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

**KYRGYZSTAN**

**OPINION**

**ON**

**THE AMENDMENTS TO THE LAW ON THE RULES OF PROCEDURE  
OF THE PARLIAMENT OF THE KYRGYZ REPUBLIC**

**Adopted by the Venice Commission  
at its 134<sup>th</sup> Plenary Session  
(Venice, 10-11 March 2023)**

**On the basis of comments by**

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## I. Introduction

1. By letter of 17 January 2023, Mr Ayaz Baetov, Minister of Justice of the Kyrgyz Republic requested an opinion of the Venice Commission on "On the Rules of procedure of the Jogorku Kenesh of the Kyrgyz Republic" dated 16 November 2022 No. 106 ([CDL-REF\(2023\)003](#)), as well as "On Amendments to the Law of the Kyrgyz Republic "On the Rules of procedure of the Jogorku Kenesh of the Kyrgyz Republic" dated 22 November 2022 ([CDL-REF\(2023\)008](#)).
2. Ms Veronika Bílková, Mr Paolo Carozza and Ms Monika Hermanns acted as rapporteurs for this opinion.
3. On 15 and 16 February 2023, a delegation of the Commission composed of Ms Veronika Bílková and Mr Paolo Carozza, accompanied by Mr Serguei Kouznetsov had online meetings with Mr Emil Oskonbaev, Chair of the Constitutional Court, and Mr Ayaz Baetov, Minister of Justice of the Kyrgyz Republic. The Commission is grateful to the Kyrgyz authorities for the excellent organisation of these fruitful exchanges of views.
4. This opinion was prepared in reliance on the English translation of the amendments to the Law on the Rules of procedure and other relevant legislation. The translation may not accurately reflect the original version on all points.
5. This opinion was drafted on the basis of comments by the rapporteurs and the results of the online meetings on 15 and 16 February 2023. It was adopted by the Venice Commission at its 134<sup>th</sup> Plenary Session (Venice, 10-11 March 2023).

## II. Background

6. On 11 April 2021, a new Constitution of the Kyrgyz Republic introducing a presidential model of governance was adopted in a national referendum. Following its adoption, the authorities of Kyrgyzstan launched a process of the revision of national legislation with a view of adapting it to the new provisions of the fundamental law. Among other pieces of legislation adopted was the Constitutional Law on the Constitutional Court.<sup>1</sup> Parliamentary elections were held in Kyrgyzstan on 28 November 2021 and the new legislature (Jogorku Kenesh) engaged in an ambitious process of revising the existing legislation to update the legal framework to conform with the new Constitution. In 2022 the parliament revised its rules of procedure with the aim of harmonising them with the corresponding constitutional provisions.
7. The Law No. 106 on the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic (hereinafter Law No. 106) was adopted on 20 October 2022 and signed into law by the President on 16 November 2022. It replaced an older law of the same title.<sup>2</sup>
8. On 22 December 2022, the Jogorku Kenesh considered and adopted a law amending the Law No. 106 (hereinafter the Draft Law). The declared aim of the amendment was "*eliminating gaps, conflicts and establishing the correct relationship between the articles of the Law*".<sup>3</sup> The Draft Law was submitted to the President of the Kyrgyz Republic who did not sign it and returned it to the parliament in early February 2023.

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<sup>1</sup> The Constitutional Law № 133 of 15 November 2021. See [CDL-REF\(2023\)004](#).

<sup>2</sup> Закон Кыргызской Республики No. 223 «О Регламенте Жогорку Кенеша Кыргызской Республики» от 25 ноября 2011 г (The Law of the Kyrgyz Republic No 223 « On the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic » of 25 November 2011).

<sup>3</sup> Рассмотрен законопроект «О внесении изменений в Закон Кыргызской Республики «О Регламенте Жогорку Кенеша Кыргызской Республики» в трех чтениях, Жогорку Кенеш Кыргызской Республики, 22-12-2022 (The Jogorku Kenesh examined and adopted in three readings amendments to the Law on the Rules of Procedure of the Zhogorku Kenesh).

### III. The Scope of the opinion

9. In his letter of 17 January 2023, the Minister of Justice asked the Venice Commission to address five specific questions related to Law No. 106 and the Draft Law:

- A. If the paragraph 4 of part 2 of Article 65 of the Law of the Kyrgyz Republic "On the Regulations of the Jogorku Kenesh of the Kyrgyz Republic" is mandatory for the Constitutional Court of the Kyrgyz Republic and for other state bodies, that is, whether the Constitutional Court is under an obligation to give opinions on drafts of all international treaties that are under ratification processes in the Parliament?  
An additional question is how much such an imperative requirement, which actually establishes mandatory procedures for the body of constitutional control, corresponds to the standards of constitutionalism?
- B. Does the ability of the legislature to establish requirements in its institutional regulations imposing imperative obligations on other branches of state power, including the automatic mandatory receipt of an opinion from the Constitutional Court in relation to all international treaties, correspond to the standards and principles of constitutionalism?
- C. Does not Parliament go beyond its regulation by including such requirements in its law, if the law is institutional one (narrow)?
- D. Can a Law have a retroactive effect?
- E. Can the "Rules of Procedure" of the Parliament narrow down the list of subjects of appeal (in comparison with the institutional law of the body of constitutional control)?

10. The scope of the present opinion is to address these questions based on the translations of Law No. 106; the Draft Law; the Constitution of the Kyrgyz Republic (notably Articles 6, 70.6.2 and 70.6.3, 80.1.4, 97.2.3 and 97.2.4) and the Constitutional Law on the Constitutional Court (Law No. 133) (hereinafter Constitutional Law).

11. The questions are addressed in light of international standards and of comparative constitutional analysis. Some of the previous documents of the Venice Commission, notably the 2021 Report on the Domestic Procedures of Ratification and Denunciation of International Treaties,<sup>4</sup> have also been used during the preparation of this opinion.

### IV. Analysis

#### A. General remarks

12. The competence of the Jogorku Kenesh to "*ratify and denounce international treaties in the manner prescribed by law*" is prescribed by the Constitution (Art. 80.1.4), as is the competence of the Constitutional Court to "*give an opinion on the constitutionality of international treaties to which the Kyrgyz Republic is a party that have not entered into force*" (Art. 97.2.3). The competence to "*negotiate and sign international treaties*" is entrusted to the President of the Kyrgyz Republic (Art. 70.6.2) but it may be delegated to other officials. The competence to "*sign instruments of ratification and accession to international treaties*" belongs to the President (Art. 70.6.3) and may not be delegated.

13. The Constitutional Law, adopted on 15 November 2021, confirms the competence of the Constitutional Court to "*give an opinion on the constitutionality of international treaties to which the Kyrgyz Republic is a party that have not entered into force*" (Art. 4.1.3). Art. 22 provides that "*the right to apply for an opinion on the constitutionality of international treaties which have not entered into force for the Kyrgyz Republic shall be vested in the entities specified in Article 19.1.2-*

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<sup>4</sup> Venice Commission, CDL-AD(2022)001, *Report on the Domestic Procedures of Ratification and Denunciation of International Treaties*.

5 of this Constitutional Law”. These include the President; the Jogorku Kenesh; factions, deputy groups of the Jogorku Kenesh; and the Cabinet of Ministers. Art. 30.6 of the Law stipulates that “the admission of an appeal on the constitutionality of international treaties that have not entered into force for the Kyrgyz Republic entails the suspension of the entry into force of the contested international treaties until the Constitutional Court completes its consideration of the case”. Art. 52.2 adds that “international treaties which have not entered into force, and which have been declared unconstitutional by the Constitutional Court shall not be given effect and applied”.

14. The questions of the Minister of Justice mostly concern Art. 65 of Law No. 106 on the ratification and denunciation of international treaties. Paragraph 2 of this provision contains a list of documents to be submitted to the Jogorku Kenesh together with the draft law on the ratification or denunciation of an international treaty (by the President or the Cabinet of Ministers). These documents include, in addition to the text of the treaty, the opinion of the Cabinet of Ministers on the conformity of the treaty with the legislation of the Kyrgyz Republic and an assessment of the possible financial, economic and other consequences of its ratification; information on the status of the preparation and signature of the international treaty (paras 2.1-3); and “an opinion of the Constitutional Court on the constitutionality of an international treaty” (para 2.4).

15. According to the information received by the rapporteurs during the exchanges with the representatives of the Kyrgyz authorities, the 2011 Rules of procedure of the Jogorku Kenesh (i.e., the previous version of Law No. 106) included a similar norm requiring an opinion from the Constitutional Court on the constitutionality of an international treaty. However, this had not been interpreted as mandatory but as an obligation to provide the opinion of the Constitutional Court only if it had effectively been requested and obtained by the executive before submitting the treaty to parliament for ratification.

16. The Constitutional Court is of opinion that this interpretation would still be compatible with the rationale of Art. 97.2.3 of the 2021 Constitution and would aim at preventing the entry into force of an international treaty, if its constitutionality is questioned. If the President or Cabinet of Ministers declines to seek an opinion of the Constitutional Court on the matter, the Jogorku Kenesh as well as parliamentary factions and deputy groups themselves are entitled to seek an opinion on the constitutionality of international treaties (see Art. 23 and Art. 19.1 paras 3 and 4 of the Constitutional Law).<sup>5</sup>

17. The current Jogorku Kenesh instead insists on the mandatory nature of the *ex ante* control of constitutionality of all international treaties submitted for ratification. However, according to both the Constitutional Court and the Ministry of Justice, this would contradict two other provisions:

- a. The Constitutional Law, which provides in Art. 26 that the Constitutional Court can only proceed with an opinion where there is some uncertainty/ambiguity to be resolved as to how the international treaty complies with the Constitution or not (i.e., there has to be some sort of case or controversy at hand).
- b. The Law on International Treaties of the Kyrgyz Republic, which states that consideration of the issue of compliance of an international treaty with the Constitution is done by the Constitutional Court in accordance with the Constitutional Law (i.e., it refers back to the Constitutional Law above).

18. In respect of these considerations, the following observations can be made in relation to Art. 65 of Law No. 106 adopted in November 2022:

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<sup>5</sup> See [CDL-REF\(2023\)004](#) - Law on the Constitutional Court of the Kyrgyz Republic.

- a. The purpose of Law No. 106 is to regulate Parliament's functions and duties only, as specified in its preamble.<sup>6</sup> Art. 65, to the extent that it imposes obligations on other branches, seems to fall outside the law's own scope.
- b. Law No. 106 seems to impose obligations on both the judiciary and the executive: someone (either the President or the Cabinet of Ministers) must submit an appeal to the Constitutional Court and the Constitutional Court must give an opinion in response to the appeal.
- c. The wording used in Law No. 106 seems to be almost identical to the language of Article 68 of the previous Rules of Procedure Law that went into effect in 2011.

19. An additional consideration could be of relevance: according to the information provided both by the Constitutional Court and the Ministry of Justice before and during the meetings with the rapporteurs, hundreds of treaties are ratified or in the process of ratification per year. Having the Constitutional Court review them all would be inordinately burdensome. It would require the Court to look at the whole text of all these treaties and give abstract legal advice without a particularised or concretised issue in front of it.

20. The Draft Law adopted in December 2022 proposed a modification of Art. 65.2.4, by means of which an opinion of the Constitution Court on the constitutionality of an international treaty would only be required, "if the President or the Cabinet of Ministers recognises the need". Art. 2 of the Draft Law foresees that the amendment "shall be officially published and shall come into force on 16 November 2022", i.e., it would enter into force retroactively, at the date of the entry into force of the Law No. 106.

## **B. Mandatory Constitutional Control of International Treaties**

21. In most countries, the control of the compliance of legal acts with the constitution is exercised *a posteriori* with respect to acts already in force. The situation is however somewhat different with regard to international treaties. Under national law, treaties often do not enjoy a higher status than a national constitution and, as such, their provisions do not prevail over those of the constitution. Yet, under international law, "*a State party may not invoke the provisions of its internal law as justification for its failure to perform a treaty*" (Art. 27 of the Vienna Convention on the Law of Treaties). In this situation, submitting international treaties to an *a priori* (*ex ante*) check of constitutionality before the signature and/or ratification of the treaty can serve as an important safeguard against any future collision between national legislation and the provisions of the treaty.

22. The control of constitutionality of international treaties has two main forms: direct control, which focuses on the treaty or some of its provisions; and indirect control, which concentrates on the consenting act by means of which the legislature expresses its approval for the State to be bound by the treaty. In both cases, the control is usually exercised by a constitutional court or equivalent jurisdiction.

23. In the Kyrgyz Republic Art. 6 of the Constitution states that the Constitution itself "*has the highest legal force and direct effect in the Kyrgyz Republic*" and Art. 97 of the Constitution states that the "*composition and procedure for the formation of the Constitutional Court, as well as the procedure for the implementation of constitutional proceedings are determined by the constitutional law*". Article 3 of the Constitutional Law (referred to in Art. 97 of the Constitution) reads that "*Examination and decision-making on issues falling within the competence of the Constitutional Court shall take place in accordance with the procedure established by the*

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<sup>6</sup> Preamble: "The Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic (hereinafter, these Rules) determine the procedure and procedures for the exercise by the Jogorku Kenesh of the Kyrgyz Republic (hereinafter, the Jogorku Kenesh) of powers provided for in the Constitution of the Kyrgyz Republic (hereinafter, the Constitution) and the laws of the Kyrgyz Republic."

*Constitution, this Constitutional Law and the Rules of Procedure of the Constitutional Court (hereinafter referred to as the Rules)."*

24. Art. 65 par 2.4 of Law No. 106, is highly unusual insofar as it establishes a requirement of mandatory control of constitutionality of all international treaties submitted to ratification to the Jogorku Kenesh.

25. Moreover, the text of Art. 65 par 2.4 of Law No. 106 suggests that such a control would also be required in case of the denunciation of an international treaty. This is even more unusual and it is unclear what the purpose of such a control would be and why a treaty which was found constitutional prior to its ratification would need to undergo another review at the moment of the denunciation.

26. The amendment of Art. 65 par 2.4 proposed by the Draft Law, which would limit the *ex ante* control of international treaties to situations in which the President or the Cabinet of Ministers recognises the need of (and would request) such a control, would bring the regulation more in line with the laws and practices of other countries. It should however be considered not to deprive of this right the minority in parliament. The government / minister for foreign affairs, who negotiated the treaty, may not be aware of a potential unconstitutionality or may not be interested in raising such an issue.

27. The text of the provision should also make a distinction between documents to be submitted at the moment of ratification and at the moment of denunciation and confirm that the *ex ante* review of constitutionality can only take place as part of the former proceeding.

28. The revision proposed by the Draft Law would also be more in line with Art. 26.2 of the Constitutional Law, by virtue of which the control of constitutionality of international treaties should only take place in case of "*uncertainty as to whether /.../ an international treaty that has not entered into force for the Kyrgyz Republic /is/ consistent with the Constitution*". The formulation suggests that the control should only be exercised in case of a doubt as to the compatibility of a treaty, or some of its provisions, with the Constitution, not automatically with respect to all provisions of all international treaties subject to ratification. Moreover, Art. 22 of the Constitutional Law speaks about "*the right to apply for an opinion on the constitutionality of international treaties which have not entered into force for the Kyrgyz Republic*". The wording again suggests that requesting an *ex ante* control of constitutionality of international treaties is an option, not an obligation.

29. The Venice Commission notes that Law No. 106 – as an ordinary legal act – may not in any way affect or modify the regulation prescribed at the constitutional level, i.e., in the Constitution or in constitutional laws (such as the Constitutional Law No. 133). It thus may not extend the scope of competences or tasks conferred on other state organs. The Draft Law adopted in December seems to restore the "uncertainty" element that is required under the Constitutional Law (presuming of course that the President or Cabinet would not appeal unless there was a particular question that they would want answered as to a particular draft treaty). As such, the Draft Law seems (in effect) to make Art. 65 consistent with the Constitutional Law.

30. The scope of Law No. 106 should also be considered in this context. The Venice Commission notes that in line with its Preamble, Law No. 106 "*determines the procedures for the exercise by the Jogorku Kenesh of the Kyrgyz Republic /.../ of powers provided for in the Constitution of the Kyrgyz Republic /.../ and the laws of the Kyrgyz Republic*". Unlike most of the other legal acts issued by the Jogorku Kenesh, Law No. 106 is not addressed to external actors

but, rather, as the Commission pointed out in its previous *opinions* “*in the case of the internal regulation of parliament, regulation by a Law in fact limits the autonomy of the Parliament itself*”.<sup>7</sup>

### C. Separation of Powers and the ratification of international treaties

31. The question of separation of powers in the context of the present opinion is closely connected to the issue of constitutional control of international treaties. The comments made in the previous part are thus relevant for addressing this issue.

32. In any constitutional system, the legislature frequently imposes certain obligations on the executive and on the judiciary. The question is, rather, whether the substance of the obligations being imposed violate principles of separation of powers. When changing the powers of other branches, the Jogorku Kenesh has to do so within the limits set by the Constitution, since the *Constitution* “*shall have supreme legal force and direct effect in the Kyrgyz Republic*” (Art. 6.1 of the Constitution). The parliament can impose imperative obligations on the other state institutions only, if doing so falls under the competences of Jogorku Kenesh foreseen in the Constitution and through the appropriate specific legal acts, not through the internal rules of procedure of the Jogorku Kenesh.

33. The disagreement between the legislature and the executive over the issue of procedure of ratification of international treaties may be considered as “*dispute over competence between the branches of power*” within the meaning of Art. 97 par. 2.4 of the Constitution, which has to be resolved by the Constitutional Court (see also Art. 4 par. 1.4 of the Constitutional Law). The right to appeal to resolve a dispute over competence between the branches of state power is vested both in the President and the Cabinet of Ministers and in the Jogorku Kenesh, including its factions and deputy groups, insofar as their respective competence is concerned (see Art. 23 and Art. 19.1 paras 2 to 5 of the Constitutional Law).

34. According to Art. 70.6 paras 2 and 3 of the Constitution the “*President negotiates and signs international treaties*” and “*signs instruments of ratification and accession to international treaties*”. The powers of the parliament are fixed by Article 80.1 para 4 of the Constitution: “*Jogorku Kenesh ratifies and denounces international treaties in the manner prescribed by law*”. If parliament requires that the government has an obligation to present an opinion of the Constitutional Court on the constitutionality of any international treaty that is submitted to parliament for ratification, this is not a mere question of official interpretation of Art. 65 of Law No. 106 by the Jogorku Kenesh (Art. 80.1 par. 3 of the Constitution which gives the parliament the right to “provide official interpretation of laws”), but a question of the interpretation of the Constitution itself, as far as the distribution of competences is concerned. In case of differences in their interpretations of powers vested in them by the Constitution, the executive or the legislative powers should appeal to the Constitutional Court in accordance with the Art. 97.2.3 of the Constitution.

### D. Retroactivity of the Regulation

35. With regard to the question of retroactivity in relation to the respect of the principle of the rule of law, as noted in the Venice Commission’s Rule of Law Checklist<sup>8</sup> and other instruments/sources/sets of standards,<sup>9</sup> retroactivity is generally considered problematic in the criminal context (or other law imposing penalties, such as administrative law or civil fines).

<sup>7</sup> Venice Commission, [CDL-AD\(2017\)026](#), Opinion on the amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine, para 23.

<sup>8</sup> Paragraph 62, Rule of Law Checklist (“However, outside the criminal field, a retroactive limitation of the rights of individuals or imposition of new duties may be permissible, but only if in the public interest and in conformity with the principle of proportionality (including temporally”).

<sup>9</sup> E.g., Article 7 of the European Convention on Human Rights; Article 15 of the International Covenant on Civil and Political Rights.



Retroactive application of criminal laws is only strictly precluded when it is to the disadvantage of the accused, but where it is beneficial to the accused it is not only permissible but usually favoured. In other areas, it may also negatively affect rights and legal interests, especially when it changes the legal position of the addressee of the relevant norms. The underlying worry about retroactive laws arises (as the language of Constitution in Article 6.5<sup>10</sup> makes clear) when the law attaches new duties and responsibilities on the subject of the relevant norm. In the present case, the Draft Law does not seem to do that: it concerns the provisions of the Law No 106 and doesn't add any new obligations on its own on any state institution. The effect of this provision seems to be lessening the burden on the Constitutional Court, not instituting new detrimental conditions.

### **E. Subjects competent to appeal to the Constitutional Court**

36. Article 19 of the Constitutional Law contains a list of subjects who have the right to appeal to the Constitutional Court. This list includes: a) an individual (natural persons) or a legal entity (legal persons) if they consider that the rights and freedoms recognised by the Constitution have been violated by laws and other normative legal acts; b) the President; c) the Jogorku Kenesh; d) factions, deputy groups of the Jogorku Kenesh; e) the Cabinet of Ministers of the Kyrgyz Republic; f) the Supreme Court of the Kyrgyz Republic; g) local authorities; h) the Prosecutor General of the Kyrgyz Republic; i) the Ombudsman (Akyikatchy) of the Kyrgyz Republic; and j) the judge(s) of the Kyrgyz Republic.

37. Articles 20-25 of the same law specify concrete types of proceedings for each subject and conditions to appeal to the Constitutional Court. Out of those provisions, Article 22 refers specifically to the *ex ante* control of constitutionality of international treaties. It indicates that the right to request this control is vested with the President; the Jogorku Kenesh; factions, deputy groups of the Jogorku Kenesh; and the Cabinet of Ministers of the Kyrgyz Republic.

38. Law No. 106 requires that an international treaty submitted for ratification to the Jogorku Kenesh be accompanied by "*an opinion of the Constitutional Court on the constitutionality of an international treaty*" (Art. 65.2.4). The Draft Law modifies this provision by adding "*if the President or the Cabinet of Ministers recognise the need*" (Art. 1.4).

39. The Venice Commission notes that it is not completely clear whether the aim of Art. 65.2.4 of the Law No 106 is to at least *de facto* restrain the list of actors entitled to request the *ex ante* control of constitutionality of international treaties and whether the Draft Law softens this restriction only in so far, as regardless of whom from the actors indicated in Art. 22 of the Constitutional Law makes such a request, the position of the President or the Cabinet of Minister always has to be sought and either of these actors has to "recognise the need" of such an action. The latter interpretation could *de facto* still deprive notably the opposition (factions, deputy groups) from the right to appeal to the Constitutional Court. This would contradict the Constitutional Law and could raise questions of constitutionality. The purpose of *ex ante* review is to avoid conflicts between the provisions of the treaty and the constitution. The opposition is much more likely to identify a potential unconstitutionality than the government, which negotiated the treaty.

40. The Venice Commission is of opinion that Law No. 106 cannot modify the competences of any other state organs. The President and the Cabinet of Ministers have the right to appeal for the *ex ante* control of constitutionality of international treaties not on the basis of Law No. 106, whether or not changed by the Draft Law, but on the basis of Articles 19 and 22 of the Constitutional Law.

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<sup>10</sup> "A law or other normative legal act that establishes new obligations or aggravates liability does not have retroactive effect."

## V. Conclusion

41. The Venice Commission welcomes the efforts of the Kyrgyz authorities to establish a clear rule concerning the constitutional control of international treaties. Changes to the Rules of Procedure of the parliament adopted in November 2022 provide an opportunity to harmonise the corresponding parliamentary procedures with the Constitution and other relevant pieces of legislation. The Draft Law currently under consideration by Jogorku Kenesh clarifies several outstanding issues after the adoption of Law No. 106 on the Rules of Procedure on 16 November 2022, notably by eliminating the requirements that could overburden the Constitutional Court.

42. In relation to the questions raised by the request of the Minister of Justice, the Commission is of opinion that if combined with the existing provisions of the Constitutional Law, the Draft Law amending Art. 65.2.4 of the Law on the Rules of Procedure of Jogorku Kenesh addresses the problem of the non-compulsory nature of the control of the constitutionality of a non-ratified treaty by specifying that such control only takes place upon request and when the executive considers it necessary. Law No. 106, if amended in this way, would not put at risk the principle of separation of powers. However, insofar as the Draft Law would impose a restriction of the right of the opposition (parliamentary factions, deputy groups) to seek an opinion of the Constitutional Court on the compatibility with the Constitution of an international treaty, it would be problematic and could raise questions of constitutionality.

43. As to the subjects that can seek opinion of the Constitutional Court, the ordinary Law on the Rules of Procedure of Jogorku Kenesh cannot limit it and should be harmonised with Art. 19 of the Constitutional Law on the entities which can appeal to the Constitutional Court.

44. Since the Draft Law neither imposes new obligations on any individual or state body, nor aggravates liability in any way but seeks to remedy the deficiencies of the previously adopted piece of legislation (Law No. 106) by making the text of this law consistent with other legal acts of the Kyrgyz Republic, the Venice Commission cannot conclude that the draft law would entail a breach of the principle of non-retroactivity.

45. The Jogorku Kenesh might consider it useful to examine certain issues that could prevent any possible future misinterpretations of its internal rules in the process of ratification of international treaties and its interaction with other branches of power. These include, among others, harmonisation of the provisions of the Law on the Rules of Procedure of the Jogorku Kenesh on ratification of international treaties and related issues with other pieces of legislation, notably, the Constitutional Law on the Constitutional Court of 15 November 2021 (No 133) and Law on International Treaties of 24 April 2014 (No 64).

46. The Venice Commission remains at the disposal of the authorities of the Kyrgyz Republic for any further assistance.