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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW



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**MINISTRY OF JUSTICE OF THE
REPUBLIC OF KYRGHYZSTAN**

**DRAFT CONSTITUTION OF THE
KYRGHYZ REPUBLIC**

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We, the People of the Kyrgyz Republic, in order to secure national revival of the Kyrgyz, the defence and development of interests of representatives of all other nationalities who form the People of Kyrgyzstan, guided by the ancestors' precepts to live in unity, peace, concord;

to provide our adherence to human rights and the idea of national statehood;

full of determination to develop the economy, political and legal institutions, culture in order to ensure worthy standards of living for everybody;

announcing our adherence to universal moral principles, national traditions, moral values of Islam and other religions;

full of desire to establish ourselves among other peoples of the world as an independent democratic civil society;
do ordain and establish the present Constitution.

CHAPTER I THE KYRGHYZ REPUBLIC

SECTION 1. GENERAL PROVISIONS

Article 1

1. The Kyrgyz Republic shall be a sovereign unitary democratic republic built on the basis of a legal secular state.
2. Sovereignty of the Kyrgyz Republic shall not be limited and shall extend throughout its territory.
3. The People of the Kyrgyz Republic shall be the bearer of sovereignty and the only source of the State Power in the Kyrgyz Republic.
4. The People of the Kyrgyz Republic shall carry out its power directly and through the system of state bodies on the basis of the present Constitution and laws of the Kyrgyz Republic.

5. Laws and other issues of State life, in order to reveal the will of the People, may be put to a referendum. The basis and procedure of holding a referendum shall be established by the Constitutional Act.

6. Citizens of the Kyrgyz Republic shall elect President, Deputies of the Uluk Kenesh and other their representatives in State bodies and self - government.

Elections shall be free and shall be held on the basis of universal equal and direct suffrage by secret ballot. To be eligible for elections a citizen must have attained the age of 18.

Article 2

1. The State and its bodies shall serve to the whole society but not to a particular group of it.

2. No group of the People, no unit and no person shall have the right to assume Power in the State. The usurpation of State Power shall be Felony.

Article 3

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

2. The main territorial units of the Kyrgyz Republic shall be dubans, aimaks, cities and ails.

Article 4

1. In the Kyrghyz Republic there may be state and private property.
2. In the Kyrghyz Republic the land its subsoil , water , air space , fauna and flora - all natural resources shall be the property of the State .
Plots of land , in the prosedure and size provided by the Law of the Kyrghyz Republic may be given to citizents and their associations for private possession.
3. The Kyrghyz Republic shall guarantee the diversity of property forms and their equal protection by the Law.
4. The Kyrghyz Republic shall guarantee the right to property on possessions to its citizens and legal entities as well as their possessions and its property located on the territory of other states.

Article 5.

1. The official language of the Kyrghyz Republic shall be the Kyrghyz language.
2. The Kyrghyz Republic shall care for preservation, equal and free development of all the languages which are used by the population of the Kyrghyz Republic , it shall create conditions for learning them.

Article 6.

The state symbols of the Kyrghyz Republic are the State Flag, Emblem, Anthem. The capital of the Kyrghyz Republic is the city of Bishkek.

SECTION 2 THE STRUCTURE AND FUNCTIONING OF THE STATE

Article 7

1. State Power in the Kyrghyz Republic shall be based on the following principles:
 - the division of Power on legislative, executive and judicial;
 - nation-wide election of the head of the State - President of the Kyrghyz Republic, who shall guarantee the firmness of the Constitution;
 - the division into State Power and local self-government.

2. State Power in the Kyrghyz Republic shall be vested in and exercised by:

The Legislative Power - by the Uluk Kenesh;
The Executive Power - by the Government and local state administration;
The Judicial Power - by the Supreme Court, courts and judges of the system of justice.

Article 8

1. In the Kyrghyz Republic the activity of the State shall not be subordinate to ideological principles and institutions.

2. Religion, all worships shall be disestablished. The State shall guranty its non- interference with religious affaires.

3. Political parties may participate in the life of the State only in the forms provided by the Constitution:
to nominate their candidates for the election in the Uluk Kenesh to State posts and in bodies of local self- government, to form groups in representative bodies of Power.
The amalgamation of State and Party institutions as well as subordination of State activity to party programs and decisions shall be prohibited.

4. The establishment and functioning of party organisations in State institutions and organisations shall be prohibited. State officials shall have the right to carry out their party activities not in connection with their office.

5. Military men, officials of the organs of internal affaires, national security, justice, procurator's office and judges must abstain from membership in and support to a political party.

Article 9.

1. The Kyrghyz Republic shall not pursue the policy of expansion aggression and claim to territorial title performed by means of military force.

It shall reject any kind of militarisation of State life, subordination of the State, its activity to the purposes of war. Military forces of the Kyrghyz Republic shall be organized in accordance with the principles of self - defense and defensive sufficiency.

2. The right of war shall not be acknowledged except the cases of aggression against Kyrghyzstan and other countries coming under the obligations to collective defense.

The permission in each case when a military unit crosses over the boundaries of Kyrghyzstan shall be exercised by the decision of the Uluk Kenesh taken by a majority of not less than 2/3 of the total number of the Deputies.

3. The use of military forces for the solution of internal political issues shall be prohibited. Military men may be used for liquidation of natural disasters and in other similar cases provided directly by Law.

4. The Kyrghyz Republic shall seek universal and just peace, mutual cooperation, solution of global and regional problems by peaceful measures, it shall respect universally recognised principles of the International Law.

Actions which can upset peaceful communal life of the Peoples shall contravene the Constitution.

Article 10

1. A state of emergency in Kyrghyzstan may be imposed only in case of natural disaster, direct threat to the Constitutional structure, breach of public order accompanied by violence and menace to people's life, as well as under the circumstances and within the terms indicated in the Constitution.

2. A state of emergency throughout the territory of the Kyrghyz Republic may be imposed only by the Uluk Kenesh. In regard to certain locations and under the circumstances requiring immediate action it may be introduced by the President who shall inform the Uluk Kenesh about it the very day. The Uluk Kenesh shall confirm the act of the President not later than within three days.

If such a conformation has not been made within the indicated terms a state of emergency shall be abolished.

3. Martial law in the Kyrghyz Republic may be introduced by the Uluk Kenesh only in case of aggression against the Kyrghyz Republic.

4. Recess of a session shall not be allowed during a state of emergency and martial law. In case when a session is not held and a state of emergency has been imposed by the President, the Uluk Kenesh shall gather without declaring the convocation not later than the day following the introduction of the state of emergency.

5. Referenda, elections to state bodies as well as any changes in the structure, functions and powers of state bodies established by the Constitution shall not be allowed during a state of emergency and martial law.

Article 11

1. The State Budget of the Kyrghyz Republic shall comprise all expenses and incomes of the State, it shall be annually approved by the Uluk Kenesh upon the presentation by the Prime Minister.

2. Revenue of the State Budget shall be formed out of taxes established by Law, other liabilities, income from state property and other incomes.
3. The Uluk Kenesh shall have the right to establish out of the Budget purposive financial funds. The sources of income to this out of the Budget funds may be attracted assets.
3. The State Budgetary means and out of the Budget funds shall not be spent and no state monetary obligations shall be taken otherwith than by the decision of the Uluk Kenesh.
4. The Uluk Kenesh shall supervise the preparation, implementation and report on execution of the State Budget and out of the Budget funds, expenditure of the budgetary appropriations by state bodies and establishments.

Article 12

1. The Constitution shall have the supreme legal force and direct power in the Kyrghyz Republic.
2. Codes and other normative acts shall be adopted on the basis of the Constitution.
3. International treaties and other norms of the International Law which have been ratified by the Kyrghyz Republic shall be a component part of legislature of the Kyrghyz Republic.

CHAPTER II CITIZENS

SECTION 1. CITIZENSHIP

Article 13

1. Citizenship shall determine the belonging of a citizen to the Kyrghyz Republic and his status .
A citizen of the Kyrghyz Republic shall observe the Constitution and laws of the Republic, respect the rights, freedoms honour and dignity of other people .
2. Citizenship of other countries for citizens of the Kyrghyz Republic shall not be recognised.
3. No citizen of the Kyrghyz Republic shall be deprived of his citizenship or the right to change his citizenship.
4. The Kyrghyz Republic shall guarantee defence and protection to its citizens outside its territory.

Article 14

1. Every citizen of the Kyrgyz Republic by virtue of his citizenship shall enjoy the rights and perform duties.
2. Foreign citizens and stateless persons when in Kyrgyzstan shall enjoy the rights of citizens on the bases, under the terms and in the procedure provided by the Law, international treaties and agreements.

SECTION 2. THE RIGHTS AND FREEDOMS OF AN INDIVIDUAL

Article 15

1. Dignity of an individual in the Kyrgyz Republic shall be absolute and inviolable.
2. The basic human rights and freedoms shall belong to every person from birth. They shall be considered absolute, inalienable and protected by Law and courts from infringement of whomever it may be.
3. All persons in the Kyrgyz Republic are equal before law and court.
No person shall be subject to discrimination, infringement on his right and freedoms on the basis of ethnic origin, sex, race, nationality, language, religion, political and religious convictions as well as under other conditions and circumstances of private or social character.
4. Human rights and freedoms shall have force in the Kyrgyz Republic. They as such shall determine the meaning, content and application of laws, oblige the legislative, executive power and shall be provided by justice.
5. In the Kyrgyz Republic folk customs and traditions which do not contradict the Constitution and human rights and freedoms shall be encouraged by the State.

Article 16

1. In the Kyrgyz Republic economic, social, political, legal, and other conditions shall be created for the national revival and all-round development of the Kyrgyz and citizens of all nationalities in the Republic.

Article 17

1. In the Kyrghyz Republic human rights and freedoms shall be guaranteed in accordance with universally accepted norms and principles of the International Law, international treaties and agreements on the issues of human rights which have been ratified by the Kyrghyz Republic.

2. Every person in the Kyrghyz Republic shall enjoy the right to:

- to life, physical and moral immunity;
- to personal freedom and security;
- to free development of one's personal;
- to freedom of conscience, spirit and worships;
- to free expression and dissemination of one's thoughts, ideas opinions, freedom of literary, artistic, scientific and technical creative work, freedom of the Press, transference and dissemination of information;
- to freedom of movement and freedom to choose one's place of residence throughout the territory of Kyrghyzstan, the right to travel abroad and return to home country;
- to freedom of assembly;
- to associate peacefully without weapons, to hold meetings and demonstrations;
- to inviolability of the home;
- to freedom and privacy of correspondence;
- to dignity, freedom of private life, personal and family secrecy;
- to secrecy of post, telephone and telegraphic communications;
- to have property, to hold, use and administer it on one's account;
- to economic freedom, free use of one's abilities and property for any type of economic activity;
- to freedom of labour, free choice of one's type of activity and profession;

The enumeration of the rights and freedoms in the Constitution shall not be interpreted as negation and violation of other universally recognized human rights and freedoms.

3. Citizens of the Kyrghyz Republic and their associations shall be allowed any type of action or activities except the activity prohibited and limited by the Constitution and laws of the Kyrghyz Republic.

Article 18

1. In the Kyrghyz Republic no laws shall be published which abolish or infringe human rights and freedoms.

2. Separate limitations as well as the conditions and procedure for execution of the rights and freedoms may be established only by laws in cases when it, in accordance with the Constitution and generally accepted principles and norms of the International law, is necessary for the defence of the constitutional system, guarantee of security and social order, protection of health and morals of the population.

Article 19

1. Limitations of physical and moral inviolability shall be allowed only on the basis of Law by the decision of a court as punishment for a crime committed.
2. Medical, biological, physiological experiments on people shall be prohibited if a voluntary agreement has not been properly expressed and confirmed by a person under experiment.
3. No one may be adjudged guilty of a crime and subject to punishment as a criminal except by the sentence of a court and in conformity with the law. Any actions driving to make a person responsible for a crime before the sentence has been passed shall be prohibited and shall be the ground for compensation through court for material and moral damage caused to the victim .

Article 20

1. Private property in the Kyrgyz Republic shall be guaranteed as an inalienable human right , as a natural source of one's welfare, business and creative activity, guaranty of one's economic and personal independence.
2. Property shall be inviolable. No person can be deprived of one's property and its deprivation against the will of its owner shall be allowed only by the decision of a court.
3. In the Kyrgyz Republic the right of inheritance shall be guaranteed and protected by Law.

Article 21

The Kyrgyz Republic may grant political asylum to foreign citizens and stateless persons in case of human rights violation.

SECTION 3 THE RIGHTS AND FREEDOMS OF A CITIZEN

Article 22

Citizens shall enjoy their rights and freedoms and carry out their duties the performance of which is necessary for the security of private and state interests.

Article 23

Laws of the Kyrghyz Republic on the rights and freedoms of citizens shall be equally applied to all citizens and shall create privileges and preferences to no one except those provided by the Constitution and Law for social protection of citizens.

Article 24

Citizens of the Kyrghyz Republic shall have the right and duty to defend the Motherland. Citizens shall carry military service within the limits and in the forms established by Law.

Article 25

Citizens of the Kyrghyz Republic are obliged to pay taxes and dues in accordance with legislature.

Article 26

1. Citizens of the Kyrghyz Republic shall bear solidly all burdens caused by natural disasters and catastrophes.
2. Ashar and other Kyrghyz traditions to unify forces and assets shall be established in Kyrghyzstan for gratuitous mutual aid.

Article 27

1. The Family shall be a primary unit of society; family, maternity and childhood shall be the object of care for the whole society and preferable protection by Law; child - care and up - bringing shall be a natural right and civil duty of the parents.
2. Respect for old people, care of relatives shall be a sacred tradition of the People of Kyrghyzstan.

Article 28

1. In the Kyrghyz Republic social maintenance at the expense of the State shall be guaranteed in old age, in sickness and in the event of complete or partial disability or loss of the breadwin-

2. Pensions, social maintenance in accordance with economic potential of the society shall provide standards of living not below a minimum wage established by Law.

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

Article 29

1. Citizens of the Kyrgyz Republic shall have the right to protection of labour in all its forms and ways, to labour conditions in accordance with the norms of security and hygiene as well as the right to social protection against unemployment.

2. The State shall care for professional training and improvement of professional skills of citizens, it shall encourage and assist international agreements, international organizations which have the aim to consolidate and regulate the right to work.

Article 30

Citizens of the Kyrgyz Republic working under labour agreements shall have the right to a reward not below the state-established minimum wage.

Article 31

Citizens of the Kyrgyz Republic shall have the right to strike. The procedure and conditions for holding strikes shall be prescribed by Law.

Article 32

1. Citizens of the Kyrgyz Republic shall have the right to rest.

2. The Maximum duration of the working time, the minimum weekly rest and annual paid leave as well as other terms of execution of the right to rest shall be prescribed by Law.

Article 33

1. Every citizen of the Kyrgyz Republic shall have the right to education.

2. Universal secondary education shall be compulsory. Every person is entitled to get it free at state educational institutions.

3. The State shall provide to every person in accordance with his abilities accessibility to specialised secondary and higher education.

4. Paid education for citizens in state and other educational institutions shall be allowed on the basis and in the procedure established by Law.

Article 34

Citizens of the Kyrghyz Republic shall have the right to housing.
The State promotes the fulfilment of the right to housing by giving and selling state-owned housing, by encouragement of individual house building.

Article 35

1. Citizens of the Kyrghyz Republic shall have the right to health protection, to use the network of state health institutions free of charge.

2. Paid medical service shall be allowed on the basis and in the procedure established by Law.

Article 36

1. Citizens of the Kyrghyz Republic shall have the right to healthy safe environment and to compensation for the damage caused to one's health and property by the activity in the sphere of nature usage.

2. Care of the nature and rational utilization of natural resources shall be the sacred duty of every citizen.

Article 37

1. Culture, art, literature, science and the mass media shall be free.

2. The State shall care of and provide the necessary conditions for the development of literature, art, science, the mass media and sports.

3. Citizens shall have the right to enjoy cultural benefits, to study art and science.

Article 38

Social activity of the State shall not replace by state care economic freedom and activity, the opportunity of a citizen to achieve economic welfare for himself and his family.

Article 39

1. It is the duty of the state and all its bodies and officials to provide full absolute and immediate protection of the rights and freedoms of citizens, to prevent the infringement of the rights in this sphere and to restore the violated provision.

2. The Kyrgyz Republic shall guarantee legal protection of all the rights and freedoms of citizens established by the Constitution and laws.

Article 40

Every citizen shall be presumed innocent until his guilt is proved by the sentence of a court.

Article 41

Every citizen in the Kyrgyz Republic shall have the right to legal assistance and defence which is carried out in conformity with the Law and is guaranteed by the State. In case of absence of means legal assistance shall be given to citizens free of charge.

Article 42

The publication of laws and other normative legal acts relating to the rights, freedoms and duties of an individual and citizen shall be an obligatory condition of their application.

CHAPTER III PRESIDENT

Article 43

1. The President of the Kyrgyz Republic shall be the head of the State, its highest official and shall represent the Kyrgyz Republic inside the country and in foreign relations.
2. The President of the Kyrgyz Republic shall secure the unity of the state, firmness of the Constitutional system, he shall be the guarantor of the Constitution and laws, the rights and freedoms of citizens of the Kyrgyz Republic and shall provide for the coordinated functioning and interaction of state bodies.

SECTION 1 THE ELECTION OF THE PRESIDENT

Article 44

1. The President of the Kyrgyz Republic shall be elected for a term of five years.
2. The same person shall not be elected President for more than two terms running.
3. The President of the Kyrgyz Republic may be elected every citizen of the Kyrgyz Republic who is not younger than 35 and is not older than 65, who speaks the official language and have been a resident of the Republic for not less than 15 years before the nomination of his candidature to the office of President.
4. The President of the Kyrgyz Republic shall not be Deputy of the Uluk Kenesh, shall not hold other posts and be engaged in free enterprise activity.

Article 45

1. A new election to the office of President of the Kyrgyz Republic shall be held two months before the expiry of Powers of the President of the Kyrgyz Republic .

2. The President of the Kyrgyz Republic shall be elected by citizens of the Kyrgyz Republic by a majority of votes of electors participating in the election on the basis of universal equal and direct suffrage by secret ballot. The election of the President shall be considered passed if not less than fifty per cent of all the electors of the Republic have taken part in it.

3. The number of candidates to the office of President of the Kyrgyz Republic shall not be limited. If none of the candidates obtains more than half of votes in the first ballot, the two candidates who have obtained the largest number of votes of the electors shall be submitted for election for the second time. The candidate who have obtained more than half of votes shall be considered elected in the second ballot if more than fifty per cent of all electors have taken part in it.

Article 46

1. The results of the election of the President of the Kyrgyz Republic shall be confirmed by the Supreme Court of the Kyrgyz Republic not later than within seven days after it have finished.

2. After the Chairman of the Supreme Court of the Kyrgyz Republic announced the results of voting at the session of the Uluk Kenesh, the President shall take an oath.

3. On entry into his office the President of the Kyrgyz Republic shall take an oath before the People of Kyrgyzstan:

" I, President of the Kyrgyz Republic, in the face of my People and the sacred Motherland of Ala-Too do swear in all sincerity:

To observe and protect the Constitution and laws of the Kyrgyz Republic, to guard the Sovereignty and independence of the Kyrgyz State,
to respect and guarantee the rights and freedoms of all citizens of the Kyrgyz Republic, faithfully perform high duties of the President of the Kyrgyz Republic entrusted to me by Confidence of the whole People!

4. The term of the Presidential mandate shall become effective from the moment of the oath. The Powers of the President shall terminate upon the moment a newly elected President enters his office

SECTION II THE POWERS OF THE PRESIDENT

Article 47

1. The President of the Kyrgyz Republic shall:

- 1) determine the structure of the Government of the Kyrgyz Republic and submit it to the confirmation by the Uluk Kenesh;
- 2) appoint the Prime Minister of the Kyrgyz Republic by the consent of the Uluk Kenesh;
- 3) appoint members of the Government upon the presentation of the Prime Minister and by the consent of the Uluk Kenesh;
- 4) approve the decision on the appointment of heads of administrative departments of the Kyrgyz Republic taken by the Prime Minister;
- 5) relieve members of the Government and heads of administrative departments of the Kyrgyz Republic;
- 6) accept the resignation of the Government, he shall on his own initiative by the consent of the Uluk Kenesh decide on withdrawal of the Powers of the Government before the expiry of its term of office.

2. The President of the Kyrgyz Republic shall:

- 1) appoint by the consent of the Uluk Kenesh the Procurator-General of the Kyrgyz Republic;
- 2) appoint by the consent of the Uluk Kenesh Chairman of the Board of the national Bank;
- 3) appoint upon the presentation of the Prime Minister and by the consent of the corresponding local Keneshs akeems of dubans and the city of Bishkek;
- 4) approve akeems of aimaks and cities appointed by the Prime Minister by the consent of local Keneshs upon the presentation of the Akeems of dubans and the city of Bishkek;
- 5) submit to the Uluk Kenesh candidates to the posts of the Chairman of the Supreme Court of the Kyrgyz Republic, his first deputy and deputies - Chairmen of judicial boards of the Supreme Court of the Kyrgyz Republic, and judges of the Supreme Court of the Kyrgyz Republic;
- 6) appoint with the consent of the Uluk Kenesh Chairmen, their deputies and judges of courts of dubans, the city of Bishkek, aimaks, towns as well as military courts of the Kyrgyz Republic and remove them in the events prescribed by the Constitution and laws;
- 7) appoint heads of diplomatic missions of the Kyrgyz Republic foreign countries and international organizations with the consent of the Uluk Kenesh;
- 8) receive the Letters of Credence and Recall of diplomatic missions of foreign states and representatives of international organizations accredited to him;
- 9) confer high military ranks, diplomatic ranks, class ranks and other special titles;

3. The President of the Kyrgyz Republic shall:

1) decide matters relating to granting and withdrawing citizenship of the Kyrgyz Republic, granting asylum and grant Pardon;

2) award orders and medals as well as other state rewards of the Kyrgyz Republic; awards honorary ranks and state bonuses of the Kyrgyz Republic;

4. The President of the Kyrgyz Republic shall:

1) submit draft laws to the Uluk Kenesh on his own initiative;

2) sign within a two week term laws which passed the Uluk Kenesh or refer to the Uluk Kenesh with his remarks for additional consideration. If the Uluk Kenesh confirms the previously taken decision by a majority of 2/3 from the total number of Deputies, the President of the Kyrgyz Republic shall sign the law; if the President does not express his attitude to the law within a two week term and does not demand its second consideration, he shall be obliged to sign it;

3) address the People with the annual report on the situation in the Republic announced in the Uluk Kenesh;

4) conduct international negotiations and sign international treaties of the Kyrgyz Republic; submit them to the Uluk Kenesh for ratification;

5) have the right to protest to the Supreme Court of the Kyrgyz Republic against a law which passed the Uluk Kenesh or an international treaty ratified by the Uluk Kenesh;

6) abolish or suspend the effect of acts of the Government of the Kyrgyz Republic, Ministries, State Committees and administrative Departments of the Kyrgyz Republic, agencies of local state administration in case they contravene the Constitution and Laws of the Kyrgyz Republic.

5. The President of the Kyrgyz Republic shall have the right:

1) to convene an extraordinary session of the Uluk Kenesh;

2) submit issues of state life to public referendum;

3) dissolve the Uluk Kenesh ahead of time according to the results of public referendum and fix a new date of the election to the Uluk Kenesh.

6. The President of the Kyrgyz Republic shall notify of a possibility of introduction of a state of emergency with the existence of grounds envisaged by law and in case of necessity he shall impose it in particular localities without preliminary announcement and shall immediately inform the Uluk Kenesh about.

7. The President of the Kyrgyz Republic shall declare universal or partial mobilisation, declare a state of war in case of military aggression against the Kyrgyz Republic and shall immediately submit this issue to the consideration by the Uluk Kenesh; he shall proclaim martial law in the interests of defence of the country and security of the population and shall immediately submit this issue to the consideration by the Uluk Kenesh

Article 48

The President of the Kyrghyz Republic shall be the Commander -in- Chief of the armed forces , he shall appoint and replace the supreme headquarters of the armed forces of the Kyrghyz Republic .

Article 49

1. The President of the Kyrghyz Republic within his power shall issue decrees on the basis and for the implementation of the Constitution of the Kyrghyz Republic binding upon the whole territory of the Kyrghyz Republic.
2. The President of the Kyrghyz Republic shall issue resolutions and instructions on certain matters referred to his competence.

Article 50

The President of the Kyrghyz Republic may delegate the execution of his powers envisaged by point 8. part 2. and point 4. part 4. of Article 47 to the Toroga of the Uluk Kenesh.

Article 51

1. In case of inability of the President to exercise his Powers on any reason they shall be delegated to the Toroga of the Uluk Kenesh pending the election of a new President. In case the Toroga of the Uluk Kenesh is unable to discharge the powers of the President they shall be delegated to the Prime Minister.
2. The election of a new President of the Kyrghyz Republic shall be held within a term of three months.

Article 52

The President of the Kyrghyz Republic shall have the right to inviolability of the personal and immunity.

Article 53

1. The powers of the President may be stopped in consequence of his resignation submitted to the Uluk Kenesh, inability to discharge his powers on the account of a disease, in case of his death as well as in the event of removal from his office under the circumstances envisaged in the present Constitution.
2. In case of inability of the President of the Kyrghyz Republic to discharge his powers on the account of a disease, the Uluk Kenesh shall take a decision on removal of the President of the Kyrghyz Republic before the termination of his term of office on the basis of a conclusion of an independent medical commission organized by it and by not less than 2/3 of votes from the total number of Deputies of the Uluk Kenesh.

Article 54

The President of the Kyrghyz Republic may be removed from his office for treason, bribery and other dishonorable offences only by the Uluk Kenesh by a majority of not less than 2/3 from the total number of Deputies on the basis of the conclusion of the Constitutional Chamber of the Supreme Court of the Kyrghyz Republic.

CHAPTER IV THE ULUK KENESH

SECTION I THE ELECTION OF THE ULUK KENESH

Article 55

1. The Uluk Kenesh of the Kyrghyz Republic is the highest standing representative body. The legislative power and function of control shall be vested in the Uluk Kenesh.
2. The Uluk Kenesh shall consist of 105 Deputies who shall be elected for a term of five years. The procedure of election of the Deputies shall be determined by the Constitutional law.

Article 56

1. The election of Deputies of the Uluk Kenesh shall be held from electoral districts on the basis of universal, equal and direct suffrage by secret ballot.
2. An elector of every electoral district shall have one vote. The electors shall participate in the election directly and on equal grounds.

Article 57

1. A citizen of the Kyrgyz Republic who has attained the age of 25 and permanently resided in the Republic for not less than 5 years may be elected Deputy of the Uluk Kenesh.
2. Deputy of the Uluk Kenesh shall represent the People of Kyrgyzstan; he shall obey the Constitution of the Kyrgyz Republic and his honour.
3. Deputy of the Uluk Kenesh shall have the right to inviolability and immunity. He shall not be subject to persecution for his ideas expressed in accordance with his activity and for the results of voting in the Uluk Kenesh. A Deputy shall not be detained or arrested, subject to search or individual examination except when he is caught in the act. Provisional Commissions shall examine the validity of measures taken by competent bodies and if these measures are not taken by a court, the Uluk Kenesh shall invalidate them. A Deputy may be called to criminal as well as administrative account imposed by court only with the consent of the Uluk Kenesh.
4. A Deputy of the Uluk Kenesh shall have no right to hold any posts in state service, judicial bodies, be engaged in enterprise activity.
5. A Deputy may be deprived of his mandate only in case of resignation, commitment of a crime, inability confirmed not otherwise than by a motivated resolution of the Uluk Kenesh.

Article 58

A Deputy of the Uluk Kenesh shall have the right to address inquiries to bodies and officials of state administration, who are obliged to reply to them at a session of the Uluk Kenesh.

SECTION THE POWERS OF THE ULUK KENESH

Article 59

The following powers shall be vested in the Uluk Kenesh:

- 1) to amend the Constitution of the Kyrgyz Republic in accordance with the procedure established by the Constitution;
- 2) to adopt laws of the Kyrgyz Republic; to amend them as well as to supervise their implementation;
- 3) to define the basis of domestic and foreign policy of the State;

- 4) to approve the State Budget of the Kyrghyz Republic and the report on its implementation;
- 5) to change the boundaries of the Kyrghyz Republic;
- 6) to found and abolish dubans and towns, to found cities and establish their subordination; to found aimaks in the cities, towns and other settlements; to rename dubans, aimaks, and cities in dubans, aimaks in cities and other settlements;
- 7) to fix and announce the date of election of the President of the Kyrghyz Republic;
- 8) to form the Central Commission on election and referendums;
- 9) upon the presentation of the President of the Kyrghyz Republic to elect the Chairman of the Supreme Court, his first deputy, deputies - Chairmen of judicial boards of the Supreme Court and judges of the Supreme Court of the Kyrghyz Republic ;
- 10) to determine the composition and structure of the Government of the Kyrghyz Republic ;
- 11) to approve the appointment of the Prime Minister of the Kyrghyz Republic and the composition of the Government of the Kyrghyz Republic, Procurator - General of the Kyrghyz Republic and the Chairman of the Board of the National Bank;
- 12) to approve the appointment of heads of diplomatic missions of the Kyrghyz Republic to foreign countries and international organizations
- 13) to approve the resignation of the Government before the expiry of the term of their Powers;
- 14) upon the presentation of the Toroga of the Uluk Kenesh to appoint the Chairman of the Supervisory Chamber of the Uluk Kenesh and his deputies;
- 15) to ratify and denounce international treaties; to decide issues of war and peace;
- 16) to institute military ranks , diplomatic ranks, class ranks and other special titles of the Kyrghyz Republic ;
- 17) to establish state awards and honorary titles of the Kyrghyz Republic;
- 18) to issue acts of amnesty;
- 19) to impose a state of emergency or to confirm and abolish the act of the President of the Kyrghyz Republic on this issue;
the resolution of the Uluk Kenesh on the decision of the President to impose a state of emergency shall be adopted by a majority of not less than 2/3 from the total number of Deputies of the Uluk Kenesh;
- 20) to proclaim martial law, announce a state of war and to issue a resolution regarding thier declaration by the President of the Kyrghyz Republic;
- 21) to take a decision on the usage of the contingent of military forces of the Republic in case when it is necessary to support peace and security in accordance with international treaties
- 22) to hear reports of the bodies which have been formed or elected by it , as well as reports of officials appointed or elected by it; in case of necessity to decide by a majority of 2/3 from the total number of Deputies by secret ballot the question of confidence to the Government of the Republic or its individual member;
- 23) to submit the issues of state life to a nation - wide referendum;
- 24) to decide the question on removal from office the President of the Kyrghyz Republic , the Toroga of the Uluk Kenesh and the Chairman of the Supreme Court in the events envisaged by Articles 54, 65, 92 of the present Constitution, as well as to consider thier resignations.

The Uluk Kenesh is entitled to accept for its consideration and decide any matter coming within the jurisdiction of the Kyrgyz Republic.

Article 60

1. The Uluk Kenesh shall elect the Toroga and his deputy from among the Deputies, form committees and provisional commissions.
2. The Toroga of the Uluk Kenesh shall be elected by secret ballot. He shall be responsible to the Uluk Kenesh and may be removed from his office by the decision of the Uluk Kenesh taken by a majority of not less than 2/3 of the total number of the Deputies.
3. The Toroga of the Uluk Kenesh shall chair sessions of the Uluk Kenesh, provide general guidance for the preparation of the matters liable to consideration at the sessions of the Uluk Kenesh and its Presidium and shall be in charge of their internal order, sign resolutions and decisions adopted by the Uluk Kenesh and its Presidium and shall exercise other powers vested in it by the Constitution and Laws of the Kyrgyz Republic.
4. Deputy Torogas of the Uluk Kenesh shall be elected by secret ballot, they shall carry out on the commission of the Toroga his separate functions and act as Toroga in case of his absence or inability to discharge his powers.

Article 61

1. The Toroga, his deputies, chairmen of committees shall form the Presidium of the Uluk Kenesh.
2. The Presidium of the Uluk Kenesh shall be accountable to the Uluk Kenesh body which provides the organization of its activity.
3. The Presidium shall prepare the sittings of the Uluk Kenesh, coordinate the activity of committees and provisional commissions, shall organize nation-wide discussion of draft laws of the Kyrgyz Republic and other important issues of state life.
4. The Presidium shall publish texts of laws of the Kyrgyz Republic and other acts adopted by the Uluk Kenesh.

Article 62

Committees and provisional commissions of the Uluk Kenesh shall draft laws, preliminary consider questions referred to the competence of the Uluk Kenesh, supervise the implementation of adopted laws and decisions.

The Supervisory Chamber of the Uluk Kenesh of the Kyrghyz Republic shall be the highest body of financial and economic supervision in the Republic, it shall act under the guidance of the Uluk Kenesh and shall be accountable to it.

Article 63

The Procedure of activity of the Uluk Kenesh shall be determined by regulations.

Article 64

The Uluk Kenesh may be dissolved before the expiry of its powers by the decision taken by not less than 2/3 of the total number of the Deputies or according to the results of a referendum.

Article 65

The Toroga of the Uluk Kenesh may be removed from his office for treason, bribery and other offences only by the Uluk Kenesh by a majority of not less than 2/3 of the total number of the Deputies on the basis of the judgement of the Constitutional Chamber of the Supreme Court of the Kyrghyz Republic.

SECTION 3 THE LEGISLATIVE ACTIVITY OF THE ULUK KENESH

Article 66

The right to initiate laws shall be vested in the Deputies of the Uluk Kenesh, the President of the Kyrghyz Republic, the Government of the Kyrghyz Republic and people's initiative - 30 000 of electors.

Article 67

A draft law submitted to the Uluk Kenesh shall be debated in the committees after which the draft law shall be referred

to the Presidium which shall send it to the consideration in the Uluk Kenesh .

Article 68

1. A draft law shall be considered passed if a majority of the total number of Deputies of the Uluk Kenesh have voted for it.
2. In case of amending the Constitution of the Kyrghyz Republic and adoption of the constitutional acts and amending them it is required that not less than 2/3 of the total number of the Deputies of the Uluk Kenesh voted for it.
3. Amending the Constitution and constitutional acts shall be prohibited during a state of emergency and martial law

Article 69

A law shall enter into force since the moment of its publication if not indicated otherwise in the law itself or the resolution of the Uluk Kenesh on the procedure of its implementation.

Article 70

A referendum shall be held by the proposal of not less than 300 000 of electors or 1/3 of the total number of the Deputies.

CHAPTER V THE EXECUTIVE POWER

Article 71

The Executive Power in the Kyrghyz Republic shall be vested in the Government of the Kyrghyz Republic, accountable to it ministries, state committees, administrative departments, local state administration.

SECTION 1 THE GOVERNMENT

Article 72

1. The Government of the Kyrghyz Republic shall be the highest executive body of State Power in the Kyrghyz Republic.
2. The Government shall comprise the Prime Minister of the Kyrghyz Republic, vice-Prime Ministers, Ministers and Chairmen of state committees of the Kyrghyz Republic. The Prime Minister of the Kyrghyz Republic shall guide the activity of the Government of the Kyrghyz Republic.
3. The structure of the Government shall be determined by the President of the Kyrghyz Republic upon the presentation of the Prime Minister and shall be approved by the Uluk Kenesh

Article 73

The Prime Minister of the Kyrghyz Republic shall

present to the President the candidatures for the post of members of the Government;

appoint heads of administrative departments;

present to the President the candidatures for the post of akeems of dubans and the city of Bishkek;

appoint and remove by the consent of local keneshs akeems of aimaks and cities upon the presentation of akeems of dubans and the city of Bishkek;

The decisions of the Prime Minister on appointment and relieve shall enter into force after they have been approved by the President of the Kyrghyz Republic.

Article 74

1. The President of the Kyrghyz Republic shall exercise control over the work of the Government of the Kyrghyz Republic. The President shall be entitled to preside at the sitting of the Government.
2. The annual report on the work of the Government shall be submitted to the Uluk Kenesh by the Prime-Minister. The Uluk Kenesh shall be entitled to demand a report from the Government or of its individual member.

Article 75

1. The Government of the Kyrghyz Republic shall decide all matters of state management except administrative and supervisory

authorities vested in the President of the Kyrghyz Republic and the Uluk Kensh by the Constitution.

2. The Government of the Kyrghyz Republic shall :
 - prepare the Republican Budget , submit it to the Uluk Kensh and exercise its implementation;
 - exercise the implementation on the territory of the Kyrghyz Republic of single financial credit and monetary policy based on common currency;
 - organize and manage state property;
 - take measures on the defence of the country, state security , implementation of foreign policy of the Kyrghyz Republic;
 - take measures to provide the rule of law, the rights and freedom of citizens , protection of property and public order , fight with criminality.

Article 76

The Government of the Kyrghyz Republic shall issue decrees and ordinances binding upon all bodies, organizations, officials and citizens on the whole territory of the Kyrghyz Republic as well as it shall organize, supervise and secure their implementation.

Article 77

1. The Government of the Kyrghyz Republic shall guide the activity of ministries, state committees, administrative departments and bodies of local state administration.
2. Ministries, state committees and administrative departments shall issue within their competence decrees and ordinances on the basis and for the implementation of the Constitution, laws of the Kyrghyz Republic, resolutions of the Uluk Kenesh , acts of the President, they shall organize , supervise and verify their implementation.
3. The Government shall hear reports of akeems of local state administration , invalidate acts of akeems which contravene the legislation with further notice of the President.

SECTION 2 LOCAL STATE ADMINISTRATION

Article 78

1. The executive power in dubans, aimaks and cities shall be vested in local state administration headed by the akeem.
2. The executive power in ails and settlements shall be vested in the chairmen of ail and settlement keneshs.

Article 79

1. Akeems of local state administration, chairmen of ail and settlement keneshs shall act under the guidance of the Government.
2. Decisions of akeems, chairmen of ail and settlement keneshs adopted within their jurisdiction shall be binding upon the corresponding territory.

CHAPTER VI COURTS AND JUSTICE

SECTION 1 PRINCIPLES OF JUSTISE

Article 80

1. Justice in the Kyrghyz Republic shall be administered only by the courts.
2. In the Kyrghyz Republic there shall be the Supreme Court of the Kyrghyz Republic and local courts (courts of dubans, the city of Bishkek, aimaks, military tribunals as well as honorary old men courts and thrid party arbitration).
3. All judges shall be elected and appointed, their independance shall be guaranteed by the Constitution and by Law.
4. Judges shall be relieved according to the results of testing, for the violation of legality or committment of a dishonorable offence incompatible with their high rank as well as on the basis of an accusatory sentence of a court.
5. A judge shall enjoy the right of inviolability and immunity. He may be called to criminal and administrative responsibility only by the consent of the Constitutional Chamber of the Supreme Court of the Kyrghyz Republic.
6. A judge shall be subject only to the Constitution and Law.

Article 81

1. The decisions of courts of the Kyrgyz Republic which came into effect shall be binding upon all state bodies, subjects engaged in business activity, public organizations, officials and citizens and shall be liable to execution on the whole territory of the Republic.

2. Non - execution of acting court decisions as well as interference with the activity of courts shall lead to responsibility established by Law.

Article 82

1. A citizen shall have the right to defence of his dignity and rights in trial in case of any public or any other accusation; under no circumstances he shall be denied such defence by court.

2. Defence shall be an inviolable right of an individual at any stage and in any situation of consideration of a judicial case.

3. Every person shall have the right to be heard in court.

Article 83

1. All the load of proving guilty shall be vested in the prosecutors.

2. Evidences got by way of violation of law shall not be acknowledged, reference to it on trial shall not be allowed.

Article 84

1. Principles of justice established by the Constitution shall be common and single for all courts and judges in the Kyrgyz Republic.

2. Unity of justice in the Kyrgyz Republic shall be provided by the Supreme Court of the Kyrgyz Republic. Judiciary decisions of the Supreme Court taken on consideration of cases as well as its judgements on judiciary practice shall be binding upon all courts and judges when considering similar cases.

Article 85

Supervision over legality in the Kyrgyz Republic shall be vested in the Procurator-General of the Kyrgyz Republic. All bodies and establishments of the procurator's office shall be subordinate only to the Procurator-General of the Republic.

SECTION 2 THE SUPREME COURT

Article 86

1. The Supreme Court of the Kyrgyz Republic shall be the highest judicial body of the Kyrgyz Republic. The Supreme Court shall supervise the activity of all courts of the Kyrgyz Republic.

2. The Supreme Court shall comprise :

the Constitutional Chamber ;
the Presidium ;
Judicial Board on criminal cases;
Judicial Board on civil cases;
Judicial board on economic disputes ;
Judicial board on labour and social disputes.

Article 87

1. A citizen of the Kyrgyz Republic with high legal education and experience in juridical practice for not less than 10 years, who has reached the age of 35 and is not older than 70 may be appointed judge of the Supreme Court of the Kyrgyz Republic. Judges of the Supreme Court shall retire at the age of 65.

2. Judges of the Supreme Court shall be elected for life - time by the Uluk Kenesh upon the presentation of the President of the Kyrgyz Republic.

3. The Chairman of the Supreme Court , first deputy Chairman of the Supreme Court , deputy Chairmen of the Supreme Court - Chairmen of judicial boards- shall be elected by the Uluk Kenesh from among judges of the Supreme Court upon the presentation of the President for a term of five years.

4. The Constitutional Chamber of the Supreme Court shall comprise: The Chairman of the Supreme Court , First deputy Chairman of the Supreme Court and seven judges of the Constitutional Chamber of the Supreme Court elected from among judges of the Supreme Court by the Uluk Kenesh upon the presentation of the President.

Article 88

Sittings of the Constitutional Chamber of the Supreme Court shall be presided by the Chairman of the Supreme Court and in case of his absence by the First deputy Chairman of the Supreme Court.

Article 89

1. The Constitutional Chamber of the Supreme Court shall :
 - 1) decide disputes relating to the effect , application and interpretation of the Constitution;
 - 2) invalidate laws and other normative legal acts in case they contravene the Constitution;
 - 3) decide all matters, based on complaints of citizens against the violation of fundamental rights and freedoms;
 - 4) sum up the results of judicial practice;
 - 5) make a judgement on the validity of the election of the President of the Kyrghyz Republic;
 - 6) make a conclusion on the ground for removing :
 - the President of the Kyrghyz Republic;
 - the Toroga of the Uluk Kanesh;
 - the Chairman of the Supreme Court of the Kyrghyz Republic;
 - 7) make a judgement on the matter of amending the Constitution of the Kyrghyz Republic.
2. The Constitutional Chamber of the Supreme Court shall supervise the activity of the courts of the the Kyrghyz Republic and may take for its execution any case which has been considered by the Presidium of the Supreme Court.
3. The decision of the Constitutional Chamber shall be a final decision and shall not be liable to appeal.

Article 90

If during consideration of a judicial case there arises a question on the constitutionality of a law or any other act on which the decision of the case depends, its consideration shall be suspended by the decision of the court and a request shall be send to the Constitutional Chamber of the Supreme Court. The consideration of the case shall continue after the reception of an answer on the request.

Article 91

1. The Presidium of the Supreme Court shall be a supervisory instance for judicial boards of the Supreme Court of the Kyrghyz Republic.

2. Judicial boards of the Supreme Court of the Kyrghyz Republic shall be supervisory and appellate instances for courts of dubans and the city of Bishkek, as well as they may consider separate serious cases as courts of first instance, in this case their decisions shall not be liable to appeal and protest .

Article 92

The Chairman of the Supreme Court of the Kyrghyz Republic may be removed for treason, bribery and other offences only by the Uluk Kenesh by a majority of not less than 2/3 of the total number of Deputies on the basis of the judgement of the Constitutional Chamber of the Supreme Court of the Kyrghyz Republic.

SECTION 3 LOCAL COURTS

Article 93

Judges of local courts shall be appointed by the President of the Kyrghyz Republic with the consent of the Uluk Kenesh for a term of 10 years.

Article 94

A citizen of the Kyrghyz Republic with high legal education and experience in juridical practice for not less than five years, who has attained the age of 30 and is not older than 60 may be appointed judge of a local court.

Article 95

Courts of aimaks and cities shall consider as courts of first instance criminal and civil cases, labour and social disputes except the cases coming within the jurisdiction of the courts of dubans and the city of Bishkek.

Courts of dubans and the city of Bishkek shall consider as courts of the first instance criminal and civil cases, labour and social disputes coming within their jurisdiction as well as economic disputes. They shall be a supervisory and appellate instance for the courts of aimaks and towns .

Article 96

1. Honorary old men courts and third party arbitration may be established of the territory of ails, settlements and towns from among honorary old men and other citizens, who enjoy general respect and authority by the decision of meetings of the citizens, local keneshs or any other representative body of local self administration.
2. Honorary old men courts and third party arbitration shall consider property, family disputes and other cases envisaged by the law submitted to them by the consent of the parties with the purpose of consiliation of the parties and taking a just decision in conformity with the Law.
3. The decisions of honorary old men courts and third party arbitration shall be appealable to the corresponding courts of aimaks and towns of the Kyrgyz Republic.

CHAPTER VII LOCAL SELF- GOVERNMENT

Article 97

The issues of life of the population of ails, towns, aimaks, dubans which have local effect shall be decided on the basis of local self- government acting along with the State Power.

Article 98

Local self- government in ails, settlements, aimaks, dubans shall be carried out by local keneshs, elected by the population of corresponding territorial units.

Article 99

Laws of the Kyrgyz Republic shall establish the fundamentals of the structure and functioning of local self- government as well as they shall coordinate the relation between local self- government and bodies of local state administration.

Article 100

Chairmen of all and settlement keneshs shall be heads of local self-government and shall perform the functions of local state administration. They shall be responsible in their activity to the akeem of aimak.

Article 101

1. Local keneshs shall :

approve and supervise the programs of social and economic development on the territory and socoial protection of the population; approve the local budget and report on its iplementation;

2. Local keneshs of aimaks, towns, dubans shall have the right to take the vote of no confedence to the akeem of the corresponding territorial unit.

3. Local keneshs shall function irrespective of local state administration.

4. Local keneshs within their powers shall adopt binding acts.

CHAPTER VIII THE PROCEDURE FOR AMENDING THE CONSTITUTION OF THE KYRGHYZ REPUBLIC

Article 102

1. Amendments and additions to the present Constitution of the Kyrghyz Republic shall be adopted by the Uluk Kenesh on the initiative of the President of the Kyrghyz Republic, not less than 1/3 of the Deputies of the Uluk Kenesh of the Kyrghyz Republic and not less than 300 000 citizens of the Kyrghyz Republic.

2. Proposals for amending the Constitution of the Kyrghyz Republic shall be debated in the Uluk Kenesh of the Kyrghyz Republic on receipt of the judgement of the Constitutional Chamber of the Supreme Court of the Kyrghyz Republic not earlier than in three months but not later than six months since the date of their submission.

3. The wording of amendments and additions to the Constitution of the Kyrghyz Republic shall not be changed in the course of their debating in the Uluk kenesh.

Article 103

1. Amendments and additions to the Constitution of the Kyrgyz Republic shall be considered passed if $2/3$ of the total number of the Deputies of the Uluk Kenesh vote for them.
2. The proposale which has not been passed may be submitted for the second time not earlier than in a year.