

# Constitution of the Republic of Kazakhstan

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*We, the people of Kazakhstan,  
united by a common historical destiny,  
having established statehood on the ancestral  
land of Kazakhstan,  
conscious of ourselves as a peaceful civil  
society,  
committed to the ideals of freedom, equality  
and concord, desirous of taking our worthy place  
in the world community, aware of our high responsibility towards  
present and future generations, proceeding from our sovereign right,  
adopt this Constitution.*

## Section I

### General Provisions

## **Article 1**

1. The Republic of Kazakhstan proclaims itself a democratic, secular, legal and social state, the supreme values of which are the individual, his or her life, rights and freedoms.
2. The basic principles of the activity of the Republic shall be public harmony and political stability, economic development for the benefit of the whole nation, Kazakh patriotism and resolution of the most critical issues of state affairs by democratic methods, including voting by republican referendum or in Parliament.

Footnote: See Resolution No. 18/2 of the Constitutional Council of the Republic of Kazakhstan of 21 December 2001.

## **Article 2**

1. The Republic of Kazakhstan is a unitary state with a presidential form of government.
2. The sovereignty of the Republic shall extend over its entire territory. The state shall ensure the integrity, inviolability and inalienability of its territory.
3. The administrative-territorial structure of the Republic and the status of its capital shall be determined by law. The capital of Kazakhstan shall be the city of Astana.
- 3-1. A special legal regime in the financial sphere may be established within the boundaries of the city of Astana in accordance with the constitutional law.
4. The names "Republic of Kazakhstan" and "Kazakhstan" shall be equal.

Footnote: See Resolution No. 4 of the Constitutional Council of the Republic of Kazakhstan of 23 April 2003.

Footnote: Article 2 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication); No. 238-VI of 23 March 2019 (in force from the date of its first official publication); No. 142-VII of 17 September 2022 (in force from the date of its first official publication).

## **Article 3**

1. The people shall be the sole source of governmental power.
2. The people shall exercise their power directly through republican referendum and free elections, and shall delegate the exercise of their powers to state institutions.
3. No one shall have the right to arrogate power in the Republic of Kazakhstan. Arrogation of power shall be punished by law. The right to act on behalf of the people and the state shall be vested in the President of the Republic and the Parliament of the

Republic within the limits of their constitutional powers. The Government of the Republic and other state bodies shall act on behalf of the state only within the limits of the powers delegated to them.

4. State power in the Republic of Kazakhstan shall be unified and shall be exercised on the basis of the Constitution and laws in accordance with the principle of its division into legislative, executive and judicial powers and their interaction using the system of checks and balances.

Footnote. See Resolution No. 1/2 of the Constitutional Council of the Republic of Kazakhstan of 12 April 2001.

## **Article 4**

1. The provisions of the Constitution, laws adopted in accordance with it, other regulatory legal acts, international treaties and other obligations of the Republic, as well as regulatory decisions of the Constitutional Court and the Supreme Court of the Republic shall be valid law in the Republic of Kazakhstan.

Note. In accordance with the Law of the Republic of Kazakhstan dated 8 June 2022, regulatory decisions of the Constitutional Council, if they do not contradict the Constitution, shall be applied until they are reviewed by the Constitutional Court.

2. The Constitution shall have supreme legal force and direct effect throughout the territory of the Republic.

3. International treaties ratified by the Republic shall take precedence over its laws. The procedure and conditions for implementing international treaties to which Kazakhstan is a party on the territory of the Republic of Kazakhstan shall be determined by the laws of the Republic.

4. All laws and international treaties to which the Republic is a party shall be published. Official publication of normative legal acts concerning rights, freedoms and duties of citizens shall be a necessary condition for their application.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 18/2 of 11 October 2000; No. 6 of 5 November 2009.

Footnote. Article 4 as amended by Laws of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication); of 08 June 2022 (in force from 01 January 2023).

## **Article 5**

1. Ideological and political diversity shall be recognised in the Republic of Kazakhstan. The establishment of political party organisations in state bodies shall not be permitted.

2. Public associations shall be equal before the law. Illegal interference of the state in the affairs of public associations and public associations in the affairs of the state, transfer of functions of state bodies to public associations shall not be permitted.

3. The establishment and activity of public associations whose aims or actions are aimed at violent change of the constitutional system, violation of the integrity of the Republic, undermining the security of the state, incitement to social, racial, national, religious, class and tribal enmity, as well as the establishment of paramilitary units not provided for by law, shall be prohibited.

4. The activities of political parties and trade unions of other states, parties on a religious basis, as well as the financing of political parties and trade unions by foreign legal entities and citizens, foreign states and international organisations shall not be permitted in the Republic.

5. The activities of foreign religious associations on the territory of the Republic, as well as the appointment of leaders of religious associations in the Republic by foreign religious centres, shall be carried out in coordination with the competent state bodies of the Republic.

Footnote. See Resolution No. 4/2 of the Constitutional Council of the Republic of Kazakhstan of 7 June 2000.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication).

## **Article 6**

1. State and private property shall be equally recognised and protected in the Republic of Kazakhstan.

2. Property shall impose obligations, and at the same time its use shall be for the benefit of society. The subjects and objects of property, the scope and limits of the rights of owners, and guarantees of their protection shall be determined by law.

3. Land and its subsoil, water, flora and fauna and other natural resources belong to the people. The State shall exercise the right of ownership on behalf of the people. Land may also be privately owned on the grounds, under the conditions and within the limits established by law.

Footnote. See Resolution No. 19/2 of the Constitutional Council of the Republic of Kazakhstan of 3 November 1999; Resolution No. 2/2 of the Constitutional Council of the Republic of Kazakhstan of 13 April 2000; Resolution No. 1/2 of the Constitutional Council of the Republic of Kazakhstan of 12 April 2001; Resolution No. 4 of the Constitutional Council of the Republic of Kazakhstan of 23 April 2003.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 8 June 2022).

## **Article 7**

1. The state language of the Republic of Kazakhstan shall be the Kazakh language.
2. In state organisations and local self-government bodies, the Russian language shall be officially used on an equal footing with the Kazakh language.
3. The state shall create conditions for the study and development of the languages of the people of Kazakhstan.

## **Article 8**

The Republic of Kazakhstan shall respect the principles and norms of international law, pursue a policy of cooperation and good-neighbourly relations among states, their equality and non-interference in each other's internal affairs, peaceful settlement of international disputes, and renounce the first use of armed force.

Footnote. See Resolution No. 1/2 of the Constitutional Council of the Republic of Kazakhstan of 12 April 2001.

## **Article 9**

The Republic of Kazakhstan shall have its state symbols - the flag, emblem, and the anthem. Their description and the procedure of their official use shall be determined by the constitutional law.

Footnote. Article 9 was amended in the Kazakh language, the text in the Russian language was not amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication).

## **Section II**

### **Man and citizen**

## **Article 10**

1. Citizenship of the Republic of Kazakhstan shall be acquired and terminated in accordance with the law and shall be uniform and equal regardless of the reasons for its acquisition.
2. A citizen of the Republic may not be deprived of citizenship, may not be deprived of the right to change citizenship, and may not be expelled from Kazakhstan. Deprivation of citizenship shall be allowed only by a court decision for committing terrorist crimes, as well as for causing other serious damage to the vital interests of the Republic of Kazakhstan.
3. A citizen of the Republic shall not be recognised as a citizen of another state.

Footnote. See Resolution No. 12 of the Constitutional Council of the Republic of Kazakhstan of 1 December 2003.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Article 11**

1. A citizen of the Republic of Kazakhstan shall not be extradited to a foreign state, unless international treaties of the Republic provide otherwise.
2. The Republic shall provide its citizens with protection and assistance outside its borders.

## **Article 12**

1. Human rights and freedoms shall be recognised and guaranteed in the Republic of Kazakhstan in accordance with the Constitution.
2. Human rights and freedoms shall belong to everyone from birth, shall be recognised as absolute and inalienable, and shall determine the content and implementation of laws and other regulatory legal acts.
3. Every citizen of the Republic shall have rights and duties by virtue of citizenship.
4. Aliens and stateless persons in the Republic shall enjoy the rights and freedoms and bear the duties established for citizens, unless otherwise provided by the Constitution, laws and international treaties.
5. The exercise of human and civil rights and freedoms shall not violate the rights and freedoms of others, nor shall it violate the constitutional system and public morality.

Footnote. See Resolutions No. 12 of 1 December 2003, No. 4 of 18 April 2007 of the Constitutional Council of the Republic of Kazakhstan.

## **Article 13**

1. Everyone shall have the right to recognition as a person before the law and to the defence of his/her rights and freedoms by all means not inconsistent with the law, including necessary defence.
2. Everyone shall have the right to judicial protection of his/her rights and freedoms.
3. Everyone shall have the right to qualified legal assistance. In the cases provided for by law, legal assistance shall be provided free of charge.

Footnote. See Resolutions No. 7/2 of 29 March 1999, No. 1 of 15 February 2002 of the Constitutional Council of the Republic of Kazakhstan.

## **Article 14**

1. Everyone shall be equal before the law and court.
2. No one shall be discriminated against on the grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, convictions, place of residence or any other circumstance.

Footnote. See Resolutions No. 2/2 of 10 March 1999, No. 7/2 of 20 March 1999 of the Constitutional Council of the Republic of Kazakhstan.

## **Article 15**

1. Everyone shall have the right to life.
2. No one shall have the right to arbitrary deprivation of life. The death penalty is prohibited.

Footnote. See Resolution No. 10 of the Constitutional Council of the Republic of Kazakhstan of 30 January 2003;

Footnote. Article 15 as amended by Laws of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its first official publication); of 08 June 2022 (entered into force on 8 June 2022).

## **Article 16**

1. Everyone shall have the right to personal liberty.
2. Arrest and detention shall be permitted only in the cases provided for by law and only with the authorisation of a court and with the right of the detained person to appeal. A person may not be detained for more than seventy-two hours without the authorisation of a court.
3. Anyone detained, arrested or accused of committing a crime has the right to the assistance of a lawyer (defence counsel) from the moment of detention, arrest or accusation.

Footnote. See Resolution No. 13 of the Constitutional Council of the Republic of Kazakhstan of 31 December 2003.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication).

## **Article 17**

1. Human dignity shall be inviolable.
2. No one shall be subjected to torture, violence or other cruel or degrading treatment or punishment.

### **Article 18**

1. Everyone shall have the right to inviolability of private life, to privacy and family secrecy, and to the protection of honour and dignity.
2. Everyone shall have the right to privacy of his or her secrets and savings, correspondence, telephone conversations, postal, telegraphic and other communications. Restrictions on this right shall be permitted only in cases and in accordance with procedures expressly provided for by law.
3. State bodies, public associations, officials and the mass media shall be obliged to provide every citizen with the opportunity to become acquainted with documents, decisions and sources of information concerning his or her rights and interests.

Footnote. See Normative Resolution No. 5 of the Constitutional Council of the Republic of Kazakhstan of 20 August 2009.

### **Article 19**

1. Everyone shall have the right to choose and to declare or not to declare his or her nationality, political party and religious affiliation.
2. Everyone shall have the right to use his or her mother tongue and culture and to choose freely the language of communication, education, training and creativity.

### **Article 20**

1. Freedom of expression and creativity shall be guaranteed. Censorship shall be prohibited.
2. Everyone shall have the right to freely receive and disseminate information by any means not prohibited by law. The list of information constituting state secrets of the Republic of Kazakhstan shall be determined by law.
3. Propaganda or agitation for violent change of the constitutional system, violation of the integrity of the Republic, undermining of state security, advocacy of war, social, racial, national, religious, class and clan superiority, as well as the cult of cruelty and violence shall be prohibited.

### **Article 21**



1. Anyone lawfully residing in the territory of the Republic of Kazakhstan shall have the right to freedom of movement within the territory of the Republic of Kazakhstan and to freedom of choice of place of residence, except for the cases provided for by law.

2. Everyone shall have the right to leave the territory of the Republic. Citizens of the Republic shall have the right to return to the Republic without hindrance.

## **Article 22**

1. Everyone shall have the right to freedom of conscience.

2. The right to freedom of conscience shall not be subject to or limited by any universal human and civil right or duty to the State.

## **Article 23**

1. Citizens of the Republic of Kazakhstan shall have the right to freedom of association. The activity of public associations shall be regulated by law.

2. Chairmen and judges of the Constitutional Court, the Supreme Court and other courts, chairmen and members of the Central Election Commission, the Supreme Audit Chamber of the Republic, military servicemen, employees of national security and law enforcement bodies may not be members of political parties, trade unions or advocates of any political party.

Footnote. See Resolution No. 13/2 of the Constitutional Council of the Republic of Kazakhstan of 5 July 2000.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 8 June 2022).

## **Article 24**

1. Everyone shall have the right to free choice of work, occupation and profession. Forced labour shall be permitted only on the basis of a court order following conviction for a criminal or administrative offence, or in the event of a state of emergency or martial law.

2. Everyone shall have the right to working conditions that meet safety and health requirements, to remuneration for work without discrimination and to social protection against unemployment.

3. The right to individual and collective labour disputes shall be recognised, with the use of legally established means for their settlement, including the right to strike.

4. Everyone shall have the right to rest. Persons working under contract shall be guaranteed the legally established length of working hours, days of rest and public holidays, and paid annual leave.

Footnote. See Resolution No. 2/2 of the Constitutional Council of the Republic of Kazakhstan of 10 March 1999.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 8 June 2022).

## **Article 25**

1. The right to housing shall be inviolable. No one may be deprived of housing except by a court decision. Access to housing, its inspection and search shall be permitted only in the cases and according to the procedure prescribed by law.

2. The Republic of Kazakhstan shall create conditions for providing citizens with housing. Citizens in need of housing shall be provided with affordable housing from state housing funds in accordance with the norms established by law.

## **Article 26**

1. Citizens of the Republic of Kazakhstan shall be private owners of all legally acquired property.

2. Property, including the right of inheritance, shall be guaranteed by law.

3. No one shall be deprived of his/her property, unless otherwise provided by a court decision. Forced alienation of property for public use in exceptional cases specified by law shall be subject to equal compensation.

4. Everyone shall have the right to freedom of economic activity and free use of property for any lawful economic activity. Monopolistic activities shall be regulated and limited by law. Unfair competition shall be prohibited.

Footnote. See Resolution No. 6/2 of the Constitutional Council of the Republic of Kazakhstan of 16 June 2000; Resolution No. 21/2 of the Constitutional Council of the Republic of Kazakhstan of 20 December 2000; Resolution No. 4 of the Constitutional Council of the Republic of Kazakhstan of 1 July 2005; No. 5 of 28 May 2007.

## **Article 27**

1. Marriage and the family, maternity, paternity and childhood shall be protected by the state.

2. The care and upbringing of children shall be the natural right and duty of parents.

3. Able-bodied adult children shall take care of their disabled parents.

## **Article 28**

1. A citizen of the Republic of Kazakhstan shall be guaranteed a minimum wage and a pension, as well as social security in old age, in case of sickness, disability or loss of the main source of income, and on other legal grounds.

2. Voluntary social insurance, the creation of complementary forms of social security and charity shall be encouraged.

Footnote. See Resolution No. 3/2 of the Constitutional Council of the Republic of Kazakhstan of 12 March 1999.

## **Article 29**

1. Citizens of the Republic of Kazakhstan shall have the right to health protection.

2. Citizens of the Republic shall have the right to free, guaranteed and comprehensive medical care in accordance with the law.

3. Paid medical care shall be provided by state and private medical institutions, as well as by persons engaged in private medical practice under the conditions and according to the terms and procedures established by law.

## **Article 30**

1. Citizens shall be guaranteed free secondary education in state educational establishments. Secondary education shall be compulsory.

2. Citizens shall have the right to pursue higher education on a competitive basis in state institutions of higher education.

3. Fee-paying education in private educational institutions shall be provided on the grounds and in the manner prescribed by law.

4. The state shall set uniform compulsory standards in education. The activities of all educational institutions shall be in accordance with these standards.

## **Article 31**

1. The state shall endeavour to protect the environment for the benefit of human life and health.

2. Public officials shall be held accountable in accordance with the law for concealing facts and circumstances that endanger the life and health of the people.

## **Article 32**

Citizens of the Republic of Kazakhstan shall have the right to assemble peacefully and unarmed, to hold meetings, campaigns, demonstrations, street processions and pickets. The exercise of this right may be restricted by law in the interests of state security, public

order, protection of health, rights and freedoms of others.

### **Article 33**

1. Citizens of the Republic of Kazakhstan shall have the right to participate directly and through their representatives in the management of state affairs, to make personal, individual and collective appeals to state and local self-government bodies.
2. Citizens of the Republic shall have the right to elect and be elected to bodies of state and local self-government, as well as to participate in a republican referendum.
3. The right to elect and be elected to bodies of state and local self-government, as well as to participate in a republican referendum, shall not extend to citizens who have been declared legally incompetent by a court, or to citizens who have been placed in a detention facility by a court order.
4. Citizens of the Republic shall have equal rights to hold public office. The requirements for candidates for public office shall be determined solely by the nature of the duties of the office and shall be established by law.

Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication).

### **Article 34**

1. Everyone shall observe the Constitution and laws of the Republic of Kazakhstan and respect the rights, freedoms, honour and dignity of other people.
2. Everyone shall respect the state symbols of the Republic.

Footnote. Article 34 was amended in the Kazakh language, the text in the Russian language was not amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication).

### **Article 35**

The payment of legally established taxes, fees and other obligatory payments shall be the duty and responsibility of everyone.

### **Article 36**

1. Defence of the Republic of Kazakhstan shall be a sacred duty and responsibility of every citizen.
2. Citizens of the Republic shall perform military service in accordance with the procedure and in the form established by law.

### **Article 37**

Citizens of the Republic of Kazakhstan shall take care of the protection of historical and cultural heritage and preserve historical and cultural monuments.

### **Article 38**

Citizens of the Republic of Kazakhstan shall preserve nature and protect natural resources.

### **Article 39**

1. The rights and freedoms of man and citizen may be limited only by law and only to the extent necessary to protect the constitutional system, public order, human rights and freedoms, or the health and morals of the population.

2. Any act likely to violate inter-ethnic and inter-religious harmony shall be recognised as unconstitutional.

3. Restrictions on the rights and freedoms of citizens for political reasons shall not be permitted in any form. The rights and freedoms provided for in Articles 11, 13–15, paragraph 1 of Article 16, Article 17, Article 19, Article 22, paragraph 2 of Article 26 of the Constitution may not be restricted in any way.

Footnote. See Normative Resolution No. 5 of the Constitutional Council of the Republic of Kazakhstan of 28 May 2007.

Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Section III**

### **The President**

### **Article 40**

1. The President of the Republic of Kazakhstan shall be the Head of State, the holder of the highest office, who shall determine the main directions of the domestic and foreign policy of the state and represent Kazakhstan at home and in international relations.

2. The President of the Republic shall be the symbol and guarantor of the unity of the people and state power, the inviolability of the Constitution, the rights and freedoms of man and citizen.

3. The President of the Republic shall ensure the coordinated functioning of all branches of government and the accountability of the authorities to the people.

### **Article 41**

1. The President of the Republic of Kazakhstan shall be elected in accordance with the constitutional law by adult citizens of the Republic on the basis of universal, equal and direct suffrage by secret ballot for a term of seven years.
2. A citizen of the Republic by birth, at least forty years old, fluent in the state language, a resident of Kazakhstan for fifteen years and a holder of higher education may be elected President of the Republic of Kazakhstan. The constitutional law may establish additional requirements for candidates for the office of President of the Republic.
3. The regular election of the President of the Republic shall be held on the first Sunday of December and shall not coincide with the election of a new Parliament of the Republic.
- 3-1. Extraordinary presidential elections shall be called by decree of the President of the Republic and shall be held in accordance with the procedure and terms established by constitutional law.
4. Excluded by the Law of the Republic of Kazakhstan No. 284-I of 7 October 1998.
5. A candidate who receives more than fifty per cent of the votes cast by those entitled to vote shall be deemed elected. If no candidate receives the required number of votes, a second ballot shall be held between the two candidates who received the largest number of votes. A candidate shall be elected if he receives the greater number of votes cast by those entitled to vote.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 9/2 of 9 October 1998; No. 5 of 19 August 2005.

Footnote. Article 41 as amended by Law of the Republic of Kazakhstan No. 284-I of 7 October 1998; No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 403-IV of 2 February 2011 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its official publication); No. 142-VII of 17 September 2022 (in force from the date of its official publication).

## **Article 42**

1. The President of the Republic of Kazakhstan shall take office from the moment he takes the following oath before the people: "I solemnly swear that I will faithfully serve the people of Kazakhstan, strictly observe the Constitution and laws of the Republic of Kazakhstan, guarantee the rights and freedoms of citizens, conscientiously perform the high duties of the President of the Republic of Kazakhstan entrusted to me".
2. The oath shall be taken on the second Wednesday of January in a solemn atmosphere in the presence of members of Parliament, judges of the Constitutional Court, the Supreme Court and former Presidents of the Republic. In the case provided for in Article 48 of the Constitution, the person who has assumed the powers of the President of the Republic of Kazakhstan shall take the oath within one month from the day of assuming the powers of the President of the Republic.

3. The powers of the President of the Republic shall cease from the moment the newly elected President of the Republic takes office, as well as in case of early dismissal from office, resignation or death. All former Presidents of the Republic, except those who have been dismissed from office, shall bear the title of Ex-President of the Republic of Kazakhstan.

4. Excluded by the Law of the Republic of Kazakhstan No. 284-I of 7 October 1998.

5. The same person may not be elected President of the Republic more than once.

Footnote. Article 42 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication); No. 254-III of 21 May 2007 (in force from the date of its official publication); of 8 June 2022 (entered into force on 8 June 2022); No. 142-VII of 17 September 2022 (in force from the date of its first official publication).

### **Article 43**

1. The President of the Republic of Kazakhstan shall not have the right to be a deputy of a representative body, to hold other paid positions, or to engage in entrepreneurial activity.

2. Excluded by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007.

3. The President of the Republic of Kazakhstan may not be a member of a political party while exercising his/her powers.

4. Close relatives of the President of the Republic of Kazakhstan shall not be entitled to hold positions of political officials, heads of subjects of the semi-public sector.

Footnote. Article 43 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); of 8 June 2022 (entered into force on 8 June 2022).

### **Article 44**

The President of the Republic of Kazakhstan shall:

1) annually address the people of Kazakhstan with a message on the state of the country and the main directions of the domestic and foreign policy of the Republic of Kazakhstan;

2) call regular and special elections to the Parliament of the Republic and its Chambers; convene the first session of the Parliament and swear in its deputies to the people of Kazakhstan; convene an extraordinary session of the Parliament; sign the law submitted by the Senate of the Parliament within one month, promulgate the law or return the law or some of its articles for further discussion and voting;

3) after consultation with the factions of political parties represented in the Mazhilis of the

Parliament, recommend the candidacy of the Prime Minister of the Republic to the Mazhilis for approval; with the approval of the Mazhilis of the Parliament, appoint the Prime Minister of the Republic; dismiss the Prime Minister of the Republic; on the recommendation of the Prime Minister, determine the structure of the Government; on the recommendation of the Prime Minister, after consulting the Mazhilis of Parliament, appoint the members of the Government; independently appoint the Ministers of Foreign Affairs, Defence and Internal Affairs; dismiss members of the Government; swear in members of the Government; if necessary, preside over meetings of the Government on particularly important matters;

4) with the consent of the Senate of Parliament, appoint the Chairman of the Constitutional Court, the Governor of the National Bank, the Chairman of the Supreme Judicial Council, the Prosecutor General, the Chairman of the National Security Committee of the Republic of Kazakhstan; dismiss them from office;

5) create, abolish and reorganise state bodies directly subordinate to and accountable to the President of the Republic;

6) appoint and dismiss heads of diplomatic missions of the Republic;

7) appoint the Chairman and two members of the Central Election Commission, the Chairman and two members of the Supreme Audit Chamber for a term of five years;

8) Excluded by Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

9) Excluded by Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

10) take a decision on holding a republican referendum;

10-1) send an appeal to the Constitutional Council on the consideration of an adopted law or other legal act for its conformity with the Constitution of the Republic in the interests of protecting the rights and freedoms of man and citizen, ensuring national security, sovereignty and integrity of the State, to give an opinion in the case provided for in paragraph 3 of Article 91 of the Constitution of the Republic of Kazakhstan;

11) conduct negotiations and sign international treaties of the Republic, sign ratification documents, credentials and recall diplomatic and other representatives of foreign states accredited to him/her;

12) act as Supreme Commander of the Armed Forces of the Republic, appoint and dismiss the Commander-in-Chief of the Armed Forces;

13) award state honours of the Republic; to confer honorary, highest military and other ranks, positions, diplomatic ranks and degrees of qualification;

14) settle questions of citizenship of the Republic and the granting of political asylum;



15) exercise the pardon of citizens;

16) after official consultations with the Prime Minister and the Chairmen of the Chambers of the Parliament of the Republic, take measures dictated by the above-mentioned circumstances, including the proclamation of a state of emergency on the entire territory of the Republic and in certain regions of Kazakhstan, and immediately inform the Parliament about the use of the Armed Forces of the Republic in case of a serious and direct threat to the democratic institutions of the Republic, its independence and territorial integrity, the political stability of the Republic, the security of its citizens, and the disruption of the normal functioning of the constitutional bodies of the state;

17) in the event of aggression against the Republic or of an imminent external threat to its security, the President shall declare martial law throughout the territory of the Republic or in certain regions, partial or total mobilisation, and shall immediately inform the Parliament of the Republic;

18) establish the State Security Service under his or her authority;

19) appoint and dismiss the State Councilor of the Republic of Kazakhstan, determine his/her status and powers; form the administration of the President of the Republic;

20) establish the Security Council and other consultative and advisory bodies, as well as the Assembly of People of Kazakhstan and the Supreme Judicial Council;

21) exercise other powers in accordance with the Constitution and laws of the Republic.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 10/2 of 30 June 1999; No. 15/2 of 3 July 2000; No. 14/2 of 12 November 2001; No. 3 of 18 October 2010.

Footnote. Article 44 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication); No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication); of 8 June 2022 (see Article 3 for adoption procedure).

## **Article 45**

1. The President of the Republic of Kazakhstan, on the basis and for the purpose of implementation of the Constitution and laws, shall issue decrees and decisions which shall be binding throughout the territory of the Republic.

2. Excluded by the Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

3. Acts of Parliament signed by the President of the Republic, as well as acts of the President adopted on the initiative of the Government, shall be preliminarily authenticated by the signature of the Chairman of each Chamber of Parliament or the Prime Minister, who shall be legally responsible for the legality of such acts.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 15/2 of 3 July 2000; No. 5 of 26 June 2008.

Footnote. See Article 45 as amended by Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Article 46**

1. The President of the Republic of Kazakhstan, his or her honour and dignity shall be inviolable.
2. The President of the Republic and his or her family shall be boarded, lodged and guarded at the expense of the state.
3. The provisions of this Article shall apply to ex-Presidents of the Republic.
4. Excluded by the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 8 June 2022).

Footnote. Article 46 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); of 8 June 2022 (entered into force on 8 June 2022).

## **Article 47**

1. The President of the Republic of Kazakhstan may be removed from office prematurely if he or she is permanently incapable of performing his or her duties due to illness. In this case, the Parliament shall form a commission consisting of an equal number of deputies from each Chamber and specialists in the relevant medical fields. The decision to remove the President from office prematurely shall be taken at a joint session of the Chambers of Parliament by a majority of at least three quarters of the total number of members of each Chamber, on the basis of the opinion of the Commission and of the Constitutional Council on compliance with the established constitutional procedures.
2. The President of the Republic shall be responsible for actions taken in the performance of his/her duties and may be removed from office by the Parliament only in the case of high treason. The decision to impeach and investigate may be taken by a majority of Mazhilis deputies on the initiative of at least one third of the total number of deputies. The investigation of the accusation shall be organised by the Senate, and its results shall be submitted for consideration to a joint session of the Chambers of Parliament by a majority of the total number of deputies of the Senate. The final decision on the matter shall be taken by a joint session of the Chambers of Parliament by a majority of at least three quarters of the total number of members of each Chamber, provided that the Supreme Court has ruled on the validity of the impeachment and on the conclusion of the Constitutional Council as to compliance with the established constitutional procedures. In the absence of a final decision within two months from the date of the impeachment, the impeachment of the President of the Republic shall be deemed to have been rejected.

The rejection of the charge of high treason against the President of the Republic at any stage shall result in the early termination of the powers of the Mazhilis deputies who initiated the consideration of this issue.

3. The question of the impeachment of the President of the Republic shall not be raised during the period of consideration of the question of the early termination of the powers of the Parliament of the Republic or of the Mazhilis of the Parliament.

Footnote. Article 47 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); of 08 June 2022 (in force from 01 January 2023).

## **Article 48**

1. In case of early removal or impeachment of the President of the Republic of Kazakhstan, as well as in case of his or her death, the powers of the President of the Republic for the remaining term of office shall be transferred to the Chairman of the Senate of the Parliament; if the Chairman of the Senate is not able to assume the powers of the President, they shall be transferred to the Chairman of the Mazhilis of the Parliament; if the Chairman of the Mazhilis is not able to assume the powers of the President, they shall be transferred to the Prime Minister of the Republic. A person who has assumed the powers of the President of the Republic shall relinquish the powers of the Chairman of the Senate, the Chairman of the Mazhilis and the Prime Minister. In such a case, the vacant public offices shall be filled in the manner prescribed by the Constitution.

2. A person who has assumed the powers of the President of the Republic of Kazakhstan on the grounds and in the manner provided for in paragraph 1 of this Article shall not have the right to introduce amendments and additions to the Constitution of the Republic of Kazakhstan.

Footnote. Article 48 as amended by Law of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication).

## **Section IV**

### **Parliament**

## **Article 49**

1. The Parliament of the Republic of Kazakhstan shall be the highest representative body of the Republic exercising legislative power.

2. The powers of the Parliament shall begin with the opening of its first session and shall end with the first session of the Parliament of a new convocation.

3. The powers of Parliament may be terminated prematurely in the cases and under the conditions established by the Constitution.

4. The Constitution shall regulate the organisation and functioning of Parliament and the legal status of its deputies.

Footnote. See Resolution No. 13/2 of the Constitutional Council of the Republic of Kazakhstan of 14 July 1999.

Footnote. Article 49 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Article 50**

1. The Parliament shall consist of two Chambers: the Senate and the Mazhilis, which shall be permanent.

2. The Senate shall be composed of deputies representing, in accordance with the procedure established by constitutional law, two deputies from each region, city of republican importance and the capital of the Republic of Kazakhstan. Ten deputies of the Senate shall be appointed by the President of the Republic, five of whom shall be appointed on the proposal of the Assembly of People of Kazakhstan.

3. The Mazhilis shall be composed of ninety-eight deputies elected in accordance with the procedure established by the constitutional law under a mixed electoral system: proportional representation on the territory of a single nationwide constituency and single-mandate territorial constituencies.

4. A deputy of Parliament may not be a member of both Chambers at the same time.

5. The term of office of the deputies of the Senate shall be six years, and that of the deputies of the Mazhilis shall be five years.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 1/2 of 15 March 1999; No. 24/2 of 29 November 1999; No. 1 of 11 February 2003; No. 1 of 12 February 2004.

Footnote. Article 50 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication); No. 254-III of 21 May 2007 (in force from the date of its official publication); of 8 June 2022 (entered into force on 8 June 2022).

## **Article 51**

1. Elections of Mazhilis deputies shall be held on the basis of universal, equal and direct suffrage by secret ballot. The next election of Mazhilis deputies shall be held no later than two months before the end of the term of the current convocation of Parliament.

2. The deputies of the Senate shall be elected by indirect suffrage, by secret ballot. Half of the elected deputies of the Senate shall be subject to re-election every three years. In this case, their ordinary election shall take place not later than two months before the expiry of their term of office.

3. Extraordinary elections of deputies of Parliament or Mazhilis of Parliament shall be held within two months of the day of the early termination of the powers of Parliament or Mazhilis of Parliament.

4. A deputy of the Parliament may be a person who is a citizen of the Republic of Kazakhstan and who has been a permanent resident of the territory of the Republic of Kazakhstan for ten years. A deputy of the Senate may be a person who has reached the age of thirty, has a higher education, has been in service for at least five years and has been a permanent resident of the respective region, city of republican importance or the capital of the republic for at least three years. A Mazhilis deputy may be a person who has reached the age of twenty-five.

5. The constitutional law shall regulate the election of deputies to the Parliament of the Republic.

6. A deputy of the Parliament shall take an oath before the people of Kazakhstan.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 5/2 of 18 March 1999; No. 24/2 of 29 November 1999; No. 1 of 11 February 2003.

Footnote. Article 51 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication); No. 254-III of 21 May 2007 (in force from the date of its official publication); of 8 June 2022 (entered into force on 8 June 2022).

## **Article 52**

1. Excluded by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication).

2. Deputies shall be obliged to participate in the work of the Parliament. A deputy may vote in Parliament only in person. Absence of a deputy from sessions of the Chambers and their bodies more than three times without a clear reason, as well as the transfer of the right to vote, shall entail the application of legal sanctions to the deputy.

3. A deputy of Parliament shall not have the right to be a member of any other representative body, to hold any other paid position, except for teaching, scientific and creative activities, to engage in entrepreneurial activities, to be a member of a governing body or a supervisory board of a commercial organisation. Any breach of this rule shall result in the termination of the mandate of the deputy.

4. A deputy of Parliament may not, during his or her term of office, be arrested, detained, subjected to measures of administrative sanction imposed by a court or charged with a criminal offence without the consent of a competent Chamber, except in cases of arrest at the scene of a crime or in cases of the commission of serious crimes.

5. The powers of a deputy of Parliament shall cease in the event of resignation, death, being declared incompetent, dead or untraceable by a final court decision, and in other cases provided for by the Constitution and by constitutional law.

A deputy of Parliament shall be deprived of his or her mandate in the following cases:

- 1) departure for permanent residence outside the Republic of Kazakhstan;
- 2) entry into force of a conviction pronounced against him/her by a court of law;
- 3) loss of citizenship of the Republic of Kazakhstan.

A deputy of the Mazhilis of the Parliament shall lose his or her mandate in the case of:

- 1) withdrawal or expulsion of a deputy from a political party from which he/she was elected on the basis of a party list in accordance with the constitutional law;
- 2) termination of the activities of a political party from which a deputy was elected on the basis of a party list in accordance with constitutional law;
- 3) recall of a deputy elected in a single-mandate territorial constituency by the electorate in the manner established by constitutional law.

The powers of appointed deputies of the Senate of Parliament may be terminated prematurely by decision of the President of the Republic.

The powers of deputies of Parliament and Mazhilis of Parliament shall be terminated prematurely in the event of dissolution of Parliament or Mazhilis of Parliament.

6. The Central Election Commission of the Republic of Kazakhstan shall prepare the issues concerning the application of punitive measures to deputies, their compliance with the requirements of paragraph 3 of this Article, the rules of ethics of deputies, as well as the termination of the powers of deputies and deprivation of their powers and inviolability of deputies.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 7/2 of 17 May 2001; No. 19/2 of 13 December 2001; No. 10 of 30 January 2003; No. 1 of 11 February 2003; No. 5 of 12 May 2003; No. 9 of 25 August 2004

Footnote. Article 52 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication); No. 254-III of 21 May 2007 (in force from the date of its official publication); of 8 June 2022 (entered into force on 8 June 2022).

## **Article 53**

Parliament in a joint session of the Chambers shall:

1) introduce amendments and additions to the Constitution on the proposal of the President of the Republic of Kazakhstan;

1-1) adopt constitutional laws;

1-2) repeated discussion and voting on constitutional laws or articles of a constitutional law to which the President of the Republic has raised objections within one month from the day of sending the objections. Failure to meet this deadline shall constitute acceptance of the President's objections. If Parliament overrules the President's objections by a majority of three quarters of the total number of members of each Chamber, the President shall sign the constitutional law within one month. If the President's objections are not overruled, the constitutional law shall be deemed not to have been adopted or to have been adopted in the text proposed by the President;

2) approve the reports of the Government and the Accounts Committee for Control over Implementation of Republican Budget on the implementation of the national budget. Failure to approve the report of the Government on the execution of the Republican Budget by Parliament means that the Parliament expresses a vote of no confidence in the Government;

3) Excluded by Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

4) take decisions on matters of war and peace;

5) decide on the deployment of the Armed Forces of the Republic, on the proposal of the President of the Republic, in order to fulfil international obligations for the maintenance of peace and security;

6) hear the annual reports of the Constitutional Court on the state of constitutional legality in the Republic;

7) establish joint commissions of the Chambers, elect and dismiss their chairmen and hear reports on the activities of the commissions;

8) exercise other powers conferred on Parliament by the Constitution.

Footnote. See Normative Resolution No. 5 of the Constitutional Council of the Republic of Kazakhstan of 26 June 2008.

Footnote. Article 53 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); as amended by the Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication); of 8 June 2022 (see Article 3 for adoption procedure).

## **Article 54**

1. The Parliament shall pass laws in separate sessions of the Chambers by sequential consideration of issues, first in the Mazhilis and then in the Senate, including:
  - 1) approving the national budget and making amendments and additions thereto;
  - 2) fixing and cancelling state taxes and dues;
  - 3) establish rules for resolving issues related to the administrative and territorial structure of the Republic of Kazakhstan;
  - 4) establish state awards, honorary, military and other titles, ranked positions, diplomatic ranks of the Republic of Kazakhstan, as well as state symbols of the Republic;
  - 5) settle questions of state loans, economic and other assistance provided by the Republic of Kazakhstan;
  - 6) settle questions of amnesty;
  - 7) ratify and denounce international treaties of the Republic.
2. Parliament shall, in a separate session of the Chambers, by successive consideration first in the Mazhilis and then in the Senate, consider:
  - 1) the report on the national budget;
  - 2) the laws or articles of law to which the President of the Republic has raised objections, within one month of the date on which the objections were sent. Failure to meet this deadline shall be deemed acceptance of the President's objections. If the Mazhilis and the Senate, by a two-thirds majority of the total number of deputies in each Chamber, overrule the President's objections, the President shall sign the bill into law within one month. If the objections of the President are not overruled by at least one of the Chambers, the law shall be deemed not to have been adopted or to have been adopted in the wording proposed by the President;
  - 3) initiate the republican referendum.

Footnote. See Normative Resolution No. 8 of the Constitutional Council of 15 October 2008.

Footnote. Article 54 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); as amended by the Law of the Republic of Kazakhstan of 08 June 2022 provides for a new edition (entered into force on 1 January 2023).

## **Article 55**

The Senate shall have the following exclusive powers:



1) election and dismissal of the Chairman of the Supreme Court and judges of the Supreme Court of the Republic of Kazakhstan on the recommendation of the President of the Republic of Kazakhstan, as well as their swearing in;

1-1) election of the Human Rights Commissioner in Kazakhstan for a term of five years and his or her dismissal from office on the recommendation of the President of the Republic of Kazakhstan;

2) approval of the appointment by the President of the Republic of the Chairman of the Constitutional Court, the Governor of the National Bank, the Chairman of the Supreme Judicial Council, the Prosecutor General, the Chairman of the National Security Committee of the Republic;

3) deprivation of immunity of the Prosecutor General, the Chairman and Judges of the Supreme Court of the Republic, the Human Rights Commissioner of the Republic of Kazakhstan;

4) Excluded by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication);

5) to perform the functions of Parliament in adopting constitutional and other laws during the temporary absence of the Mazhilis caused by the early termination of its powers;

6) to exercise other powers conferred on the Senate by the Constitution.

Footnote. See Resolution No. 11/2 of the Constitutional Council of the Republic of Kazakhstan of 5 July 2000.

Footnote. Article 55 as amended by Laws of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication); of 8 June 2022 (entered into force on 8 June 2022).

## **Article 56**

1. The Mazhilis shall have exclusive competence in the following matters:

1) to approve for consideration the draft constitutional and other laws submitted to Parliament;

2) to approve, by a majority of the total number of deputies in the Chamber, the nominee of the President for the post of Prime Minister;

3) to proclaim the regular election of the President of the Republic;

3-1) to hear the report of the President of the Supreme Audit Chamber twice a year;

4) to exercise other powers vested in the Mazhilis by the Constitution.

2. On the proposal of at least one-fifth of its total membership, the Mazhilis shall have the right to pass a vote of no confidence in the Government by a simple majority of its total membership.

Footnote. Article 56 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); as amended by the Law of the Republic of Kazakhstan of 8 June 2022 (see Article 3 for adoption procedure).

## **Article 57**

Each Chamber of Parliament, independently and without the participation of the other, shall appoint:

- 1) three judges of the Constitutional Court; two members of the Central Election Commission for a term of five years; and three members of the Supreme Audit Chamber;
- 2) appoint half of the members of the Commission formed by Parliament in the case provided for in Article 47(1) of the Constitution;
- 3) to elect half the members of the joint commissions of the Chambers;
- 4) to terminate the powers of deputies of the Chambers and, on the recommendation of the Prosecutor General of the Republic of Kazakhstan, to resolve the issues of waiving their immunity;
- 5) to hold parliamentary hearings on the issues of its competence;
- 6) have the right, on the initiative of at least one third of the total number of members, to hear the reports of the Government on its performance. After the hearings, a majority of at least two-thirds of the total membership of the Chamber is entitled to accept the request of the President of the Republic to remove from office the member of the Government who has failed to comply with the laws of the Republic. The President then removes the member from office.
- 7) establish the coordination and working bodies of the Chambers; and
- 8) adopt regulations governing their activities, other decisions concerning the structure of the Chambers and the internal code of conduct.

Footnote. Article 57 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication); No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication); of 8 June 2022 (entered into force on 8 June 2022).

## **Article 58**

1. The Chambers shall be presided over by their chairmen, who shall be elected by the Senate and the Mazhilis from among the deputies fluent in the state language by secret ballot by the majority of the total number of deputies. The Chairman of the Senate shall be appointed by the President of the Republic of Kazakhstan. The Chairman of the Mazhilis shall be appointed by the deputies of the Chamber.

2. The Chairmen of the Chambers may be removed from office and submit their resignation by a majority vote of the Chambers.

3. The Chairmen of the Chambers of Parliament shall:

- 1) convene and preside over the meetings of the Chambers;
- 2) exercise general supervision over matters to be considered by the Chambers;
- 3) appoint the Deputy Chairs of the Chambers;
- 4) ensure compliance with the Rules of Procedure in the work of the Chambers;
- 5) supervise the work of the coordination bodies of the Chambers; and;
- 6) sign the minutes of the Chambers;
- 7) recommend to the Chambers candidates for appointment as judges of the Constitutional Court, members of the Central Election Commission and members of the Supreme Audit Chamber;
- 8) perform other duties assigned to them by the Rules of Procedure of Parliament.

4. The Chairman of the Mazhilis shall:

- 1) open the sessions of Parliament;
- 2) convene ordinary joint sessions of the Chambers and preside over ordinary and extraordinary joint sessions of the Chambers.

5. The Chairmen of the Chambers shall issue instructions on matters within their competence.

Footnote. Article 58 as amended by Laws of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); of 8 June 2022 (entered into force on 8 June 2022).

## **Article 59**

1. Parliament shall sit in joint and separate Chambers.

2. The President of the Republic of Kazakhstan shall convene the first session not later than thirty days after the announcement of the election results.

3. Ordinary sessions of Parliament shall be held once a year from the first working day of September to the last working day of June.

4. As a rule, the session of Parliament shall be opened by the President of the Republic and closed at joint sessions of the Senate and the Mazhilis. During the inter-session period, the President of the Republic of Kazakhstan shall have the right to convene an extraordinary session of Parliament, either on his or her own initiative or on the proposal of one of the chairmen or at least one third of the total number of deputies of Parliament. At such a session only the matters which were the reason for the convocation shall be considered.

5. Joint and separate sessions of the Chambers shall be held when at least two-thirds of the total number of members of each Chamber are present.

6. Joint and separate sessions of the Chambers shall be open to the public. If the rules so provide, the session may be held in camera. The President of the Republic, the Prime Minister and members of the Government, the Governor of the National Bank, the Prosecutor General and the Chairman of the National Security Committee shall have the right to be present and to be heard at any session.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 14/2 of 30 June 1999; No. 13/2 of 14 July 1999.

Footnote. Article 59 as amended by Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication).

## **Article 60**

1. Each Chamber shall set up standing committees consisting of at least seven members.

2. The Senate and the Mazhilis shall have the right to set up joint commissions in equal numbers to deal with matters relating to their joint activities.

3. The committees and commissions shall pass resolutions on matters within their competence.

4. The procedure for the establishment of such commissions, their powers and working methods shall be regulated by statute.

## **Article 61**

1. The President of the Republic, the members of Parliament and the Government shall have the right of legislative initiative, which shall be exercised only in the Mazhilis.

2. The President of the Republic of Kazakhstan shall have the right to determine the priority of consideration of bills, which means that the bill shall be adopted as a matter of urgency within two months.

Bills introduced on the legislative initiative of the Government of the Republic for immediate response to conditions threatening the life and health of the population, constitutional order, protection of public order and economic security of the country shall be immediately considered by the Parliament in a joint session of its Chambers.

3. Parliament shall have the right to enact laws regulating the main public relations and establishing fundamental principles and norms relating to:

- 1) the legal capacity of natural and legal persons, civil liberties and rights, and the duties and responsibilities of natural and legal persons;
- 2) the system of ownership and other property rights;
- 3) the principles governing the organisation and functioning of central and local government and military and civilian service;
- 4) taxation and the collection of fees and other compulsory charges;
- 5) the republican budget;
- 6) matters relating to the judicial system and legal proceedings;
- 7) education, health and social services;
- 8) privatisation of enterprises and their property;
- 9) environmental protection;
- 10) the administrative and territorial structure of the Republic;
- 11) national defence and security.

All other matters are regulated by local statutes.

In the case of bills submitted to Parliament in accordance with the second part of paragraph 2 of this Article, the Government of the Republic shall have the right to issue on its own temporary regulatory acts with the force of law on the matters specified in the first part of this paragraph, which shall be valid until the bills adopted by

Parliament enter into force or until Parliament fails to adopt the bills.

4. A law adopted by a majority of the total number of deputies of the Mazhilis shall be submitted to the Senate, where it shall be considered for a maximum period of sixty days.

The Mazhilis as a whole has the right to reject the bill by a majority of the total number of deputies. The rejected bill is considered not passed and is returned to the initiator.

A bill approved by a majority of the total number of members of the Senate shall be submitted to the President for signature within ten days. If the Senate does not approve the bill as a whole or its individual articles, the bill is returned to the Mazhilis. At the same

time, the Senate has the right to propose a new version of certain articles of the bill to the Mazhilis.

If the Senate has not reached a decision within sixty days, the bill is submitted to the President for his/her signature.

5. If the Mazhilis, by a majority of the total number of deputies, approve the wording of certain articles of the law proposed by the Senate, the law shall be deemed to have been adopted by the Mazhilis in a new version and approved by the Senate and shall be submitted to the President for signature within ten days.

If the Mazhilis, by the same majority of votes, object to the wording of certain articles of the law proposed by the Senate, and even if the Senate has not approved the law as a whole, the differences between the Chambers shall be settled by conciliation.

The version of the law prepared by the Conciliation Commission shall be considered by the Mazhilis and the Senate in the manner prescribed in paragraph 4 of this Article.

If the Mazhilis, by a majority of the votes of the total number of deputies in the Chamber, does not adopt the law in the wording proposed by the Conciliation Commission, the Mazhilis shall hold a second vote on the law in the wording previously adopted.

If in the second vote the Mazhilis confirms the previous decision by a two-thirds majority of the total number of deputies in the Chamber, the law shall be submitted to the President for signing within ten days.

If the law does not receive the stated majority of votes of the deputies of the Mazhilis, it shall be deemed not to have been adopted and shall be returned to the initiator.

5-1. Excluded by the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 1 January 2023).

6. Bills providing for a decrease in state revenues or an increase in state expenditures may be submitted only upon a positive resolution of the Government of the Republic of Kazakhstan. Such a resolution shall not be required in the case of bills considered by the Mazhilis of the Parliament on the legislative initiative of the President of the Republic of Kazakhstan.

7. If a bill submitted by the Government is not adopted, the Prime Minister shall have the right to raise a question of confidence in the Government at a joint session of the Chambers. The vote on this question shall be held no earlier than forty-eight hours after the motion of confidence has been tabled. If the motion of confidence is not carried by a majority of the total number of members of each Chamber, the bill shall be deemed to have been adopted without a vote. However, the Government may not exercise this right more than twice a year.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 3/2 of 12 March 1999; No. 18/2 of 27 September 1999; No. 19/2 of 3 November 1999; No. 9/2 of 15 June 2000; No. 15/2 of 3 July 2000; No. 8/2 of 8 June 2001; No. 6 of 13 May 2003; No. 8 of 15 October 2008.

Footnote. Article 61 as amended by Laws of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication); of 8 June 2022 second part two shall be added (entered into force on 1 January 2023).

## **Article 62**

1. The Parliament shall adopt legislative acts in the form of laws of the Republic of Kazakhstan, resolutions of the Parliament, resolutions of the Senate, and resolutions of the Mazhilis, which shall be binding throughout the territory of the Republic.

2. Laws of the Republic shall come into force after being signed by the President of the Republic.

3. Amendments and additions to the Constitution shall be adopted by a majority of at least three quarters of the votes of the total number of deputies in each Chamber.

4. Constitutional laws on matters specified in the Constitution shall be adopted by a majority of at least two-thirds of the votes of the total number of deputies in each Chamber.

5. Laws shall be adopted by the Mazhilis, approved by the Senate by a majority of the total number of deputies of the Chambers, unless the Constitution provides otherwise.

Resolutions of Parliament and its Chambers shall be adopted by a majority of the total number of deputies in the Chambers, unless the Constitution provides otherwise.

6. Issues of introducing amendments and additions to the Constitution of the Republic of Kazakhstan, draft constitutional laws shall be considered in at least two readings.

7. Laws of the Republic, resolutions of the Parliament and its Chambers shall not contradict the Constitution. Resolutions of the Parliament and its Chambers shall not contradict the laws.

8. The order of drafting, submission, discussion, adoption and publication of laws and other regulatory legal acts of the Republic shall be determined by a special law and the Rules of Procedure of Parliament and its Chambers.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 15/2 of 3 July 2000; No. 4 of 18 April 2007; No. 2 of 10 January 2023.

Footnote. Article 62 as amended by Laws of the Republic of Kazakhstan No. 254-III of 21

May 2007 (in force from the date of its official publication); of 08 June 2022 provides for a new edition (entered into force on 1 January 2023).

## **Article 63**

1. The President of the Republic, after consulting the Chairmen of the Chambers of Parliament and the Prime Minister, may dissolve Parliament or the Mazhilis of Parliament.
2. Parliament and the Mazhilis of Parliament may not be dissolved during a state of emergency or martial law, during the last six months of the President's term of office, or within one year of the previous dissolution.

Footnote. Article 63 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication).

## **Section V**

### **Government**

## **Article 64**

1. The Government shall exercise the executive power of the Republic of Kazakhstan, head the system of executive bodies and direct their activities.
2. The Government shall be a collegial body and shall be accountable in its activities to the President of the Republic and to the Parliament.
3. The members of the Government shall be accountable to the Chambers of Parliament in the case provided for in subparagraph 6) of Article 57 of the Constitution.
4. The powers, organisation and activities of the Government shall be determined by constitutional law.

Footnote. Article 64 as amended by Laws of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Article 65**

1. The Government shall be formed by the President of the Republic of Kazakhstan in the manner established by the Constitution.
2. Proposals on the structure and composition of the Government shall be submitted by the Prime Minister of the Republic to the President of the Republic within ten days after the appointment of the Prime Minister.



3. Members of the Government shall take an oath before the people and the President of the Republic of Kazakhstan.

## **Article 66**

The Government of the Republic of Kazakhstan shall:

- 1) develop and organise the implementation of the main directions of social and economic policy of the state, its defence, security and public order; in agreement with the President of the Republic, approve state programmes and ensure their implementation;
- 2) submit to Parliament republican budget, together with a report on its execution, and ensure its execution;
- 3) submit bills to the Mazhilis and ensure their implementation;
- 4) organise the administration of State property;
- 5) develop measures to implement the foreign policy of the Republic;
- 6) direct the activities of ministries, state commissions and other central and local executive bodies;
- 7) shall have the power to cancel or suspend, in whole or in part, the activities of Ministries, State Commissions and other central and local executive bodies of the Republic;
- 8) Excluded by the Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication);
- 9) Excluded by the Law of the Republic of Kazakhstan No. 284-I of 7 October 1998;
- 9-1) in agreement with the President of the Republic, approve a unified system of financing and remuneration of employees for all bodies operating at the expense of the state budget;
- 10) perform other functions assigned to it by the Constitution, laws and presidential decrees.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 4/2 of 17 March 1999; No. 1/2 of 12 April 2001.

Footnote. Article 66 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998; No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Article 67**

The Prime Minister of the Republic of Kazakhstan shall

- 1) organise and direct the activities of the Government and be personally responsible for its work;
- 2) Excluded by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the day of its official publication);
- 3) sign orders of the Government;
- 4) report to the President and Parliament on the main activities of the Government and on all its major decisions;
- 5) perform other functions relating to the organisation and administration of the Government.

Footnote. Article 67 as amended by Laws of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Article 68**

1. The members of the Government shall be independent in the decisions they take within their competence and shall be personally responsible to the Prime Minister of the Republic for the work of the state bodies under their authority. A member of the Government who disagrees with the policy pursued by the Government or who fails to implement it shall resign or be dismissed.
2. Members of the Government may not be deputies of representative bodies, hold other paid positions, except for teaching, scientific or other creative activities, engage in entrepreneurial activities, or be members of the management or supervisory boards of commercial organisations, except in cases where this is their task in accordance with the law.

Footnote. Article 68 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998; No. 254-III of 21 May 2007 (in force from the date of its official publication).

## **Article 69**

1. The Government of the Republic of Kazakhstan, in matters within its competence, shall issue decrees which shall be binding throughout the territory of the Republic.
2. The Prime Minister of the Republic shall issue decrees which shall be binding throughout the territory of the Republic.
3. Decrees and orders of the Prime Minister shall not contradict the Constitution, legislative acts, decrees and orders of the President of the Republic.

## **Article 70**

1. The Government shall transfer its powers to the newly elected Mazhilis of the Parliament of the Republic.
2. The Government and any of its members shall have the right to tender their resignation to the President of the Republic if they consider it impossible to continue to perform the duties assigned to them.
3. The Government shall tender its resignation to the President of the Republic if the Mazhilis of Parliament or Parliament express no confidence in the Government.
4. The President of the Republic shall, within ten days, consider whether to accept or reject the resignation.
5. Acceptance of a resignation shall mean the termination of the authority of the Government or of the member concerned. Acceptance of the resignation of the Prime Minister shall mean termination of the powers of the Government as a whole.
6. If the resignation of the Government or its member is rejected, the President shall entrust the Government or its member with the further performance of its duties.
7. The President of the Republic shall have the right, on his or her own initiative, to decide on the termination of the powers of the Government and to dismiss any of its members. The dismissal of the Prime Minister shall mean the termination of the powers of the entire Government.

Footnote. See Resolution No. 11 of the Constitutional Council of the Republic of Kazakhstan of 19 November 2003.

Footnote. Article 70 as amended by Laws of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Section VI**

### **Constitutional Court**

Footnote. The title of Section VI is in the wording of the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 8 June 2022).

### **Article 71**

1. The Constitutional Court of the Republic of Kazakhstan shall consist of eleven judges, including the Chairman, whose term of office shall be eight years.

The same person may not be appointed more than once as a judge of the Constitutional Court.

2. The Chairman of the Constitutional Court shall be appointed by the President of the Republic with the consent of the Senate of the Parliament.

3. Four judges of the Constitutional Court shall be appointed by the President of the Republic, three judges by the Senate and three judges by the Mazhilis.

The Deputy Chairman of the Constitutional Court shall be appointed by the President of the Republic from among the Judges of the Constitutional Court on the proposal of the Chairman of the Constitutional Court.

4. The office of Judge of the Constitutional Court shall be incompatible with the office of deputy, with the holding of any other paid office, except for teaching, scientific or other creative activity, entrepreneurial activity, membership in the governing body or supervisory board of a commercial organisation.

5. During their term of office, the Judges of the Constitutional Court may not, without the consent of Parliament, be arrested, detained, subjected to measures of administrative sanction imposed by a court or charged with a criminal offence, except in cases of arrest at the scene of a crime or in cases of serious crimes.

6. The organisation and functioning of the Constitutional Court shall be regulated by the Constitutional Law.

Footnote. Article 71 as amended by the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 8 June 2022); as amended by the Law of the Republic of Kazakhstan No. 142-VII of 17 September 2022 (in force from the date of its first official publication).

## **Article 72**

1. The Constitutional Court on appeal of the President of the Republic of Kazakhstan, the Chairman of the Senate, the Chairman of the Mazhilis, at least one fifth of the total number of deputies of the Parliament, the Prime Minister shall:

1) in case of disputes, decide on the correctness of holding elections of the President of the Republic, deputies of the Parliament, as well as on holding a republican referendum;

2) to examine the laws passed by Parliament for conformity with the Constitution of the Republic before they are signed by the President;

2-1) to examine the resolutions passed by Parliament and its Chambers for conformity with the Constitution of the Republic;

3) to examine the international treaties of the Republic for conformity with the Constitution prior to their ratification;

4) to give an official interpretation of the provisions of the Constitution;

5) to draw conclusions in the cases provided for in paragraphs 1 and 2 of Article 47 of the Constitution.

2. The Constitutional Council shall examine appeals lodged by the President of the Republic in the cases provided for in subparagraph 10-1) of Article 44 of the Constitution, as well as appeals lodged by the courts in the cases provided for in Article 78 of the Constitution.

3. The Constitutional Court of the Republic of Kazakhstan, on the basis of appeals from

citizens, shall review regulatory legal acts of the Republic of Kazakhstan, which directly affect their rights and freedoms enshrined in the Constitution, for their conformity with the Constitution of the Republic.

The procedure and conditions of appeals by citizens to the Constitutional Court shall be determined by the constitutional law.

4. The Constitutional Court shall, upon an appeal of the Prosecutor General of the Republic, review the matters specified in subparagraphs 3) and 4) of paragraph 1 of this Article, as well as regulatory legal acts of the Republic of Kazakhstan for their conformity with the Constitution of the Republic.

5. The Constitutional Court shall, on the basis of a complaint lodged by the Human Rights Commissioner, review regulatory legal acts affecting the rights and freedoms of a man and a citizen established by the Constitution as to their conformity with the Constitution of the Republic.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 15/2 of 3 July 2000; No. 19/2 of 13 December 2001.

Footnote. Article 72 as amended by Laws of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication); as amended from 08 June 2022 (in force from 01 January 2023).

## **Article 73**

1. In the event of an appeal to the Constitutional Court on matters referred to in the subparagraph 1) of paragraph 1 of Article 72 of the Constitution, the inauguration of the President, the registration of elected deputies in Parliament or the compilation of the results of a republican referendum shall be suspended.

2. In the event of an appeal to the Constitutional Court on matters referred to in subparagraphs (2) and (3) of paragraph 1 of Article 72 of the Constitution, the time limits for signing or ratifying the acts in question shall be suspended.

3. The Constitutional Court shall make its decision within the terms established by the constitutional law.

4. Excluded by the Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

Footnote. Article 73 as amended by Laws of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication); as amended from 08 June 2022 (in force from 01 January 2023).

## **Article 74**

1. Laws and international treaties recognised as incompatible with the Constitution of the Republic of Kazakhstan may not be signed, ratified or implemented.

2. Laws and other legal acts, their individual provisions declared unconstitutional, including those violating the rights and freedoms of a man and a citizen established by the Constitution, shall be repealed and not applied from the date of the decision of the Constitutional Court or from the date established by it.

3. The decisions of the Constitutional Council shall enter into force on the day of their adoption, shall be generally binding throughout the territory of the Republic, shall be final and not subject to appeal.

Footnote. See Resolution No. 19/2 of the Constitutional Council of the Republic of Kazakhstan of 13 December 2001.

Footnote. Article 74 as amended by Laws of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication); of 08 June 2022 (in force from 01 January 2023).

## **Section VII**

### **Courts and justice. Office of the Prosecutor. Human Rights Commissioner**

Footnote. The title of Section VII is in the wording of the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 8 June 2022).

## **Article 75**

1. Justice in the Republic of Kazakhstan shall be administered only by a court of law.

2. Judicial power shall be exercised by means of civil, criminal and other forms of judicial proceedings established by law. In cases provided by law, criminal proceedings shall be conducted with the participation of a jury.

3. The courts of the Republic shall be the Supreme Court of the Republic and the regional and other courts of the Republic established by law.

4. The judicial system of the Republic shall be established by the Constitution of the Republic and constitutional laws. The establishment of special and emergency courts under any name shall not be permitted.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 1 of 15 February 2002; No. 1 of 14 April 2006.

Footnote. Article 75 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication); No. 254-III of 21 May 2007 (in force from the date of its official publication).

## **Article 76**

1. Judicial power shall be exercised in the name of the Republic of Kazakhstan and its purpose shall be to protect the rights, freedoms and legitimate interests of citizens and organisations, as well as to enforce the Constitution, laws, other normative legal acts and international treaties of the Republic.

2. Judicial power shall extend to all cases and disputes arising on the basis of the Constitution, laws, other regulatory legal acts and international treaties of the Republic.

3. The rulings, judgments and other decisions of the courts shall be binding throughout the territory of the Republic.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 7/2 of 29 March 1999; No. 21/2 of 20 December 2000; No. 4 of 18 April 2007.

## **Article 77**

1. A judge in the administration of justice shall be independent and subject only to the Constitution and the law.

2. Any interference in the administration of justice shall be unacceptable and punishable by law. Judges shall not be answerable for individual cases.

3. In applying the law, the judge shall be guided by the following principles:

1) a person shall be presumed innocent of having committed an offence until his or her guilt has been established by a final court decision

2) no one shall be subjected to repeated criminal or administrative liability for the same offence;

3) no one's place of jurisdiction, as determined by law, may be changed without his or her consent;

4) everyone has the right to be heard in court;

5) laws that create or increase liability, impose new obligations on citizens or worsen their situation shall not have retroactive effect. If, after the offence has been committed, the responsibility for it is abolished or reduced by law, the new law shall be applied;

6) the accused shall not be obliged to prove his or her innocence;

7) no one shall be obliged to testify against himself or herself or against his or her spouse and close relatives, whose circle is determined by law. Priests are not obliged to testify against those who have confided in them in confession;

8) any doubt as to the guilt of a person shall be interpreted in favour of the accused;

9) evidence obtained illegally is not legally binding. No one may be convicted solely on the basis of his or her own confession;

10) the application of criminal law by analogy shall not be permitted.

4. The principles of justice established by the Constitution shall be common and uniform to all courts and judges of the Republic.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 2/2 of 10 March 1999; No. 4 of 18 April 2007.

## **Article 78**

Courts shall not have the right to apply laws and other normative legal acts that violate the rights and freedoms of man and citizen enshrined in the Constitution. If a court finds that a law or other normative legal act to be applied violates the rights and freedoms of man and citizen enshrined in the Constitution, it shall be obliged to suspend the proceedings and apply to the Constitutional Court for a declaration of the unconstitutionality of the act.

Footnote. Article 78 as amended by the Law of the Republic of Kazakhstan of 8 June 2022 (in force from 1 January 2023).

## **Article 79**

1. The courts shall be composed of permanent judges, whose independence shall be protected by the Constitution and by law. The powers of a judge may be terminated or suspended only for the reasons specified by law.

2. A judge may not be arrested, detained, have administrative measures imposed against him/her or be held criminally liable without the consent of the President of the Republic of Kazakhstan on the basis of the opinion of the Supreme Judicial Council of the Republic or, in the case provided for in subparagraph 3) of Article 55 of the Constitution, - without the consent of the Senate, except in cases of detention at the scene of a crime or in cases of serious crimes.

3. The qualifications required of judges of the Courts of the Republic shall be determined by constitutional law.

4. The office of judge shall be incompatible with the following functions: the office of Member of Parliament; the holding of any other paid position, except for teaching, scientific or other creative activities; entrepreneurial activities; and membership of the management or supervisory board of a commercial organisation.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 3 of 6 March 1997; No. 10 of 30 January 2003; No. 7 of 18 June 2004; No. 6 of 23 June 2004.



Footnote. Article 79 as amended by Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Article 80**

The financing of the courts and the provision of housing for judges shall be provided from the budget of the Republic and shall ensure the possibility of the full and independent administration of justice.

## **Article 81**

The Supreme Court of the Republic of Kazakhstan shall be the supreme judicial body in civil, criminal and other cases, as well as in district, local and other courts; in cases provided for by law, it shall consider cases within its jurisdiction and give explanations on matters of judicial practice.

Footnote. Article 81 as amended by Law of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Article 82**

1. The Chairman and the Judges of the Supreme Court of the Republic of Kazakhstan shall be elected by the Senate on the proposal of the President of the Republic on the recommendation of the Supreme Judicial Council.
2. The Chairman and judges of local and other courts shall be appointed by the President of the Republic on the recommendation of the Supreme Judicial Council.
3. Judicial panels may be established in courts in accordance with the Constitution. The procedure for empowering the chairmen of judicial panels shall be determined by constitutional law.
4. The Chairman of the Supreme Judicial Council shall be appointed by the President of the Republic with the consent of the Senate of Parliament.
5. The status of the Supreme Judicial Council, the procedure for its constitution and the organisation of its work shall be determined by statute.

Footnote. Article 82 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); as amended by the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force from 8 June 2022).

## **Article 83**

1. The Prosecutor's Office shall, on behalf of the state and within the limits and in the manner established by law, supervise the observance of legality on the territory of the Republic of Kazakhstan, represent the interests of the state in court and conduct criminal prosecutions on behalf of the state.

2. The Procurator's Office of the Republic shall form a single centralised system with subordination of lower procurators to higher procurators and to the Prosecutor General of the Republic. It shall exercise its powers independently of other state bodies and officials and shall be responsible only to the President of the Republic.

3. During his or her term of office, the Prosecutor General of the Republic may not, without the consent of the Senate, be arrested, brought to trial, be the subject of administrative measures imposed by a court of law or be held criminally liable, except in the case of arrest at the scene of a crime or in the case of serious crimes. The term of office of the Prosecutor General shall be five years.

4. The powers, organisation and procedures of the Prosecutor General of the Republic shall be determined by constitutional law.

Footnote. See Resolutions of the Constitutional Council of the Republic of Kazakhstan No. 23/2 of 26 December 2000; No. 10 of 30 January 2003; No. 13 of 31 December 2003.

Footnote. Article 83 as amended by Laws of the Republic of Kazakhstan No. 51-VI of 10 March 2017 (in force from the date of its first official publication); of 8 June 2022 (entered into force on 8 June 2022).

## **Article 83-1**

1. The Human Rights Commissioner of the Republic of Kazakhstan shall contribute to restoration of violated rights and freedoms of man and citizen, promote rights and freedoms of man and citizen.

2. In exercising his/her powers, the Human Rights Commissioner shall be independent and not accountable to state bodies and officials.

3. In the exercise of his/her powers, the Human Rights Commissioner may not, without the consent of the Senate, be arrested, brought to trial, subjected to administrative sanctions imposed by a court of law or held criminally liable, except in the case of arrest at the scene of a crime or in the case of serious crimes.

4. The legal status and organisation of the activities of the Human Rights Commissioner shall be determined by the constitutional law.

Footnote. The Constitution is supplemented by Article 83-1 in accordance with the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 8 June 2022).

## **Article 84**

Footnote. Article 84 is excluded by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication).

## **Section VIII. State Administration and Self-Government**

### **Article 85**

Local state administration shall be carried out by local representatives and executive bodies responsible for the state of affairs in the respective territory.

### **Article 86**

1. The Maslikhats are local representative bodies which express the will of the people and of the respective administrative-territorial units and, taking into account national interests, determine the measures necessary for their implementation and supervise their execution.

2. The Maslikhats shall be elected by the people on the basis of universal, equal and direct suffrage by secret ballot for a term of five years.

3. A citizen of the Republic of Kazakhstan who has reached the age of twenty may be elected a deputy of the Maslikhat. A citizen of the Republic may be a deputy of only one Maslikhat.

4. The powers of the Maslikhats shall include:

1) approving plans, programmes for economic and social development of the territory, local budgets and reports on their implementation;

2) resolving issues related to its jurisdiction over the local administrative-territorial structure;

3) considering the reports of the heads of local executive bodies on matters under the jurisdiction of the Maslikhat by law;

4) establishing standing committees and other working bodies of the Maslikhat, hearing reports on their activities and resolving other matters relating to the organisation of the work of the Maslikhat;

5) exercising other powers in accordance with the laws of the Republic to ensure the rights and legitimate interests of the citizens.

5. The powers of the Maslikhat may be terminated prematurely by the President of the Republic after consultation with the Prime Minister and the chairmen of the Chambers of Parliament, and if the Maslikhat decides to dissolve itself.

6. The competence of the Maslikhats, the order of their organisation and activities, and the legal status of their deputies shall be determined by law.

Footnote. Article 86 as amended by Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication).

## **Article 87**

1. Local executive bodies shall be part of the unified system of executive bodies of the Republic of Kazakhstan and shall ensure implementation of the state policy of the executive power in connection with the interests and development needs of the respective territory.

2. The powers of local executive bodies shall include:

1) development of plans, programmes for economic and social development of the territory and the local budget, including ensuring their implementation;

2) administration of the communal property;

3) appointing and dismissing the heads of local executive bodies and resolving other issues related to the organisation of the work of local executive bodies;

4) exercising, in the interests of local government, other powers conferred on local executive bodies by the legislation of the Republic.

3. Each local executive body shall be headed by the Akim (Mayor) of the respective administrative and territorial unit, who shall be the representative of the President and the Government of the Republic.

4. The Akims of regions, cities of republican importance and the capital shall be appointed by the President of the Republic with the consent of the deputies of the Maslikhats located in the territory of the region and the deputies of the Maslikhats of cities of republican importance and the capital.

The President of the Republic shall propose at least two candidates for election. The candidate who receives the largest number of votes from the Maslikhat deputies who participated in the election shall be deemed elected.

The Akims of other administrative-territorial units shall be appointed or elected to office, as well as dismissed from office, in the manner established by law. The President of the Republic shall have the right to dismiss Akims of regions, cities of republican importance and the capital at his or her discretion.

5. On the initiative of at least one fifth of the total number of deputies of the Maslikhat, the question of no confidence in the Akim may be raised. In this case, the Maslikhat, by a majority of the total number of its deputies, shall have the right to express no confidence in the Akim and to submit the question of his or her removal from office to the President of the Republic in the case of Akims of regions, cities of republican importance and the

capital, and to a higher Akim in the case of Akims of other administrative-territorial units. The powers of the Akims of regions, cities of republican importance and the capital shall cease with the assumption of office by the newly elected President of the Republic.

6. The powers of local executive bodies, the organisation and procedure of their activity shall be determined by law.

Footnote. Article 87 as amended by Laws of the Republic of Kazakhstan No. 284-I of 7 October 1998 (in force from the date of its publication); No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication); of 8 June 2022 (entered into force on 8 June 2022).

## **Article 88**

1. Maslikhats shall take decisions on matters within their competence, and Akims shall take decisions and issue orders binding on the territory of the respective administrative and territorial unit.

2. Draft decisions of Maslikhats which provide for a decrease in local budget revenues or an increase in local budget expenditures may be submitted for consideration only after a positive conclusion by an Akim.

3. Decisions of Maslikhats which are inconsistent with the Constitution and legislation of the Republic of Kazakhstan may be appealed in court.

4. Decisions and orders of Akims may be overturned by the Government of the Republic of Kazakhstan or a higher Akim, as well as in court.

Footnote. See Resolution No. 3/2 of the Constitutional Council of the Republic of Kazakhstan of 31 May 2000.

Footnote. Article 88 as amended by the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 8 June 2022).

## **Article 89**

1. In the Republic of Kazakhstan local self-government shall be recognised, which provides for independent decision-making by the population on local issues.

2. Local self-government shall be exercised by the population directly, as well as through maslikhats and other organs of local self-government in municipalities covering the territories where the population groups live in a compact manner.

The exercise of State functions may be delegated to local self-governments in accordance with the law.

3. The organisation and activities of local self-government in Kazakhstan shall be regulated by law.

4. The independence of local self-governments shall be guaranteed within the limits of their powers as defined by law.

Footnote. Article 89 as amended by the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication).

## **Section IX**

### **Final and Transitional Provisions**

#### **Article 90**

1. The Constitution of the Republic of Kazakhstan adopted by a republican referendum shall come into force on the day of official publication of the results of the referendum, with simultaneous termination of the previously adopted Constitution of the Republic of Kazakhstan.

2. The day of adoption of the Constitution by a republican referendum shall be declared a public holiday - the Day of the Constitution of the Republic of Kazakhstan.

#### **Article 91**

1. Amendments and additions to the Constitution of the Republic of Kazakhstan may be introduced by a republican referendum, which shall be held by the decision of the President of the Republic, on his or her own initiative or on the proposal of the Parliament or the Government. Draft amendments and additions to the Constitution shall not be submitted to a republican referendum if the President decides to submit them to Parliament. In such a case, the decision of Parliament shall be taken in the manner prescribed by the Constitution. If the President of the Republic rejects the proposal of Parliament to submit amendments and additions to the Constitution to a republican referendum, Parliament shall have the right, by a majority of at least four-fifths of the total number of deputies in each Chamber of Parliament, to pass a law enacting such amendments and additions to the Constitution. In this case, the President of the Republic shall sign the law or submit it to a republican referendum, which shall be deemed valid if more than half of the citizens of the Republic eligible to vote in a republican referendum have taken part in the referendum. Amendments and additions to the Constitution submitted to a republican referendum shall be deemed adopted if more than half of the citizens who participated in the referendum in at least two-thirds of the regions, cities of republican importance and the capital voted in favour of them.

2. The independence of the State, the unity and territorial integrity of the Republic, the form of its government, the basic principles of the functioning of the Republic, established by the Constitution, the provisions that the President of the Republic shall be elected for a

term of seven years and that the same person may not be elected President of the Republic more than once, shall remain unchanged.

3. Amendments and additions to the Constitution of the Republic shall be submitted to a republican referendum or to the consideration of the Parliament of the Republic in the presence of the opinion of the Constitutional Court on their compliance with the requirements established in paragraph 2 of this Article.

Footnote. See Resolution No. 13/2 of the Constitutional Council of the Republic of Kazakhstan of 4 December 1998.

Footnote. Article 91 as amended by Law of the Republic of Kazakhstan No. 284-I of 7 October 1998; No. 254-III of 21 May 2007 (in force from the date of its official publication); No. 51-VI of 10 March 2017 (in force from the date of its first official publication); of 8 June 2022 (entered into force on 8 June 2022); No. 142-VII of 17 September 2022 (in force from the date of its first official publication).

## **Article 92**

1. Constitutional laws shall be adopted within one year after the Constitution comes into force. If laws defined as constitutional by the Constitution, or acts having the force of such laws, were adopted before the Constitution came into force, they shall be brought into conformity with the Constitution and shall be considered constitutional laws of the Republic of Kazakhstan.

2. Other laws mentioned in the Constitution shall be adopted in the order and within the terms established by the Parliament, but not later than within two years from the day the Constitution comes into force.

3. Decrees of the President of the Republic issued during the period of exercising additional powers in accordance with the Law of the Republic of Kazakhstan "On Temporary Delegation of Additional Powers to the President of the Republic of Kazakhstan and Heads of Local Authorities" of 10 December 1993, which have the force of law, may be amended, supplemented or repealed only in the manner provided for amending, supplementing or repealing laws of the Republic. Decrees of the President of the Republic, issued during the period of exercising additional powers, on matters provided for in paragraphs 12-15, 18 and 20 of Article 64 of the Constitution of the Republic of Kazakhstan, adopted on 28 January 1993, shall not be subject to approval by the Parliament of the Republic.

4. The legislation of the Republic of Kazakhstan in force at the time of the entry into force of the Constitution shall be applied to the extent that it does not contradict the Constitution and shall be brought into conformity with the Constitution within two years from the date of its adoption.

Footnote. See Resolution No. 8/2 of 15 June 2000 of the Constitutional Council of the Republic of Kazakhstan.

### **Article 93**

In order to implement Article 7 of the Constitution, the Government, together with local representative and executive bodies, shall create all necessary organisational, material and technical conditions for free learning of the state language by all citizens of the Republic of Kazakhstan in accordance with a special law.

### **Article 94**

1. The President of the Republic of Kazakhstan, elected in accordance with the legislation of the Republic of Kazakhstan in force at the time of the coming into force of the Constitution, shall acquire the powers of the President of the Republic of Kazakhstan established by the Constitution and shall exercise these powers for the period established by the decision of the Republican referendum held on 29 April 1995. With the consent of the President of the Republic of Kazakhstan, the current term of office of the President of the Republic may be shortened by a decision of the Parliament of the Republic adopted at a joint session of its chambers by a majority of votes of the total number of deputies of each chamber. In this case, the Mazhilis of the Parliament shall order the election of the President of the Republic of Kazakhstan within one month. The President of the Republic elected on the basis of these elections shall take the oath within one month from the day of the announcement of the results of the elections and shall exercise his or her powers until he assumes the office of the President of the Republic elected at the next presidential elections, which shall be held after seven years on the first Sunday of December.

2. The Vice-President of the Republic of Kazakhstan, elected in accordance with the legislation of the Republic of Kazakhstan in force at the time the Constitution comes into force, shall exercise his or her powers until the end of the term for which he/she was elected.

Footnote. See Resolution No. 5 of the Constitutional Council of the Republic of Kazakhstan of 19 August 2005.

Footnote. Article 94 as amended by Law of the Republic of Kazakhstan No. 284-I of 7 October 1998.

### **Article 94-1**

The provisions of paragraph 1 of Article 41 of the Constitution, which determines the term of office of the President of the Republic, shall apply to the person elected President of the Republic following the presidential elections to be held on the occasion of the expiry of the seven-year term of office of the President of the Republic elected in the elections of 4 December 2005.



Footnote. The Constitution is supplemented by Article 94-1 in accordance with the Law of the Republic of Kazakhstan No. 254-III of 21 May 2007 (in force from the date of its official publication).

## **Article 94-2**

The provision of paragraph 5 of Article 42 of the Constitution shall apply to the persons elected President of the Republic on the basis of the results of the presidential elections held after the entry into force of this constitutional provision.

Footnote. The Constitution is supplemented by Article 94-2 in accordance with the Law of the Republic of Kazakhstan No. 142-VII of 17 September 2022 (in force from the date of its first official publication).

## **Article 95**

1. Half of the deputies of the Senate of the first convocation shall be elected for a term of four years, and the other half for a term of two years, in accordance with the procedure laid down by the constitutional law.

2. After the election of deputies of the Mazhilis of the second convocation, the provisions of the Constitution of the Republic of Kazakhstan on the election of deputies of the Mazhilis of the Parliament on the basis of party lists shall be applied.

Footnote. See Resolution No. 24/2 of the Constitutional Council of the Republic of Kazakhstan of 29 November 1999.

Footnote. Article 95 as amended by Law of the Republic of Kazakhstan No. 284-I of 7 October 1998.

## **Article 96**

From the day the Constitution comes into force, the Cabinet of Ministers of the Republic of Kazakhstan shall have the rights, duties and responsibilities of the Government of the Republic of Kazakhstan established by the Constitution.

## **Article 97**

The initial composition of the Constitutional Council of the Republic of Kazakhstan shall be as follows: the President of the Republic, the Chairman of the Senate of the Parliament and the Chairman of the Mazhilis of the Parliament shall each appoint one member of the Constitutional Council for a term of three years, except for the Chairman of the Constitutional Council, who shall be appointed by the President of the Republic for a term of six years.

## **Article 98**

1. The judicial and investigative bodies provided for by the Constitution shall be established in the manner and within the terms established by the relevant laws. Prior to their establishment, the existing judicial and investigative bodies shall retain their powers.

2. Judges of the Supreme Court, the Supreme Court of Arbitration and local courts of the Republic of Kazakhstan shall retain their powers until the courts provided for by the Constitution are established. Vacancies of judges shall be filled in the manner provided by the Constitution.

## **Article 99**

1. Pending the establishment of the Constitutional Court and the Supreme Audit Chamber, the chairmen and members of the Constitutional Council and of the Accounts Committee for Control over Execution of the Republican Budget shall retain their powers.

Until the Constitutional Court is constituted, the functions of the Constitutional Court provided for in paragraphs 1 and 2 of Article 72 of the Constitution shall be exercised by the Constitutional Council.

2. The regulatory decisions of the Constitutional Council shall be applied in so far as they are not inconsistent with the Constitution, until such time as they are reviewed by the Constitutional Court.

3. The provisions of the Constitution of the Republic of Kazakhstan on the formation of the Chambers of Parliament shall be applied from the elections of deputies to the Mazhilis of the Parliament of the 8th convocation.

Footnote. The Constitution is supplemented by Article 99 in accordance with the Law of the Republic of Kazakhstan of 8 June 2022 (entered into force on 8 June 2022).