



Strasbourg, 28 May 2010

**Opinion no. 582/2010**

**CDL(2010)059**  
Eng.only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**LAW**  
**ON ENACTMENT OF THE CONSTITUTION**  
**OF THE KYRGYZ REPUBLIC <sup>1</sup>**

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<sup>1</sup> Unofficial translation from Russian was done by the EU-UNDP Project on support to the constitutional and parliamentary reform

**The Law of the Kyrgyz Republic  
On enactment of the Constitution of the Kyrgyz Republic**

**Article 1**

1. The Constitution of the Kyrgyz Republic shall come into force since the date of official publication of the results of the referendum (nation-wide vote), except:

- the provisions of section three, chapters two and three of section four, sections five and six, which shall come into force since the date of the first sitting of the newly elected Jogorku Kenesh of the Kyrgyz Republic;
- the provisions of part two article 30, which shall come into force since January 01, 2011.

2. The Constitution of the Kyrgyz Republic and the Law of the Kyrgyz Republic "On enactment of the Constitution of the Kyrgyz Republic", adopted by the referendum (nation-wide vote), do not require signature.

3. Taking into account the historical significance of the date of adoption of the first Constitution of the sovereign Kyrgyz Republic, the Day of the Constitution shall be the 5<sup>th</sup> of May.

4. The following documents shall be considered expired since the date of enactment of the Constitution:

1) The Constitution of the Kyrgyz Republic adopted on May 5, 1993 with all changes and amendments thereto;

2) The Law of the Kyrgyz Republic "On enactment of the Constitution of the Kyrgyz Republic" dated May 5, 1993 No 1186-XII;

3) The Law of the Kyrgyz Republic "On the new version of the Constitution of the Kyrgyz Republic" dated October 23, 2007 No 157, except:

- the provisions on the powers of the President of the Kyrgyz Republic, which shall lose their effect since the date of the first sitting of the Jogorku Kenesh of the new convocation;
- the provisions on the powers of the Prime Minister of the Kyrgyz Republic, which shall lose their effect since the day of appointment of the new composition of the Government, created in accordance with the new Constitution.

5. Laws as well as other regulatory legal acts valid before the enactment of the Constitution, shall be applicable to the extent that they do not contradict the Constitution.

The laws regulating the procedures of civil, criminal and administrative justice shall be in effect until they are aligned with the Constitution.

6. Special guarantees envisaged in the international commitments of the Kyrgyz Republic, the Code of the Kyrgyz Republic on elections in the Kyrgyz Republic, the Law of the Kyrgyz Republic "On state guarantees of equal rights and equal opportunities for men and women", the Decree of the President of the Kyrgyz Republic "On measures to improve gender policy" No 136 dated March 20, 2006 shall be in effect.

7. The deputies of the Jogorku Kenesh shall be elected in accordance with the requirements envisaged in Article 70 of the Constitution of the Kyrgyz Republic.

8. The judges of the Supreme Court and local courts of the Kyrgyz Republic shall retain their powers until new judges are elected and appointed in accordance with the new Constitution.

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Deputy chairpersons of the Supreme Court, the chairpersons of local courts and their deputies shall retain their powers until new deputy chairpersons of the Supreme Court, chairpersons of local courts and their deputies are elected in accordance with the new Constitution.

Before the creation of the Council on selection of judges in accordance with the new Constitution, vacant positions of judges, chairpersons of local courts and their deputies shall be replaced in accordance with the procedure defined by the Provisional Government.

9. The Deputies of local keneshes shall retain their powers until the expiration of their election term.

The mayors of cities, the heads of town councils and ayil okmotus shall retain their powers until the election of relevant officials of the executive local self governance bodies.

10. The powers of judges of the Constitutional Court shall be deemed terminated since the day of publication of Decree of the Provisional Government No 2 dated April 12, 2010 "On dissolution of the Constitutional Court".

11. Since the day of enactment of the Constitution:

1) The composition of the Central Commission on elections and referenda shall be defined by the Provisional Government of the Kyrgyz Republic and shall include the representatives of political parties and the civil society. The Central Commission on elections and referenda shall operate until the formation of its new composition in accordance with the Constitution;

2) The chairperson and auditors of the Chamber of Accounts shall retain their powers until the new composition of the Chamber of Accounts is elected.

3)

## **Article 2**

1. The following Decree of the Provisional Government of the Kyrgyz Republic No 39 dated May 19, 2010 "On the President of the Kyrgyz Republic for the period of transition" shall be approved:

### **"DECREE OF THE PROVISIONAL GOVERNMENT OF THE KYRGYZ REPUBLIC"**

**VP No 39**

May 19, 2010

On the President of the Kyrgyz Republic for the period of transition

1. Before the newly elected President of the Kyrgyz Republic assumes office in accordance with the new Constitution of the Kyrgyz Republic, the position of the President of the Kyrgyz Republic for the period of transition shall be introduced.

2. The powers of the President of the Kyrgyz Republic shall last until December 31, 2011.

3. The President of the Kyrgyz Republic shall not be entitled to stand for the position of the President of the Kyrgyz Republic at the next elections in 2011.

4. The powers of the President of the Kyrgyz Republic shall be granted during the period of transition to Ms. Rosa Isakovna Otunbaeva, the Chairperson of the Provisional Government.

5. The President of the Kyrgyz Republic shall:

- before the first sitting of the Jogorku Kenesh of the new convocation elected in accordance with the new Constitution of the Kyrgyz Republic, execute the powers of the President of the Kyrgyz Republic, envisaged in the Constitution of the Kyrgyz Republic as set forth in the Law of the Kyrgyz Republic No 157 dated October 23, 2007 "On the new version of the Constitution of the Kyrgyz Republic";

- since the day of the first sitting of the Jogorku Kenesh of the new convocation execute powers of the President of the Kyrgyz Republic as envisaged in the new Constitution of the Kyrgyz Republic;

- execute powers of the Prime Minister of the Kyrgyz Republic envisaged in the Constitution of the Kyrgyz Republic as set forth in the Law of the Kyrgyz Republic No 157 dated October 23, 2007 "On the new version of the Constitution of the Kyrgyz Republic" before the formation of

the Government of the Kyrgyz Republic in accordance with the new Constitution of the Kyrgyz Republic.

6. The President of the Kyrgyz Republic for the period of transition shall not have the right of membership in a political party, should observe political neutrality and refrain from any actions related to the support of any political party.

7. The President of the Kyrgyz Republic for the period of transition shall ensure the conduction of free, fair and transparent elections of the President of the Kyrgyz Republic and the deputies of the Jogorku Kenesh of the Kyrgyz Republic”.

### **Article 3**

1. The President of the Kyrgyz Republic after the approval of the Decree of the Provisional Government of the Kyrgyz Republic dated May 19, 2010 No 39 “On the President of the Kyrgyz Republic for the period of transition” at the referendum shall swear an oath before the people of the Kyrgyz Republic.

2. The elections of the new President of the Kyrgyz Republic shall be held 2 months prior to the expiration of powers of the President of the Kyrgyz Republic.

3. After the new President of the Kyrgyz Republic assumes office, the President of the Kyrgyz Republic shall acquire the status of ex-president of the Kyrgyz Republic.

### **Article 4**

The provisions of part two article 114 of the Constitution of the Kyrgyz Republic envisaging the procedure of introducing changes to the Constitution of the Kyrgyz Republic by the Jogorku Kenesh shall come into force since September 01, 2020.

### **Article 5**

The present Law adopted by the referendum (nation wide vote) on June 27, 2010 and shall come into force since the day of official publication of the results of the referendum (nation wide vote) on adoption of the new Constitution of the Kyrgyz Republic.