewed by the court in every single case upon the complaints of citizens whose rights and freedoms were affected.

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

Article 86

1. The Supreme Court is the highest body of judicial power in the sphere of civil, criminal and administrative and other legal proceedings within the jurisdiction of local courts and oversees the judicial activity of local courts by review of judicial opinions on appeals lodged by participants of the judicial proceedings according to procedure provided by law.

2. Plenum of the Supreme Court gives explanations on the issues of court practice.
3. The acts of the Constitutional Court, adopted in the exercise of supervisory powers, are final and no appeal is allowed.

Article 87

1. The state ensures funding and proper conditions for operation of courts and activities of judges.

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

2. The budget of the judicial system shall be formed by the judicial authority independently and shall be included in the republican budget in agreement with the executive and legislative powers.

Article 88

1. Trial in all courts is open. Hearing of the case in closed trial is allowed only in cases provided by law. Decision of the court is announced publicly.
2. Default trial of criminal or other cases in courts is not allowed except for cases provided by law.
3. Judicial proceedings shall be adversary and shall be based on equality of parties.
4. A judicial opinion may be annulled, changed or suspended only by the court in the procedure established by law.
5. Procedural rights of trial participants including the right to appeal decisions, sentences and other judicial opinions as well as the procedure for exercising these rights shall be defined by law.

Article 89

1. Decisions of the courts of the Kyrgyz Republic which have entered into legal force are binding for all state bodies, entities conducting economic activities, public associations, state officials and citizens and are enforceable throughout the territory of the Kyrgyz Republic.
2. Failure to implement, improper implementation or hindering implementation of judicial opinions and also interference with the activities of courts results in the responsibility established by Law.

Article 90

1. The court does not have the right to apply a normative act, which contradicts the Constitution.
2. If during consideration of a case in any court matter, there arises an issue about the constitutionality of the law or other normative legal act, on which determination of the case rests, the court shall send an inquiry to the Constitutional Court.

Article 91

1. In order to resolve internal issues about activities of judges, self-government of judges shall work.
2. The Congress of Judges and the Council of Judges shall be the bodies of self-governance of judges in the Kyrgyz Republic.

The Council of Judges shall protect rights and legal interests of judges, shall exercise oversight over formation and implementation of court budgets, organize training and upgrading of qualification of judges, consider issues regarding bringing judges to disciplinary responsibility.

3. Organization and activities of bodies of judicial self-government is defined by law.

Article 92

1. Justice in the Kyrgyz Republic is administered free of charge in cases provided by law and in any cases, when persons, who participate in court trial, submit proofs that they do not have sufficient means to be part of it.
2. Principles of justice for all courts and judges of the Kyrgyz Republic, which are not specified by this Constitution, shall be established by the laws of the Kyrgyz Republic.

CHAPTER EIGHT

LOCAL SELF-GOVERNANCE

Article 93

1. The local self-governance is being performed by local communities and guarantees to the population the right to decide on local issues.
2. The local self-governance is being performed by citizens directly or through elected or other bodies of local self-governance.
3. The bodies of local self-government directly manage the municipal property, form, approve and implement the local budget, introduce local taxes and duties, assist the protection of public order, as well as decide on other issue of local significance.
4. Financing of the local self-governance is made from the relevant local budget.

Article 94

1. Bodies of local self-government within limits of its authorities, established by the Constitution and legislation of the Kyrgyz Republic, adopt laws mandatory for execution.
2. The system of bodies and officials of local self-government includes:
 - heads of ayil districts, settlements and towns of district significance, Mayors of towns;
 - local keneshes – representative bodies of local self-governance;
 - ayil okmotu, administrations of towns and settlements, mayors offices – administrative-executive bodies of local self-governance;
 - other officials and bodies.

Article 95

1. Heads of ayil districts, settlements and towns of district significance are elected by deputies of relevant local keneshes upon nomination by the head of local state administration in the order established by the law. Mayors of towns are elected by deputies of relevant local keneshes upon the nomination of the President.

2. Deputies of local keneshes are elected by citizens residing on the territory of a relevant administrative-territorial unit in the order, established by the law.

3. Local keneshes in accordance with the law:

-approve local budgets, control their execution, as well as decide on other issues of local significance;

-approve programs of socio-economic development and social protection programs for the local community;

- establish local taxes and duties and provide tax and duty privileges in cases provided by law.

Article 96

1. Bodies of local self-governance may be given separate state powers, accompanied with transfer of the material, financial, and other means necessary for their execution. State powers can be delegated to local self-governance on the basis of law. Bodies of local self-governance are accountable to state bodies concerning delegated powers.

2. Local self-governance is responsible to the state and its bodies for observation and implementation of laws and to the local community for the results of their activities.

3. The state structures cannot interfere in local self-government activities stipulated by law.

Article 97

1. The state shall render support to local self-governance.

2. Bodies of local self-governance can seek protection in court in case of violation of their rights.

CHAPTER EIGHT

PROCEDURE FOR ADOPTION OF THE CONSTITUTION, NEW EDITION OF THE CONSTITUTION, AS WELL AS INTRODUCTION OF CHANGES AND AMENDMENTS TO THIS CONSTITUTION

Article 98

1. A Constitution, new edition of the Constitution, as well as the law on introduction of changes and amendments to this Constitution, may be adopted on the referendum (popular vote), called by the President with the consent of a majority of the total number of deputies of the Jogorku Kenesh.

In case of a referendum, a Constitution, new edition of the Constitution, as well as the law on introduction of changes and amendments to this Constitution is considered adopted if more than half of voters who took part in elections had voted for it, given that half of voters included into the voter list took part in referendum.

2. Changes and amendments to Chapters 3-8 of this Constitution may be adopted by the Jogorku Kenesh upon proposal by the President, Jogorku Kenesh or initiative of not less than 300 000 voters.

Changes and amendments to this Constitution, adopted by the Jogorku Kenesh may be considered in the presence of a conclusion of the Constitutional Court.

3. The Constitutional Court gives its conclusion on the draft law on introduction of changes and amendments to this Constitution not later than 3 months from the day of receiving of it from the Jogorku Kenesh.

In the event of a negative conclusion on the draft law on introduction of changes and amendments to this Constitution given by the Constitutional Court, this draft shall be returned to its initiator by the Jogorku Kenesh. Unaccepted draft of a law may be submitted to the Jogorku Kenesh repeatedly not earlier than after one year.

4. Taking into consideration the conclusion of the Constitutional Court, the Jogorku Kenesh adopts the law introducing changes and amendments to this Constitution not later than 6 months starting from the day of receiving of the conclusion from the Constitutional Court.

The text of a draft law on changes and amendments to this Constitution, may be altered on the basis of a conclusion of the Constitutional Court and with the official consent of the initiator during its discussion in the Jogorku Kenesh.

A law on changes and amendments to this Constitution is adopted by a majority of not less than two-thirds of the total number of deputies of the Jogorku Kenesh after conducting of not less than two readings with an interval of three months between the readings.

A law on introduction of changes and amendments to this Constitution may be submitted to referendum at the request of a majority of the total number of deputies of the Jogorku Kenesh.

5. Adoption of the Constitution, new edition of the Constitution of the Kyrgyz Republic or of a law on introduction of changes and amendments to this Constitution at time of state of emergency or martial rule is prohibited.

6. Adopted Constitution, new edition of the Constitution of the Kyrgyz Republic or a law on introduction of changes and amendments to this Constitution shall be signed by the President of the Kyrgyz Republic.

SECTION II

1. Provisions of the Article 54, item two, paragraph one, and Article 62, item four of the Constitution stipulated in this Law shall be applied to the Jogorku Kenesh of new convocation.

Law and other normative legal acts which were valid before coming into force of this law shall be used in the part that does not contradict this Law.

Laws, regulating procedure for constitutional, civil, criminal and administrative judicial proceedings, are valid until they are brought in accordance with the Constitution.

2. Normative acts and other acts adopted by state bodies, local self-government bodies and their officials during the period from November 9, 2006, with the exception of Chapter 16-1 of the Law of the Kyrgyz Republic "On the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic", Law of the Kyrgyz Republic "On new edition of the Constitution of the Kyrgyz Republic" from November 9, 2006, # 180 and Law of the Kyrgyz Republic "On new edition of the Constitution of the Kyrgyz Republic" from January 15, 2007, # 2, preserve their legal force before they are brought in line with the Constitution of the Kyrgyz Republic.

Chapter 16-1 of the Law of the Kyrgyz Republic "On the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic", Law of the Kyrgyz Republic "On new edition of the Constitution of the Kyrgyz Republic" from November 9, 2006, # 180 and Law of the Kyrgyz Republic "On new edition of the Constitution of the Kyrgyz Republic" from January 15, 2007, # 2, shall be recognized expired.

3. Law of the Kyrgyz Republic "On new edition of the Constitution of the Kyrgyz Republic" from February 18, 2003, # 40, from the day when this law comes into legal force, shall be recognized expired.

4. The President elected by the people before coming into force of this Law, preserves his powers until the expiration of the term for which he has been elected.

The President exercises his powers taking into account provisions of this Law.

5. The Jogorku Kenesh and its deputies, elected before the adoption of this Law, preserve their powers until the new Jogorku Kenesh will be formed, in accordance with procedures established by this Constitution.

6. Before forming of the Government in accordance with this Constitution, a candidacy for the office of the Prime Minister shall be defined by the Jogorku Kenesh through secret voting by the majority of the total number of deputies on basis of proposals from deputy's factions, groups, and is submitted to the President for appointment.

If within 5 days from the day when this law comes into legal force the Jogorku Kenesh does not propose a candidacy for the office of the Prime Minister to the President, the President appoints the Prime Minister from the number of candidates nominated by deputy's factions, groups. Members of the Government are appointed by the President upon proposal of the Prime Minister.

The acting Government shall resign and continues to execute its duties before the forming of the Government in accordance with this item, starting from the day when this law will come into legal force.

Before forming of the Jogorku Kenesh, in accordance with order established by the Constitution, the structure of the Government upon proposal of the Prime Minister shall be ratified by the acting Jogorku Kenesh.

Heads of administrative institutions under the Government and other bodies of executive authority, heads of local state administrations, appointed before the adoption of this Law, preserve their authorities, before the forming of the Government, in accordance with this item.

7. Chairs, deputies, judges of the Constitutional Court, the Supreme Court, local courts, preserve their authorities before the end of terms they were elected or appointed for. Chairs, deputies, judges of the Constitutional Court, the Supreme Court, local courts, elected or appointed in period from November 9, 2006 to the day this Law comes into legal force, preserve their authority till the end of terms they were elected or appointed for.

Vacant positions are filled in accordance with order, established by the Constitution.

Before forming of the National Council on Justice in accordance with law, the National Council on Justice under the President formed by the President shall preserve its authority.

8. Chairperson and auditors of the Accounting Chamber, chairperson and members of the Central Commission on Elections and Referenda, Prosecutor General, his deputies and military prosecutor, chairperson and members of board of the National Bank, Ombudsman (Akyikatchy), elected or appointed before the adoption of this Law, preserve their authorities. Vacant positions are filled in accordance with order, established by the Constitution.

9. Deputies of local keneshes, mayors of towns, heads of local administrations, heads of town administrations and ayil okmotu, preserve their authorities till the end of terms they were elected for.

SECTION III

This Law comes into force from the day of its official publication.

The Government of the Kyrgyz Republic within six months shall submit draft laws resulting from this Law to the Jogorku Kenesh.

President of the Kyrgyz Republic

K. Bakiev