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KYRGYZSTAN

DRAFT LAW
"ON THE CONSTITUTION OF THE KYRGYZ REPUBLIC" (*)

(*) *Translation provided by the OSCE/ODIHR*

DRAFT
Law of the Kyrgyz Republic
"On the Constitution of the Kyrgyz Republic".

Article 1

The Constitution of the Kyrgyz Republic shall be amended to read as follows:

THE CONSTITUTION OF THE KYRGYZ REPUBLIC

Preamble

We, the people of the Kyrgyz Republic;
recognizing our right to determine our own destiny;
to ensure the rule of law, justice, and equity;
wanting to establish the foundations of a true people's government;
following the traditions of our ancestors, continuing to live in unity, peace and harmony, in
harmony with nature, based on the precepts of Manas the Magnificent;
affirming the rights and interests of the people of the Kyrgyz Republic;
expressing an unwavering will to preserve and strengthen statehood;
reaffirming the commitment to protect and respect human and civil rights and freedoms;
declaring the recognition of universal human principles and values;
filled with a determination to promote social justice, economic prosperity, education, science
and spirituality;
honoring the memory of the heroes who gave their lives for the freedom of our people;
Aware of our responsibility for our Fatherland to present and future generations, we adopt
this Constitution.

SECTION ONE**BASICS OF THE CONSTITUTIONAL ORDER****CHAPTER I. POLICY FRAMEWORK OF THE CONSTITUTIONAL ORDER****Article 1**

1. The Kyrgyz Republic (Kyrgyzstan) is an independent, sovereign, democratic, unitary, governed by the rule of law, secular and social state.
2. The sovereignty of the Kyrgyz Republic is unlimited and extends over its entire territory.
3. The Kyrgyz Republic independently conducts its domestic and foreign policies.
4. The people of the Kyrgyz Republic are the bearer of sovereignty and the only source of state power.
5. The people of Kyrgyzstan are citizens of all ethnic groups of the Kyrgyz Republic.
6. The President and the Jogorku Kenesh have the right to speak on behalf of the people of the Kyrgyz Republic.

Article 2

1. The right to independently determine the foundations of the constitutional order is the sovereign right of the people of the Kyrgyz Republic.
2. In the Kyrgyz Republic, the people's power shall be based on the principles of full power belonging to the people, protection of human and civil rights and freedoms, and free and real access to the management of the affairs of the state and society.
3. Citizens of the Kyrgyz Republic exercise their power directly at elections and referendums (nationwide voting), as well as through the system of state bodies and local self-government bodies on the basis of the Constitution and laws of the Kyrgyz Republic.
4. Elections and referenda shall be held on the basis of free, universal, equal and direct suffrage by secret ballot. Citizens of the Kyrgyz Republic who have reached 18 years of age have the right to vote.

5. Laws and other issues of national importance may be submitted to a referendum. The procedure for holding a referendum shall be established by constitutional law.

6. It is forbidden to influence the free choice of voters by using financial, administrative and other resources prohibited by law.

Article 3

1. The territory of the Kyrgyz Republic within its borders is integral and inviolable.

2. In order to organize state administration and local self-governance, the territory of the Kyrgyz Republic is divided into administrative-territorial units defined by law.

Article 4

State power in the Kyrgyz Republic is based on principles of:

- the supremacy of the power of the people, represented and ensured by a popularly elected President and the Jogorku Kenesh;
- the division into legislative, executive and judicial branches, their coordinated functioning and interaction;
- openness of state bodies, local self-government bodies and their officials, the exercise of their powers in the interests of the people;
- separation of powers and functions of state bodies and local self-government bodies;
- prohibition of state and municipal officials to carry out actions (omissions) that create conditions for corruption;
- constitutional and other responsibility of state bodies, local self-government bodies, and their officials to the people.

Article 5

1. The state and its organs serve the whole of society, not just a portion of it.

2. Actions aimed at the forcible seizure and unlawful retention of state power, appropriation of the powers of state bodies, bodies of local self-government, and their officials shall not be allowed.

Usurpation of state power is a particularly grave crime.

Article 6.

1. This Constitution shall have supreme legal force and direct effect in the Kyrgyz Republic.

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

3. The generally recognized principles and norms of international law, as well as international treaties that entered into force in accordance with the legislation of the Kyrgyz Republic, are an integral part of the legal system of the Kyrgyz Republic.

The procedure and conditions for the application of international treaties and generally recognized principles and norms of international law shall be determined by law.

4. The official publication of laws and other normative legal acts is a prerequisite for their entry into force.

5. A law or another normative legal act that establishes new obligations or aggravates liability shall have no retroactive effect.

Article 7

1. The People's Kurultai is a public - representative assembly.

The People's Kurultai is a deliberative, supervisory assembly, making recommendations on areas of social development.

The organization and procedures for the activities of the People's Kurultai shall be determined by the Constitution and constitutional law.

Article 8

1. Political parties, trade unions and other public associations may be established in the Kyrgyz Republic for the implementation and protection of the rights, freedoms and interests of man and citizen.

2. Political parties contribute to the diverse expression of the political will of different social strata and groups in society.

3. In the Kyrgyz Republic the following shall be prohibited:

1) formation and functioning of party organizations in national and municipal institutions and organizations; performance of party activities by national and municipal employees, except when such work is performed beyond their official activities;

2) Membership of servicemen, law enforcement officers and judges in political parties, their statements in support of a political party;

3) creation of political parties on a religious and ethnic basis, the pursuit of political goals by religious associations;

4) creation of paramilitary formations by associations of citizens;

5) the functioning of political parties, public and religious associations, their representative offices and branches whose activities are aiming at a violent change of the constitutional order, undermining national security, and inciting social, racial, inter-ethnic, and religious discord.

4. Political parties, trade unions and other public associations shall ensure transparency of their financial and economic activities.

Article 9

1. No religion can be established as a state or obligatory religion in the Kyrgyz Republic.

2. Religion and all religious cults are separated from the state.

3. Interference of religious associations, clergymen and ministers of religion in the activities of public authorities shall be prohibited.

Article 10

1. The mass media shall be guaranteed the right to receive information from state and local self-government bodies and disseminate it, and the right to freedom of expression.

2. Censorship is not allowed in the Kyrgyz Republic. The mass media are free and shall carry out their activities in accordance with the law.

3. Information security in the Kyrgyz Republic is ensured by the state.

4. In order to protect the younger generation, activities that contradict moral and ethical values and public conscience of the people of the Kyrgyz Republic may be restricted by law.

5. A list of activities to be restricted and information to be restricted in access and dissemination shall be established by law.

Article 11

1. The Kyrgyz Republic has no goals of expansion, aggression or military aims.

The armed forces of the Kyrgyz Republic are formed on the principles of self-defense and defensive sufficiency.

2. The right to wage war, except for cases of aggression against the Kyrgyz Republic and other states related to collective defense obligations, shall not be recognized. In each case, the decision to send units of the Armed Forces of the Kyrgyz Republic outside the territory of the Kyrgyz Republic shall be made by the Jogorku Kenesh by a majority of at least two-thirds of the total number of deputies.

3. The use of the Armed Forces of the Kyrgyz Republic for domestic political purposes is prohibited.

4. The Kyrgyz Republic seeks to coexist with other states in harmony and justice, mutually beneficial cooperation, and peaceful solutions to global and regional problems.

Article 12

A state of emergency, emergency and martial law in the Kyrgyz Republic shall be introduced in the cases and according to the procedure stipulated by the Constitution and laws.

Article 13

1. The Kyrgyz language is the state language of the Kyrgyz Republic. The procedure for the use of the state language is determined by constitutional law.
2. The Russian language shall be used as the official language in the Kyrgyz Republic.
3. Representatives of all ethnic groups that make up the people of the Kyrgyz Republic shall be guaranteed the right to create conditions for the preservation, study and development of their native language.

Article 14

1. The Kyrgyz Republic has its state symbols: the Flag, the Emblem, and the Anthem. Their description and the procedure for their official use shall be established by law.
2. Bishkek is the capital of the Kyrgyz Republic. The cities of Bishkek and Osh are cities of republican significance. The status of cities of republican significance is determined by law.
3. The monetary unit of the Kyrgyz Republic is the som.

CHAPTER II.**SOCIO-ECONOMIC FOUNDATIONS OF THE CONSTITUTIONAL ORDER****Article 15**

1. In the Kyrgyz Republic, private, state, municipal and other forms of property shall be equally recognized and protected.
2. Property is inviolable. No one shall be arbitrarily deprived of their property. The right of inheritance is guaranteed. The seizure of property against the will of the owner is allowed only by a court decision in accordance with the procedure established by law. The seizure of property for public and state needs, as defined by law, shall be made by court order by providing a fair and prior security for compensation for the value of the property and the losses caused by the seizure of the property.
- (3) Transfer to state ownership of property owned by citizens and legal entities (nationalization) is carried out on the basis of the law with compensation for the value of this property and other losses.
4. The Kyrgyz Republic protects the property of its citizens and legal entities, as well as its property located in foreign countries.
5. Monuments of historical and cultural heritage, architectural, archaeological sites and findings belong to the state and are specially protected by law.

Article 16

1. The land, mineral resources, air space, waters, forests, pastures, flora and fauna, and other natural resources are the exclusive property of the Kyrgyz Republic.
2. Land and natural resources are used as the basis of life and activity of the people of the Kyrgyz Republic in order to maintain a unified ecological system and sustainable development, and are under the control and special protection of the state.
3. Land, with the exception of pastures and forests, may also be privately and municipally owned. Land may not be privately owned by foreign citizens and legal entities with foreign participation.
4. Guarantees of protection of the rights of land owners shall be determined by law.

Article 17

1. The Kyrgyz Republic creates conditions for the development of various forms of economic activity and protects the interests of the national economy.
2. The directions of economic and social development of the Kyrgyz Republic are reflected in national programs.

3. The state guarantees the protection of investments and subjects of investment activity in the manner determined by law.

Article 18

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

2. There is a unified tax system on the territory of the Kyrgyz Republic. The right to establish taxes belongs to Jogorku Kenesh. Laws establishing new taxes and worsening the situation of taxpayers shall not have retroactive force.

Article 19

1. The state cares about the welfare of the people and their social protection.

2. The Kyrgyz Republic provides support for socially vulnerable categories of citizens, labor and health protection.

3. The Kyrgyz Republic develops a system of social services and healthcare, and provides guarantees of state pensions, benefits and other guarantees of social protection.

Article 20

1. The family is the foundation of the society. The family, fatherhood, motherhood and childhood are protected by society and the state.

2. Respect and care for father and mother is a sacred duty of children.

3. Children are the most important value of the Kyrgyz Republic. By creating conditions conducive to the full spiritual, moral, intellectual and physical development of children, the State fosters patriotism and citizenship.

CHAPTER III.

SPIRITUAL AND CULTURAL FOUNDATIONS OF SOCIETY

Article 21

1. The state cares about the development of the culture of the people of Kyrgyzstan with the preservation of customs and traditions that do not infringe on human rights and freedoms.

2. Reverence for elders and respect for younger generations is a sacred tradition of the people.

3. The state protects the historical, material and spiritual heritage of the people of Kyrgyzstan.

4. The state ensures inter-ethnic and inter-confessional harmony.

Article 22

1. The development of the society and the state relies on scientific research, modern technology and innovation.

2. The state supports all types and forms of education in educational organizations, regardless of their ownership.

The state cares about every student and the quality of teaching and enhances the status of educators.

The state finances and provides material and technical support for the activities of public educational organizations.

3. The state promotes the development of science, scientific and creative development, scientific and technological achievements, discoveries and inventions.

The state finances and supports scientific institutions and organizations, and implements a strategy for their development.

4. The state shall ensure certification of scientific and scientific-pedagogical personnel contributing to scientific and technological progress.

5. The National Academy of Sciences of the Kyrgyz Republic, based on the principles of continuity and scientific progress, coordinates the directions in the field of fundamental and applied sciences.

SECTION TWO HUMAN AND CIVIL RIGHTS, FREEDOMS AND DUTIES

CHAPTER I. GENERAL PRINCIPLES

Article 23.

1. Human rights and freedoms are inalienable and belong to everyone from birth. They are recognized as absolute, inalienable and protected by law and by courts against infringement by anyone.

Human rights and freedoms are among the highest values of the Kyrgyz Republic. They have a direct effect and determine the meaning and content of the activities of all state bodies, local self-government bodies and their officials.

2. Human and civil rights and freedoms may be restricted by the Constitution and laws with the aim of protecting national security, public order, public health and morals, and the rights and freedoms of others. Such restrictions may also be imposed taking into account the specifics of the military or other state services. The restrictions imposed must be proportionate to the stated goals.

3. The adoption of by-laws restricting human and civil rights and freedoms shall be prohibited.

4. The law may not impose restrictions on human rights and freedoms for other purposes and to a greater extent than those provided for in the Constitution.

5. No restrictions shall be placed on the human rights and freedoms established by the Constitution.

6. The constitutionally established guarantees against prohibition are not subject to any limitation.

Article 24.

1. The Kyrgyz Republic shall respect and ensure protection of the rights and freedoms of all persons within its territory and jurisdiction.

No one shall be subjected to discrimination on the basis of sex, race, language, disability, ethnicity, religion, age, political or other opinion, education, origin, property or other status, or other circumstances.

Persons who have committed discrimination are liable in accordance with the law.

Special measures established by law and aimed at ensuring equal opportunities for various social groups in accordance with international obligations do not constitute discrimination.

2. In the Kyrgyz Republic, everyone is equal before the law and the courts.

3. In the Kyrgyz Republic, men and women have equal rights and freedoms and equal opportunities for their realization.

CHAPTER II. INDIVIDUAL RIGHTS AND FREEDOMS

Article 25.

1. Everyone in the Kyrgyz Republic has an inalienable right to life. Encroachment on personal life and health shall not be permitted. No one shall be arbitrarily deprived of life. Death penalty shall be prohibited.

2. Everyone shall have the right to defend his life and health and the lives and health of others against unlawful encroachments, within the limits of necessary defense.

Article 26.

1. A family shall be created on the basis of the voluntary marriage of a man and a woman who have attained the legal age of marriage. Marriage shall not be permitted without the consent of the two persons entering into the marriage. Marriage shall be registered by the state.

2. Child care and upbringing shall be equally the right and duty of both father and mother. Adult children capable of working are obliged to take care of their parents.

3. Spouses shall have equal rights and responsibilities in marriage and the family.

Article 27

1. Every child has the right to a standard of living necessary for their physical, mental, inner spiritual, moral and social development.

2. The principle of the best interests of the child applies in the Kyrgyz Republic.

The responsibility for providing the living conditions necessary for the child's development rests with each of the parents, guardians, and custodians.

4. The state takes care of, raises and educates orphans and children left without parental care up to the age of 18. At the same time, they are given an opportunity to receive free secondary and higher vocational education. They are provided with social security.

Article 28.

1. Slavery and human trafficking are not allowed in the Kyrgyz Republic.

2. Exploitation of child labor is prohibited.

3. Forced labor is prohibited, except in cases of war, liquidation of the consequences of natural disasters and other emergencies, as well as by way of execution of a court decision.

Involvement in military or alternative (non-military) service is not considered forced labor.

Article 29.

1. Everyone shall have the right to privacy and to protection of honor and dignity.

Human dignity in the Kyrgyz Republic is absolute and inviolable.

2. No one shall be subjected to criminal prosecution for disseminating information that defames or humiliates the honor and dignity of a person.

3. Everyone shall have the right to the privacy of correspondence, telephone and other conversations, postal, telegraphic, electronic and other communications. Restriction of these rights shall be allowed only in accordance with the law and on the basis of a court decision.

4. Collection, storage, use and dissemination of confidential information, information about a person's private life without his/her consent, except in cases established by law, shall not be allowed.

5. Everyone shall be guaranteed protection, including judicial protection, against unlawful collection, storage and dissemination of confidential information and information about a person's private life, and also guaranteed the right to compensation for material and moral harm caused by unlawful actions.

Article 30.

1. Everyone has the right to inviolability of the home and other facilities in their possession or another title. No one may enter a dwelling or another facility against the will of the person who uses them.

2. Search, seizure, inspection and other actions, as well as entry by authorities into a dwelling and other property or other objects under the right, shall be allowed only on the basis of a court decision.

3. In exceptional cases provided for by law, search, seizure, inspection and other actions, entry by authorities into a dwelling and other facilities in the possession or under another title shall be permitted without a court decision. The legality and validity of such actions shall be subject to review by a court.

4. The guarantees and restrictions set forth in this article shall also apply to legal entities.

Article 31.

1. Everyone shall have the right to freedom of movement, choice of place of stay and residence within the territory of the Kyrgyz Republic.

2. A citizen of the Kyrgyz Republic shall have the right to freely depart from and return to, the Kyrgyz Republic. Restrictions on the right of departure leave are allowed only on the basis of the law.

The right of citizens of the Kyrgyz Republic to unimpeded return shall not be subject to any restrictions.

Article 32.

1. Everyone shall have the right to freedom of thought and opinion.
2. Everyone shall have the right to freedom of expression, freedom of speech and freedom of the press.
3. No one may be compelled to express or refuse to express their opinion.
4. Propaganda of national, racial, religious hatred, gender and other social superiority, calling for discrimination, hostility or violence shall be prohibited.

Article 33.

1. Everyone shall have the right to freely seek, receive, store, use and disseminate information orally, in writing, or by other means.
2. Everyone shall have the right to familiarize with information about themselves held by national and local governmental bodies, institutions and organizations.
3. Everyone shall have the right to receive information about the activities of national governmental bodies, local self-government bodies and their officials, legal entities with the participation of the national and local governmental bodies, as well as organizations financed from the state and local budgets.
4. Everyone shall be guaranteed access to information held by national and local governmental bodies and their officials. The procedure for providing information shall be determined by law.

Article 34.

1. Everyone shall be guaranteed freedom of conscience and religion.
2. Everyone shall have the right to profess any or no religion individually or in association with others.
3. Everyone shall have the right to freely choose and enjoy religious and other beliefs.
4. No one shall be compelled to express or deny their religious or other beliefs.

Article 35.

Everyone shall have the right to state compensation for harm caused by unlawful actions (inaction) of state and local self-government bodies and their officials in the performance of their official duties.

Article 36.

Everyone has the right to freedom of association.

**CHAPTER III.
POLITICAL RIGHTS****Article 37.**

1. Citizens of the Kyrgyz Republic shall have the right to elect and be elected to national and local governmental bodies, as well as to participate in referenda.
2. Citizens of the Kyrgyz Republic shall have the right to participate in the management of public and state affairs both directly and through their representatives.
3. Citizens of the Kyrgyz Republic shall have equal rights and opportunities when entering the state and municipal service and promotion in the manner prescribed by law.
4. Citizens of the Kyrgyz Republic have the right to participate in the discussion and adoption of laws and decisions of the national and local importance.
5. Everyone shall have the right to appeal to bodies of state power, bodies of local self-government and their officials, who shall be obliged to provide a substantiated response within a period prescribed by law.
6. Citizens shall have the right to participate in the formation of the state and local budgets, as well as to receive information about the funds actually spent from the budget.

Article 38.

Citizens of the Kyrgyz Republic who also have another citizenship are not entitled to hold political and special state positions. This restriction may also be established by law for other government positions.

Article 39.

1. Everyone shall have the right to freedom of peaceful assembly. No one shall be compelled to take part in an assembly.

2. In order to ensure a peaceful assembly, everyone shall have the right to submit a notification to national or local authorities.

3. Organizers and participants of peaceful assemblies shall not be responsible for failure to submit a notification of a peaceful assembly, to comply with the notification format, its content or the deadline for its submission.

The organization and conduct of peaceful assemblies shall be determined by law.

**CHAPTER IV.
ECONOMIC AND SOCIAL RIGHTS**

Article 40.

Everyone has the right to own, use and dispose of their property and results of their activities.

Article 41.

Everyone has the right to economic freedom, the free use of their abilities and property for any economic activity not prohibited by law.

Article 42.

1. Everyone has the right to freedom of labor, the right to dispose of their abilities to work, to choose a profession and occupation, the right to protection and working conditions that meet health and safety requirements, and the right to receive wages not lower than the subsistence minimum established by law.

2. Everyone has the right to rest.

3. Maximum working hours, minimum weekly hours of rest and a paid annual leave, as well as other basic conditions for exercising the right to rest shall be determined by law.

4. Citizens shall have the right to strike. The procedure and conditions of strikes are determined by law.

Article 43.

1. Everyone has the right to health care and health insurance. The conditions of health insurance shall be defined by law.

2. The state shall create conditions for the medical care for all and shall take measures for the development of national, municipal, private and other kinds of health care organizations.

The state shall create necessary conditions for employees of medical institutions and provide them with social security.

3. Citizens have the right to free use of the network of public healthcare facilities.

Medical care, including on preferential terms, at the expense of the state is carried out within the scope of state guarantees provided by law.

4. Concealment by officials of facts and circumstances creating a threat to the life and health of people shall entail liability established by law.

5. Paid medical services for citizens shall be allowed on the grounds and in the manner prescribed by law.

Article 44.

1. In the manner and cases provided for by law, social security shall be guaranteed in the Kyrgyz Republic at the expense of the state in old age, in the event of illness, loss of the ability to work, loss of a breadwinner, and disability.

2. Pension, social allowance and other social assistance ensure a standard of living not lower than the minimum subsistence level established by law.

3. The state ensures the functioning of the system of social protection for disabled persons, based on their full and equal exercise of human and civil rights and freedoms, their social integration without any discrimination, creation of an accessible environment for disabled persons and the improvement of their quality of life.

4. The state encourages voluntary social insurance, the creation of additional forms of social security and charitable activities.

5. The social activity of the state must not take the form of state patronage that restricts the economic freedom, activity, and opportunities of the citizen to achieve economic well-being for themselves and their family.

Article 45.

1. Everyone has the right to housing.

2. No one shall be arbitrarily deprived of their home.

3. State bodies and local self-government bodies shall encourage housing construction and create conditions for the realization of the right to housing.

4. Low-income and other vulnerable persons are provided with housing from state, municipal and other housing funds or in social institutions on the grounds and in the manner prescribed by law.

Article 46.

1. Everyone has the right to education.

2. Basic general education is compulsory.

3. Everyone shall have the right to receive free pre-school, basic general, secondary general and primary vocational education in state educational organizations.

4. The state shall create conditions for teaching every citizen the state, the official and a foreign language, starting from pre-school educational institutions to secondary general education.

5. The state shall create equal conditions for the development of national, municipal, private and other forms of educational institutions.

6. The state shall create conditions for the development of physical culture and sports.

7. The state shall assist in the improvement of professional qualifications of citizens in the manner prescribed by law.

Article 47.

1. In the Kyrgyz Republic, young people are guaranteed the right to spiritual, cultural, moral and physical development.

2. The state ensures the implementation of youth policy aimed at creating necessary conditions for the education and employment of young people, supporting young families, free participation of young people in political, social, economic, cultural and other spheres of activity.

Article 48.

1. 1. Everyone shall be guaranteed the freedom of scientific, technical, artistic and other types of creative activity, teaching and learning for the purpose of self-realization and personal development. Everyone shall have the right to exercise creative activity in accordance with their interests and abilities.

2. Everyone has the right to participate in cultural life and to have access to cultural values.

3. The state creates conditions for increasing the legal culture and legal awareness of citizens.

4. Intellectual property is protected by law.

Article 49.

1. Everyone shall have the right to an ecological environment favorable to life and health.

2. Everyone shall have the right to compensation for damage to health or property caused by actions in the field of natural resources management.

3. Everyone shall have the duty to protect and care for the natural environment, flora and fauna.

Article 50.

Everyone is obliged to pay taxes and fees in the cases and in the manner prescribed by law.

CHAPTER V.

CITIZENSHIP.

CITIZEN'S RIGHTS AND OBLIGATIONS

Article 51.

1. Citizenship of the Kyrgyz Republic is a stable legal relationship between a person and the state, expressed in a set of their mutual rights and obligations.

2. No citizen may be deprived of their citizenship. Persons who are citizens of the Kyrgyz Republic may be recognized as citizens of another state in accordance with the laws and international treaties to which the Kyrgyz Republic is a party.

3. Everyone who has proven their affiliation with the people of Kyrgyzstan has the right to acquire citizenship of the Kyrgyz Republic in a simplified procedure.

Kyrgyz people residing outside the Kyrgyz Republic, despite having citizenship of another state, have the right to obtain citizenship of the Kyrgyz Republic under the simplified procedure.

The procedure and conditions for acquiring citizenship of the Kyrgyz Republic are determined by law.

4. The passport of a Kyrgyz citizen is the property of the state.

5. A Kyrgyz citizen may not be deported from the republic or extradited to another state.

6. The Kyrgyz Republic guarantees its citizens protection and patronage outside its borders.

7. Foreign citizens or stateless persons who were previously citizens of the Kyrgyz Republic have the right to obtain a residence permit under the simplified procedure.

Article 52.

1. Foreign citizens and stateless persons in the Kyrgyz Republic shall have rights and obligations equal to citizens of the Kyrgyz Republic, except in cases established by law or an international treaty entered into force in the manner prescribed by law to which the Kyrgyz Republic is a party.

2. In accordance with its international obligations, the Kyrgyz Republic shall grant political asylum to foreign citizens and stateless persons persecuted on political grounds, as well as on grounds of violations of human rights and freedoms.

A person granted political asylum may not be extradited to another state.

Article 53.

1. Observance of the rules and norms of social behavior, respectful attitude to the interests of society is the duty of every person. The exercise by a person of their rights and freedoms must not violate the rights and freedoms of others.

2. Everyone has the right to carry out any actions and activities, except for those prohibited by the Constitution and laws.

3. Everyone shall be obliged to comply with the Constitution and laws, and to respect the rights, freedoms, honor and dignity of others.

Article 54.

1. Defense of the Fatherland is a sacred duty and obligation of the citizens of the Kyrgyz Republic.

2. Citizens of the Kyrgyz Republic shall perform military service within the limits and conditions prescribed by law. The grounds and procedure for exemption from military service or its replacement by alternative service shall be established by law.

CHAPTER VI. GUARANTEES OF HUMAN AND CIVIL RIGHTS AND FREEDOMS

Article 55.

In the Kyrgyz Republic, fundamental human and civil rights and freedoms are recognized and guaranteed in accordance with universally recognized principles and norms of international law, as well as international treaties that have entered into force in the manner prescribed by law, to which the Kyrgyz Republic is a party.

Article 56.

1. The state shall ensure the rights and freedoms of citizens, in the manner prescribed by the Constitution and laws.

2. In the Kyrgyz Republic, no laws shall be passed that abolish or diminish human rights and freedoms.

3. Restrictions concerning the physical and moral integrity of the individual are permissible only on the basis of the law, by a court sentence, as punishment for a committed crime.

4. No one shall be subjected to torture or other inhuman, cruel or degrading treatment or punishment.

5. Everyone deprived of their liberty has the right to be treated humanely, without degrading their human dignity.

6. Medical, biological, psychological experiments on people without their voluntary consent, expressed and properly certified, are prohibited.

Article 57.

1. Everyone shall be presumed innocent of committing a crime and/or offense until their guilt is proven in the manner prescribed by law and established by a court sentence that has entered into legal force. Violation of this principle shall be a ground for judicial compensation of material and moral damages.

2. No one is obliged to prove their innocence. Any doubt of guilt shall be construed in favor of the accused.

3. No one can be convicted merely on the basis of their own confession to a crime.

4. The burden of proof rests with the prosecution. Evidence obtained in violation of law may not be used to justify the charges and render a judgment.

5. No one shall be obliged to testify or give evidence against themselves, their spouses or close relatives whose list shall be determined by law.

Article 58.

1. Everyone shall have the right to trial by jury in cases provided for by law.

2. Every convicted person shall have the right to seek pardon and commutation of sentence.

3. No one should be held legally responsible twice for the same offense.

4. Every convicted person shall have the right to have their case heard by a higher court in accordance with the law.

5. Everyone shall have the right to appeal for the protection of their violated rights and freedoms to international human rights bodies in accordance with international treaties that have entered into force in the manner prescribed by law.

Article 59.

1. Everyone has the right to liberty and security of person.

2. No one shall be deprived of liberty merely on the ground of inability to fulfill any civil law obligation.

3. No one may be detained, imprisoned, or deprived of liberty except by a court order and only on the grounds and in the manner prescribed by law.

4. No one may be detained for more than 48 hours without a court order.

Prior to the expiry of 48 hours from detention, every detained person shall be promptly brought before a court to decide on the legality and validity of their detention. If the reason for the detention is no longer valid, the person must be immediately released.

The law may establish shorter periods of detention in individual cases.

5. Every detained person shall be informed without delay of the reasons for the detention, and their rights shall be explained to them.

From the moment of detention, the person shall be provided with protection, the opportunity to defend themselves, to have qualified legal assistance from a lawyer, and the right to a medical examination and the assistance of a doctor.

6. Every person detained or imprisoned in violation of the provisions of this article shall be entitled to reparation at the expense of the State, with compensation in the manner and amount prescribed by law.

In the case of a knowingly unlawful and unjustified detention and imprisonment, the officials shall be held criminally liable.

Article 60.

1. A law establishing or aggravating the liability of a person shall not have retroactive force. No one may be held liable for acts which, at the time they were committed, were not recognized as an offence. If, after an offence has been committed, the liability for the offence is removed or mitigated, a new law shall apply.

2. The criminal law establishing liability does not apply by analogy.

Article 61.

1. Everyone shall be guaranteed judicial protection of their rights and freedoms provided for by the Constitution, laws, international treaties to which the Kyrgyz Republic is a party, and generally recognized principles and norms of international law.

2. Everyone shall have the right to defend his rights and freedoms and to ensure the restoration of violated rights by all available means not prohibited by law.

3. The state shall ensure the development of extrajudicial and pre-trial methods, forms and means of protecting human and civil rights and freedoms.

For extrajudicial resolution of disputes arising from civil law relations, arbitration courts may be established. The procedure for the formation, powers and activities of arbitration courts shall be determined by law.

4. Everyone shall have the right to receive qualified legal assistance. In cases prescribed by law, legal aid shall be provided at the expense of the state.

Article 62.

1. The state guarantees the publication of laws and other normative legal acts concerning human rights, freedoms and obligations, which is a prerequisite for their application.

2. The rights and freedoms set forth in the Constitution are not exhaustive and shall not be construed to deny or diminish other universally recognized human and civil rights and freedoms.

Article 63.

1. Laws restricting freedom of speech, press and media shall be prohibited.

2. Everyone is guaranteed protection of personal data.

Access to and receipt of citizens' personal data is carried out only in cases provided for by law.

Article 64.

The organization and activities of the Bar as a self-governed professional community of lawyers, as well as the rights, duties and responsibilities of lawyers shall be determined by law.

Article 65.

In the Kyrgyz Republic, folk customs and traditions that do not infringe on human rights and freedoms are supported by the state.

SECTION THREE. PUBLIC AUTHORITIES

CHAPTER I. PRESIDENT OF THE KYRGYZ REPUBLIC

Article 66

1. The President is the head of state, the highest official and head of the executive power of the Kyrgyz Republic.

2. The president ensures the unity of the people and the state power.

3. The President is the guarantor of the Constitution, human and civil rights and freedoms.

4. The President determines the main directions of domestic and foreign policy of the state; provides unity of the state power, coordination and interaction of the governmental bodies.

5. The President represents the Kyrgyz Republic in domestic and international relations; takes measures to protect the sovereignty and territorial integrity of the Kyrgyz Republic.

Article 67.

1. The President is elected by the citizens of the Kyrgyz Republic for a period of five years.

2. The same person cannot be elected President for more than two terms.

Article 68.

1. A citizen of the Kyrgyz Republic who has reached the age of 35, speaks the state language, and has lived in the republic for at least 15 years in the aggregate may be elected President.

2. There is no limit on the number of candidates for the office of president. A person who has presented a national development program and collected at least 30,000 signatures of voters may be registered as a presidential candidate.

The procedure for the election of the President is determined by constitutional law.

Article 69.

1. The President shall take the oath of office to the people of the Kyrgyz Republic.

2. The powers of the President shall terminate upon the assumption of office by the newly elected President.

3. The President shall suspend his membership in a political party and cease any activities related to the activities of political parties during his term of office.

Article 70.

1. The President shall:

1) determine the structure and composition of the Cabinet of Ministers;

2) with the consent of the Jogorku Kenesh, appoint the Chairperson of the Cabinet of Ministers, his/her deputies and other members of the Cabinet of Ministers;

3) accept resignation letters of the Chairman of the Cabinet of Ministers, his/her deputies and other members and decide on their resignation;

4) on his/her own initiative or as proposed by the Jogorku Kenesh or the People's Kurultai, dismiss members of the Cabinet of Ministers and heads of executive bodies within the framework of the law;

5) appoint and dismiss heads of other executive authorities;

6) appoint and dismiss heads of local state administrations;

7) form the Presidential Administration;

8) form and chair the Security Council.

9) appoint and dismiss the Secretary of State;

10) appoint and dismiss the Ombudsman for Children's Rights.

2. The President shall:

1) on its own initiative or on the initiative of at least 300,000 voters or of the majority of the total number of deputies of the Jogorku Kenesh, decide to schedule a referendum;

2) schedule elections to the Jogorku Kenesh in cases stipulated by the Constitution; decide on scheduling early elections to the Jogorku Kenesh in the manner and cases stipulated by the Constitution;

3) schedule elections to local councils (keneshes); in cases and in the manner prescribed by law, dissolve local councils; appoint early elections to local councils.

3. The President shall:

1) submit draft laws to the Jogorku Kenesh;

2) sign and promulgate laws; return laws with objections to the Jogorku Kenesh;

3) address the people, the Jogorku Kenesh, and the People's Kurultai with annual messages about the situation in the country and main directions of the domestic and foreign policy;

4) annually submit information on his/her activities to the Jogorku Kenesh;

5) have the right to call extraordinary sittings of the Jogorku Kenesh in necessary cases and determine issues to be considered;

6) have the right to speak at sittings of the Jogorku Kenesh and the People's Kurultai.

4. The President shall:

1) submit candidates to the Jogorku Kenesh for election as judges of the Constitutional Court and the Supreme Court as nominated by the Council of Justice;

2) as nominated by the Council of Judges, submit to the Jogorku Kenesh candidates of judges of the Constitutional Court and the Supreme Court for dismissal in cases stipulated by this Constitution and constitutional law;

3) appoint local court judges as nominated by the Council of Justice;

4) dismiss local court judges as nominated by the Council of Judges in cases provided for by the Constitution and constitutional law;

5) as nominated by the Council of Judges, appoint presidents of the Constitutional Court and the Supreme Court for a five-year term from among the judges of the Constitutional Court and the Supreme Court, and with consent of the Jogorku Kenesh; dismiss presidents of the Constitutional Court and the Supreme Court in the manner prescribed by the Constitution and constitutional law;

6) as nominated by presidents of the Constitutional Court and the Supreme Court, appoint vice-presidents of the Constitutional Court and the Supreme Court for a 5-year term from among the judges of the Constitutional Court and the Supreme Court;

5. The President shall:

1) with consent of the Jogorku Kenesh, appoint the Prosecutor General; in cases stipulated by law, dismiss the Prosecutor General with the consent of at least half of the total number of deputies of the Jogorku Kenesh; as proposed by the Prosecutor General, appoint and dismiss his/her deputies;

2) propose to the Jogorku Kenesh a candidate for the position of the President of the National Bank; appoint vice-president and members of the Board of the National Bank as proposed by the President of the National Bank, and dismiss them from their positions in cases stipulated by law;

3) propose to the Jogorku Kenesh for election or dismissal half of the members of the Central Commission for Elections and Referenda;

4) propose to the Jogorku Kenesh for election and dismissal one third of the members of the Accounts Chamber;

5) appoint Chairman of the Accounts Chamber from among the members of the Accounts Chamber elected by the Jogorku Kenesh, and dismiss him/her in cases provided by law.

6. The President shall:

1) represent the Kyrgyz Republic at home and abroad;

2) conduct negotiations and sign international treaties; have the right to delegate these powers to other officials;

3) sign instruments of ratification and accession to international agreements;

4) appoint heads of diplomatic missions of the Kyrgyz Republic in foreign countries and permanent representatives in international organizations; recall them; accept credentials and letters of recall of heads of diplomatic missions of foreign countries;

7. The President shall decide on issuance and renunciation of citizenship of the Kyrgyz Republic;

8. The President shall be Commander-in-Chief of the Armed Forces of the Kyrgyz Republic and shall determine, appoint and dismiss the highest command staff of the Armed Forces of the Kyrgyz Republic.

9. The President shall:

1) in cases stipulated by constitutional law, announce introduction of a state of emergency, and if necessary, introduce it in certain areas without prior announcement, immediately notifying the Jogorku Kenesh;

2) declare general or partial mobilization; declare a state of war in case of aggression or immediate threat of aggression against the Kyrgyz Republic and immediately submit this issue to the Jogorku Kenesh for consideration;

3) declare martial law in the interests of protecting the country and providing for the security of its citizens, and immediately submit this issue to the Jogorku Kenesh for consideration.

10. The President shall:

1) award state awards, state prizes and honorary titles of the Kyrgyz Republic;

2) assign highest military ranks, diplomatic ranks and other special ranks;

3) grant pardons.

11. The President shall exercise other powers stipulated by this Constitution and laws of the Kyrgyz Republic.

Article 71.

The President shall exercise his/her powers through adoption of decrees and orders that shall be binding on the entire territory of the Kyrgyz Republic.

Article 72.

1. The powers of the President may be terminated prematurely in the event of his resignation, removal from office in the manner prescribed by the Constitution, also in the event of his inability to exercise the powers due to illness or in the event of his death.

2. If the President is unable to fulfil his duties due to illness, the Jogorku Kenesh shall, on the basis of a conclusion of a state medical commission established by it, decide to remove the President from office early by a two-thirds vote of the total number of deputies of the Jogorku Kenesh.

Article 73.

1. The President may be held criminally responsible after his removal from office.

2. The President may be removed from office on the following grounds:

- for violating the Constitution and laws;

- for unlawful interference in the powers of the Jogorku Kenesh and the activities of the judiciary.

3. The decision of the Jogorku Kenesh to bring charges against the President to remove him from office shall be taken by a two-thirds vote of the total number of deputies of the Jogorku Kenesh as initiated by at least half of the total number of deputies with the conclusion of a special commission formed by the Jogorku Kenesh, which shall be sent to the Prosecutor General and the Constitutional Court.

4. The President may be removed from office based on charges brought by the Jogorku Kenesh, confirmed by a conclusion of the Prosecutor General confirming the presence of criminal elements in the President's actions and a conclusion of the Constitutional Court on compliance with the established procedure for bringing charges.

5. The decision of the Jogorku Kenesh on removing the President from office must be adopted by a majority vote of at least two-thirds of the total number of deputies of the Jogorku Kenesh no later than three months after bringing charges against the President. If the Jogorku

Kenesh fails to make the decision within this period of time, the changes shall be considered as rejected.

Article 74.

1. In the event of early termination of the President's powers for reasons specified in this Constitution, his powers shall be exercised by the Toraga (Chairperson) of the Jogorku Kenesh until a new President is elected.
2. In the event the Toraga of the Jogorku Kenesh is unable to exercise the powers, the Chairman of the Cabinet of Ministers shall perform the powers of the President.
3. In the event that the powers of the President cannot be exercised by the aforementioned persons, the exercise of the powers of the President shall be determined by constitutional law.

Article 75.

1. All former presidents, except those removed from office in accordance with the procedure established by the Constitution, have the title of ex-president of the Kyrgyz Republic.
2. The status of the ex-president is established by law.

CHAPTER II

THE LEGISLATIVE POWER OF THE KYRGYZ REPUBLIC

Article 76.

1. The Jogorku Kenesh, the Parliament of the Kyrgyz Republic, shall be the highest representative body exercising legislative power and oversight functions within its competence.
2. The Jogorku Kenesh shall consist of 90 deputies elected for a five year term.
Any citizen of the Kyrgyz Republic having reached 25 years of age as of the election day and having the electoral right may be elected to the Jogorku Kenesh.
The procedure of electing deputies to the Jogorku Kenesh shall be defined by constitutional law.
3. A deputy of the Jogorku Kenesh may be recalled in the manner and cases provided for by constitutional law.
4. Deputies of the Jogorku Kenesh may unite in factions and deputy groups.

Article 77.

1. The Jogorku Kenesh shall assemble for its first session not later than 15 days after the results of elections are announced.
2. The oldest member of the Jogorku Kenesh shall open the first sitting of the Jogorku Kenesh.
3. The powers of the previous Jogorku Kenesh shall cease from the day of the first sitting of the newly convened Jogorku Kenesh.
4. The powers of deputies of the Jogorku Kenesh shall commence from the day of their taking the oath.

Article 78.

1. Deputies of the Jogorku Kenesh may not be prosecuted for opinions expressed in the course of their activities as deputies or for the outcome of voting in the Jogorku Kenesh. Criminal proceedings may be initiated against a deputy with the consent of the majority of the total number of deputies except when caught in the act of committing a crime.
2. A deputy of the Jogorku Kenesh may not combine his/her activity as deputy with another position in the civil and municipal service, engage in entrepreneurial activity or be a member of the managerial body or supervisory council of a commercial organization.
A deputy of the Jogorku Kenesh may engage in scientific, teaching or another creative activity

Article 79.

1. The powers of a deputy of the Jogorku Kenesh shall be terminated simultaneously with the termination of the relevant convocation of the Jogorku Kenesh.

2. The powers of a deputy of the Jogorku Kenesh shall be terminated prematurely in the following cases:

- 1) his/her submission of a letter of resignation from the office of deputy;
- 2) renunciation of citizenship or acceptance of citizenship of another state;
- 3) revocation of the deputy's mandate;
- 4) transfer to another job or failure to leave a job incompatible with the performance of parliamentary powers;
- 5) invalidation of the elections;
- 6) leaving the Kyrgyz Republic for permanent residence abroad;
- 7) recognition of the deputy as incapable by court;
- 8) entry into legal force of a court verdict against the deputy;
- 9) unexcused absence from sittings of the Jogorku Kenesh for 10 working days during one session;
- 10) entry into legal force of a court decision to declare the deputy missing or dead;
- 11) death of the deputy.

3. A decision on early termination of the powers of a deputy of the Jogorku Kenesh on the above grounds shall be made by the Central Commission for Elections and Referenda, adopted no later than 30 calendar days from the date the grounds arose.

Article 80.

1. The Jogorku Kenesh shall:

- (1) make amendments and additions to this Constitution in the manner prescribed by the Constitution;
- 2) pass laws;
- 3) provide official interpretation of the laws;
- 4) ratify and denounce international treaties in the manner prescribed by law;
- 5) consider issues of changing state borders of the Kyrgyz Republic;
- 6) consent to the appointment of the Chairperson of the Cabinet of Ministers, their deputies and members of the Cabinet of Ministers;
- 7) approve the state budget;
- 8) hear the annual report of the Cabinet of Ministers on the execution of the state budget;
- 9) consider issues of the administrative-territorial structure of the Kyrgyz Republic;
- 10) issue acts of amnesty.

2. The Jogorku Kenesh shall:

- 1) call elections of the President;
- (2) submit to the President proposals for a referendum in the manner prescribed by this Constitution.

3. The Jogorku Kenesh shall:

- 1) as nominated by the Council for Justice and as proposed by the President, at least half of the total number of deputies of the Jogorku Kenesh shall elect judges of the Supreme Court and the Constitutional Court; in cases provided for in the Constitution and constitutional law, shall dismiss them as proposed by the President;
- 2) at least half of the total number of deputies of the Jogorku Kenesh shall approve candidates nominated by the President as Presidents of the Constitutional Court and the Supreme Court from among the judges of the courts, for a period of 5 years;
- 3) give their consent to the dismissal of the Presidents of the Constitutional Court and the Supreme Court as recommended by the President based on a proposal of the Council of Judges, in cases prescribed by constitutional law;
- 4) approve the composition of the Council for Justice in the manner prescribed by constitutional law;

5) elect President of the National Bank as nominated by the President and dismiss him from this position in cases prescribed by law;

(6) elect members of the Central Commission for Elections and Referenda: one half as nominated by the President, and the other half on their own initiative, and dismiss them in cases prescribed by law;

7) elect members of the Accounts Chamber: one-third of the members as nominated by the President, two-thirds - on their own initiative; and dismiss them from their positions in cases prescribed by law;

8) elect and, in cases prescribed by law, dismiss the Akyikatchy (Ombudsman); give their consent for holding his/her criminally liable;

9) elect and, in cases prescribed by law as as recommended by the Akyikatchy (Ombudsman), dismiss his/her deputies and give their consent for holding them criminally liable;

10) gives their consent to the appointment, release, and criminal prosecution, of the Prosecutor General, as recommended by the President, by at least half of the votes of the total number of deputies of the Jogorku Kenesh;

11) approve, by a majority of at least two-thirds of the total number of deputies of the Jogorku Kenesh, an initiative of one-third of the total number of deputies of the Jogorku Kenesh to dismiss the Prosecutor General in cases prescribed by law.

4. The Jogorku Kenesh shall:

(1) impose a state of emergency in cases and in the manner prescribed by constitutional law; approve or repeal presidential decrees on this matter;

2) decide on questions of war and peace; imposition of martial law; declaration of a state of war; approval or revocation of presidential decrees on these matters;

3) decide on on the possibility of using the Armed Forces of the Kyrgyz Republic outside its borders when necessary to fulfill interstate treaty obligations to maintain peace and security;

4) establish military ranks, diplomatic ranks and other special ranks of the Kyrgyz Republic;

5) establish state awards, state prizes and honorary titles of the Kyrgyz Republic.

5. The Jogorku Kenesh shall:

1) hear annual messages, information of the President and speeches of representatives of foreign states and international organizations;

(2) hear the annual report of the Akyikatchy (Ombudsman) and the Chairman of the Central Commission on Elections and Referenda;

3) hear annual reports of the Prosecutor General, president of the National Bank, and Chairman the Chamber of Accounts.

6. The Jogorku Kenesh may, in accordance with the procedure stipulated by this Constitution, bring charges against the President; and take a decision on removing the President from the office.

7. The Jogorku Kenesh shall exercise other powers stipulated by the Constitution and laws of the Kyrgyz Republic.

Article 81.

1. The Jogorku Kenesh shall elect the Toraga of the Jogorku Kenesh and his deputies from among their members.

2. The Toraga of the Jogorku Kenesh shall:

1) chair sittings of the Jogorku Kenesh;

2) provide general guidance for preparing issues for consideration at sittings of the Jogorku Kenesh;

3) sign acts adopted by the Jogorku Kenesh;

4) represent the Jogorku Kenesh in the Kyrgyz Republic and abroad, ensure interaction of the Jogorku Kenesh with the President, the People's Kurultai, state executive authorities, the judiciary and local self-government;

5) provide general management and oversight over the activities of the Administration of the Jogorku Kenesh;

6) exercise other powers for organizing activities of the Jogorku Kenesh, as provided by the Regulations of the Jogorku Kenesh.

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

The Toraga of the Jogorku Kenesh shall report annually to the Jogorku Kenesh.

The Toraga of the Jogorku Kenesh may be recalled by a decision of the Jogorku Kenesh taken by the majority of the total number of deputies.

Article 82.

1. The Jogorku Kenesh shall set up committees, as well as temporary commissions from among its deputies, and decide on their compositions.

2. Committees of the Jogorku Kenesh shall prepare and carry out preliminary consideration of issues within the authority of the Jogorku Kenesh, and control the implementation of laws and decisions adopted by the Jogorku Kenesh.

3. Laws, normative legal acts of the Jogorku Kenesh are adopted after preliminary consideration of their drafts by the relevant committees of the Jogorku Kenesh.

4. Appointment and dismissal of heads of state bodies within the powers of the Jogorku Kenesh shall be approved at sittings of the Jogorku Kenesh based on conclusions of relevant committees of the Jogorku Kenesh.

Article 83.

1. Sessions of the Jogorku Kenesh shall be in the form of sittings and shall be held from the first working day of September to the last working day of June of the following year.

2. Sittings of the Jogorku Kenesh shall be held openly if the nature of the issues under consideration does not require closed sessions.

3. Extraordinary sessions of the Jogorku Kenesh shall be convened by the President, the Toraga of the Jogorku Kenesh and at the initiative of at least one third of the deputies of the Jogorku Kenesh.

4. A sitting of the Jogorku Kenesh is legally competent if attended by the majority of the total number of deputies of the Jogorku Kenesh.

5. Decisions of the Jogorku Kenesh shall be made at sittings by personal voting of deputies.

Article 84.

1. The Jogorku Kenesh may make a decision on self-dissolution. The decision on self-dissolution may be initiated by one-third of the total number of deputies of the Jogorku Kenesh and shall be adopted by a majority of at least two-thirds of the votes.

2. The President shall call early elections within five days of the dissolution of the Jogorku Kenesh.

Article 85.

The right of legislative initiative belongs to:

- 1) 10 thousand voters (popular initiative);
- 2) the President;
- 3) Deputies of the Jogorku Kenesh;
- 4) the Chairman of the Cabinet of Ministers;
- 5) the Supreme Court in matters of its jurisdiction;
- 6) the People's Kurultai;
- 7) the Prosecutor General on matters under his authority.

Article 86.

1. Draft laws shall be submitted to the Jogorku Kenesh.

2. Draft laws specified by the President and the Chairman of the Cabinet of Ministers as urgent shall be considered by the Jogorku Kenesh in extraordinary order.

3. Draft laws providing for an increase in expenditures covered by the state budget shall be adopted by the Jogorku Kenesh after the Cabinet of Ministers determines the source of the funding.

4. Laws shall be passed by the Jogorku Kenesh in three readings.

Laws and decisions shall be adopted by the Jogorku Kenesh by the majority of the total number of deputies, unless otherwise stipulated by the Constitution.

5. Constitutional laws, laws on changing the state border shall be adopted by the Jogorku Kenesh in at least three readings by a majority of at least two-thirds of the total number of deputies of the Jogorku Kenesh.

Article 87.

1. Laws adopted by the Jogorku Kenesh shall be sent to the President for signing within 14 working days.

2. The President shall sign the law or return it with his objections to the Jogorku Kenesh for reconsideration no later than one month from the date of receipt.

3. If after reconsideration the law is approved in an earlier version by a majority of at least two-thirds of the total number of deputies of the Jogorku Kenesh, this law shall be signed by the President within 14 working days from the day of its receipt.

Article 88.

Laws shall enter into force 10 days after their official publication in the official gazette, unless another period is specified in the law itself or in the law establishing a procedure for its enactment.

CHAPTER III.

THE EXECUTIVE BRANCH OF THE KYRGYZ REPUBLIC

Article 89.

1. The Executive power in the Kyrgyz Republic is exercised by the President.

2. The structure and composition of the Cabinet of Ministers shall be determined by the President.

The Chairman of the Cabinet of Ministers is the head of the Presidential Administration.

3. The President directs the activities of the executive branch, gives instructions to the Cabinet of Ministers and its subordinate bodies, supervises execution of its instructions, cancels acts of the Cabinet of Ministers and its subordinate bodies, temporarily dismisses members of the Cabinet of Ministers on the basis of constitutional law.

4. The President presides at meetings of the Cabinet of Ministers.

5. The President is personally responsible for the results of the activities of the Cabinet of Ministers and the executive branch.

6. If the Jogorku Kenesh is not satisfied with the report on the execution of the state budget, the responsibility of the members of the Cabinet of Ministers shall be reviewed by the President.

Article 90.

1. The Cabinet of Ministers consists of the Chairman, Vice-Chairmen and other members of the Cabinet of Ministers.

The Chairman of the Cabinet of Ministers, their deputies and members of the Cabinet of Ministers shall be appointed by the President with the consent of the Jogorku Kenesh.

2. In accordance with the Constitution, constitutional law and presidential decrees, the Chairman of the Cabinet of Ministers shall manage the activities of the Cabinet of Ministers.

The Chairman of the Cabinet of Ministers is accountable to the President for the activities of the Cabinet of Ministers.

Article 91.

1. The Cabinet of Ministers shall:

(1) enforce the Constitution and laws;

- 2) implement the main directions of the state's domestic and foreign policy;
 - 3) implement measures to ensure the rule of law, rights and freedoms of citizens, protection of public order, and fighting against crime;
 - 4) ensure implementation of measures to protect the sovereignty and territorial integrity of the state, protection of the constitutional order, as well as measures to strengthen the defense capability, national security and the rule of law;
 - 5) ensure implementation of the financial, pricing, tariff, investment and taxation policies;
 - 6) develop the republican budget and ensure its implementation;
 - 7) implement measures to ensure equal conditions for the development of all forms of property and their protection and for the management of state-owned property;
 - 8) ensure implementation of a unified state policy in the socio-economic and cultural spheres;
 - 9) develop and implement nationwide programs of economic, social, scientific, technological and cultural development;
 - 10) ensure the implementation of foreign economic activity;
 - 11) ensures effective interaction with civil society;
 - 12) exercise other powers reserved to it by the Constitution and laws.
- The organization and procedures of the Cabinet of Ministers shall be determined by constitutional law.

Article 92.

1. The President shall have the right, on his/her own initiative, to dismiss the current Cabinet of Ministers or a member thereof.
2. Members of the Cabinet of Ministers shall have the right to submit resignation letters. The resignations shall be accepted or rejected by the President.
Resignation of the Chairman of the Cabinet of Ministers shall not entail resignation of the entire Cabinet of Ministers.
3. Pending appointment of a new Cabinet of Ministers, the current Cabinet of Ministers shall continue to perform its duties.
4. The assumption of office by the President-elect shall entail resignation of the entire Cabinet of Ministers.

Article 93.

1. The executive power on the territory of the respective administrative-territorial unit is exercised by the local state administration.
2. The organization and activities of the local public administration are defined by law.
3. Local state administrations act on the basis of the Constitution, laws, regulatory legal acts of the President and the Cabinet of Ministers.
4. Decisions of the local governmental administration, adopted within its competence, shall be binding on the relevant territory.

CHAPTER IV.

THE JUDICIARY OF THE KYRGYZ REPUBLIC

Article 94.

1. Justice in the Kyrgyz Republic is administered only by courts.
In the cases and in the manner prescribed by law, citizens of the Kyrgyz Republic shall have the right to participate in the administration of justice.
2. Judicial power shall be exercised through constitutional, civil, criminal, administrative and other forms of legal proceedings provided for by law.
3. The judicial system of the Kyrgyz Republic is established by the Constitution and laws, and consists of the Constitutional Court, the Supreme Court, and local courts.
Specialized courts may be established by law.
Creation of emergency courts is not allowed.

4. The procedure of organization and functioning of courts shall be determined by constitutional law.

Article 95.

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

2. Judges shall have the right of inviolability and shall not be detained or imprisoned, searched or searched personally, except when caught in the act of committing a crime.

3. No one shall have the right to ask a judge to report on a particular case.

Any interference in the exercise of justice shall be prohibited. Persons guilty of influencing a judge shall be held liable as prescribed by law.

4. Judges shall be provided with social, material and other guarantees of their independence according to their status.

5. Judges of the Constitutional Court may be citizens of the Kyrgyz Republic no younger than 40 years and not older than 70 years, who have higher legal education and at least 15 years of experience in the legal profession.

Judges of the Supreme Court may be citizens of the Kyrgyz Republic no younger than 40 years and no older than 70 years, who have higher legal education and at least 15 years of work experience in the legal profession, including at least a five-year experience as a judge.

6. Judges of the Constitutional Court and the Supreme Court may be elected until reaching the age limit.

7. From among judges of the Constitutional Court and the Supreme Court, the President shall appoint presidents of the Constitutional Court and the Supreme Court as nominated by the Council of Judges and with the consent of the Jogorku Kenesh, for a period of five years.

Vice-Presidents of the Constitutional Court and the Supreme Court shall be appointed by the President as nominated by the Presidents of the Constitutional Court and the Supreme Court, for a period of 5 years.

8. Citizen of the Kyrgyz Republic no younger than 30 years and no older than 65 years, who have higher legal education and at least 5 years of working experience in the legal profession may become judges of local courts.

Local court judges shall be appointed by the President's nominated by the Council of Justice initially for a period of five years, and thereafter until reaching the age limit. The procedure for nomination and appointment of local court judges is determined by constitutional law.

From among judges of local courts, the President of the Supreme Court shall appoint presidents of local courts and their deputies for a period of five years.

9. The status of judges of the Kyrgyz Republic shall be determined by constitutional law that may establish additional requirements for candidate judges and certain restrictions for judges of the Constitutional Court, the Supreme Court and local courts.

Article 96.

1. Judges of all courts of the Kyrgyz Republic shall hold office and retain their powers as long as their conduct is irreproachable. Violation of the irreproachability requirements shall be grounds for holding the judge liable in accordance with the procedure determined by constitutional law.

2. If the irreproachability requirements are violated, a local court judge shall be removed from office as proposed by the Council of Judges in accordance with constitutional law.

Judges of the Constitutional Court and the Supreme Court may be prematurely dismissed by the Jogorku Kenesh on the above grounds by a majority of at least two-thirds of the total number of deputies of the Jogorku Kenesh as proposed by the President, except in cases specified in the Constitution.

Local court judges in cases specified in the Constitution shall be dismissed by the President following recommendation of the Council of Judges.

A person dismissed from a judicial position due to a breach of the irreproachability requirement shall not be entitled to hold any further judicial positions or positions in law enforcement bodies as established by law, and shall be deprived of the right to use privileges established for judges.

3. Following proposal of the Council of Judges, powers of a judge shall be terminated by the body that appointed the judge, in accordance the constitutional law, from the day the following grounds appear:

- death;
- reaching the age limit;
- voluntary resignation or transfer to another job;
- declaring the judge dead or missing;
- recognition as legally incompetent;
- renunciation of citizenship or acquisition of a foreign citizenship, in other cases not involving violations of the irreproachability requirements.

4. Temporary removal of judges from office, holding them criminally and otherwise liable shall be allowed with the consent of the Council of Judges in accordance with the procedure determined by constitutional law.

5. The selection of candidates for judges of local courts shall be made by the Council of Justice in the manner determined by constitutional law.

6. The transfer (rotation) of a judge of a local court shall be carried out by the President upon the proposal of the President of the Supreme Court in the manner and cases determined by the constitutional law.

7. At least two thirds of the Council of Justice members shall be judges, and one third shall be representatives of the President, the Jogorku Kenesh, the People's Kurultai and the legal community.

8. The organization and activities of the Council of Justice, its powers and formation procedure shall be determined by constitutional law.

Article 97.

1. The Constitutional Court is the highest body of judicial power exercising constitutional control through constitutional litigation in order to protect the foundations of the constitutional order, fundamental human and civil rights and freedoms, to ensure the supremacy and direct action of the Constitution.

2. The Constitutional Court shall:

- 1) give official interpretations of the Constitution;
- 2) resolve cases on conformity of laws and other normative legal acts of the Kyrgyz Republic to the Constitution;
- 3) issue opinions on the constitutionality of international treaties to which the Kyrgyz Republic is a party and that have not entered into force;
- 4) resolve disputes over competence between the branches of state power;
- 5) issue opinions on draft law amending and adding to this Constitution;
- 6) issue opinions on compliance with the established procedure for bringing charges against the President.

3. Everyone shall have the right to challenge the constitutionality of a law and another normative legal act if he or she believes that they violate the rights and freedoms recognized by the Constitution.

4. Decisions of the Constitutional Court shall be final and not subject to appeal.

5. Decisions of the Constitutional Court on the unconstitutionality of laws or parts thereof shall invalidate them in the territory of the Kyrgyz Republic, as well as other normative legal acts based on laws or their provisions declared unconstitutional, except for court decisions.

Decisions of the Constitutional Court on the unconstitutionality of bylaws or parts thereof shall invalidate them in the territory of the Kyrgyz Republic.

6. Judicial decisions based on provisions of laws deemed unconstitutional shall be reviewed by the court on a case-by-case basis upon complaints of citizens whose rights and freedoms have been affected.

7. The composition and procedure for the formation of the Constitutional Court, as well as the procedure for constitutional litigation shall be determined by constitutional law.

Article 98.

1. The Supreme Court of the Kyrgyz Republic is the highest body of judicial power.
2. The Supreme Court shall review court decisions on appeals of participants of judicial proceedings in civil, criminal, economic, administrative and other cases, in the manner prescribed by law.
3. The Plenum of the Supreme Court shall give explanations on issues of judicial practice, which shall be binding for all courts and judges of the Kyrgyz Republic.
4. Decisions of the Supreme Court are final and not subject to appeal.

Article 99.

1. The state shall provide funding and appropriate conditions for the functioning of courts and the work of judges.

Courts shall be financed from the state budget and shall ensure the possibility of full and independent administration of justice.

2. The budget of the judiciary shall be formed independently by the judiciary and included in the state budget.

Article 100.

1. Hearing of cases in all courts shall be open. Closed hearings shall be allowed only in cases provided for by law. Court decisions shall be announced publicly.

2. No proceedings in absentia shall be allowed in courts, except as provided by law.

3. Judicial proceedings shall be conducted on the basis of equality and adversarity of the parties.

4. Court decisions may be cancelled, modified or suspended by the court in accordance with the procedure established by law.

5. Procedural rights of trial participants, also the rights of persons whose rights and interests have been affected by court decisions, including the right to appeal against decisions and verdicts, as well as the procedure for enacting them, shall be determined by law.

Article 101.

1. Judgments of courts of the Kyrgyz Republic that come into legal force shall be binding on all state bodies, local self-government bodies, legal entities, public associations, officials and individuals, and shall be enforceable throughout the republic.

2. The court shall supervise the execution of court decisions and private rulings issued by it.

3. Failure to execute, improper execution or obstruction of execution of court decisions shall entail liability established by law.

Article 102.

1. The court may not apply a normative legal act that contradicts the Constitution.

2. If during the hearing of a case in any judicial instance a question arises as to the constitutionality of a law or other normative legal act on which the resolution of the case depends, the court shall send a request to the Constitutional Court.

Article 103.

1. Judicial self-governance shall be in place to deal with the internal operations of the courts.

2. Bodies of judicial self-governance in the Kyrgyz Republic are the Congress of Judges, the Council of Judges, and the Assembly of Judges.

The Congress of Judges is the highest body of judicial self-government.

The Council of Judges is an elected body of judicial self-government, which acts between congresses of judges and protects the rights and legitimate interests of judges, considers issues of bringing judges to disciplinary responsibility, controls the formation and execution of the budget of the courts, and organizes training and professional development of judges.

The assembly of judges is the primary body of judicial self-government.

3. The organization and procedures for the activities of judicial self-governing bodies shall be determined by law.

Article 104.

Justice is administered free of charge in cases prescribed by law, and in any case where those involved in the litigation present evidence that they do not have sufficient funds for pay the cost of the proceedings.

Chapter V.**THE PUBLIC AUTHORITIES OF THE KYRGYZ REPUBLIC
WITH SPECIAL STATUS****Article 105.**

The prosecutor's office of the Kyrgyz Republic supervises the exact and uniform implementation of laws and other normative legal acts.

The prosecution bodies conduct criminal prosecution, participate in court proceedings, supervise the execution of court decisions and exercise other powers stipulated by constitutional law.

Article 106.

The National Bank supervises the banking system of the Kyrgyz Republic, determines and implements monetary policy in the Kyrgyz Republic, develops and implements a unified currency policy, has the exclusive right to issue banknotes, and implements various forms and principles of bank financing.

Article 107.

The Central Commission for Elections and Referenda ensures preparation and conduct of elections and referendums in the Kyrgyz Republic.

Article 108.

The Accounts Chamber audits the execution of republican and local budgets, extra-budgetary funds, the use of state and municipal property.

Article 109.

Parliamentary control over the observance of human and civil rights and freedoms in the Kyrgyz Republic shall be exercised by the Ombudsman.

Article 110.

The organization and operating procedures of the state bodies mentioned in this section, as well as the guarantees of their independence shall be determined by constitutional laws.

**SECTION FOUR
LOCAL SELF-GOVERNMENT****Article 111.**

1. Local self-governance is a constitutionally guaranteed right and real opportunity for local communities to independently decide issues of local significance in their own interests and under their own responsibility.

2. Local self-governance in the Kyrgyz Republic is provided by local communities on the territory of the relevant administrative-territorial unit.

Local self-governance is provided by local communities of citizens directly or through local self-government bodies.

4. Funding of local self-governance is provided from the relevant local budget, as well as from the state budget.

5. The state shall guarantee the independence of local self-government bodies in the formation and execution of local budgets.

The formation and execution of the local budget is carried out in accordance with the principles of transparency, public participation and accountability of local government to the local community.

Article 112.

1. Bodies of local self-government shall consist of representative bodies and executive bodies.

The executive bodies of local self-government and their heads shall be accountable to the representative bodies for their activities.

Article 113.

1. Deputies of local councils (*keneshes*) shall be elected by citizens residing in the respective administrative-territorial unit in the manner prescribed by law with equal opportunities.

2. The powers and organization of the activities of local executive self-government bodies shall be determined in the manner prescribed by law.

3. In accordance with the law, local *keneshes* shall:

- 1) approve local budgets and monitor their implementation;
- 2) approve programs for socio-economic development and social protection of the local community;
- 3) resolve other issues of local importance in cases provided for by the laws.

Article 114.

1. National governmental bodies may not interfere with the powers of local self-government bodies, except in cases provided for by law.

2. National governmental powers may be delegated to local self-government bodies upon the transfer of material, financial and other means necessary for their implementation. National governmental powers may be delegated to local self-government bodies on the basis of laws and other regulatory legal acts. Local self-government bodies shall be accountable to the national governmental bodies for the powers delegated to them.

3. Local government bodies shall be accountable to the state and its bodies for the implementation of laws, and to the local community for the results of their work.

4. Reimbursement of additional local budget expenditures arising by decision of state bodies, judicial protection of local self-government bodies is guaranteed.

Article 115.

1. In the Kyrgyz Republic, citizens have the right to establish *aksakals'* courts.

2. The *aksakals'* courts shall, in accordance with the authority provided by law, hear cases with a view to reconciling the parties and rendering fair decisions that are not contrary to the law.

3. The decisions of the *aksakals'* courts may be appealed against in the manner prescribed by the laws.

4. The activity of the *aksakals'* courts is financed from the local budget.

5. The procedure for establishing the *aksakals'* courts, their powers and activities shall be determined by law.

SECTION FIVE.

THE PROCEDURE FOR ADOPTING, AMENDING AND SUPPLEMENTING THE CONSTITUTION

Article 116.

1. The Constitution may be adopted on the initiative of at least 300,000 voters or the President or two-thirds of the total number of deputies of the Jogorku Kenesh in a referendum appointed by the President.

2. Amendments and additions to the provisions of sections 1, 2 and 5 of the Constitution may be adopted at the initiative of at least 300,000 voters or the President or two-thirds of the total number of deputies of the Jogorku Kenesh at a referendum called by the President.

3. Amendments and additions to the provisions of sections 3 and 4 of the Constitution may be adopted by the Jogorku Kenesh at the initiative of the President or two-thirds of the total number of deputies of the Jogorku Kenesh.

The Jogorku Kenesh adopts a law on amendments and additions to the Constitution no later than six months from the date the draft law is submitted to the Jogorku Kenesh.

A law on amending the Constitution is adopted by the Jogorku Kenesh by a majority of at least two-thirds of the total number of deputies of the Jogorku Kenesh after at least three readings with a break of two months between the readings.

4. The Constitutional Court of the Kyrgyz Republic shall issue an opinion for amendments and additions to the Constitution.

5. The adoption of the Constitution and introduction of amendments and additions to the Constitution during a state of emergency or martial law shall be prohibited.

6. Laws on the adoption of the Constitution, its amendments and additions shall be signed by the President.

7. Amendments and additions to the Constitution may provide for the adoption of a new version of the Constitution.

Article 2.

1. The Constitution of the Kyrgyz Republic, as amended by this law, shall be signed by the President of the Kyrgyz Republic.

2. Laws and other normative legal acts in force on the territory of the Kyrgyz Republic prior to the entry into force of the Constitution as amended by this Law shall apply to the extent that they do not contradict the the Constitution.

3. Part 2 of Article 44 of the Constitution, as amended by this law, shall take effect on January 1, 2023.

Article 3.

1. The President of the Kyrgyz Republic elected in 2021 for 6 years shall exercise his powers in accordance with the Constitution. The term of the President elected for 6 years shall count as the first term of election under this Constitution.

2. Pending the election of elected bodies and the appointment of officials at all levels in accordance with the Constitution as amended by this law, the elected and appointed state bodies and officials shall continue to exercise their powers until their election, formation or appointment.

3. Elections of deputies to the Jogorku Kenesh shall be held in accordance with this Constitution.

Article 4.

In connection with the entry into force of this Constitution, the Government of the Kyrgyz Republic is considered to have resigned. Until the formation of the Cabinet of Ministers in accordance with the Constitution, the President temporarily forms the composition of the Cabinet of Ministers and appoints heads of other executive bodies.

Article 5.

1. Acting judges of the Constitutional Chamber of the Supreme Court shall be recognized as judges of the Constitutional Court of the Kyrgyz Republic and shall retain their powers for the entire term of their election.

2. Judges of the Supreme Court shall retain their powers for the entire term of their election.

3. Chairman of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic and their deputies, Chairman of the Supreme Court of the Kyrgyz Republic and their deputies shall retain their powers for the term for which they were elected or approved.

4. Current local court judges shall retain their powers for the entire term of their appointment.

Article 6

Pending the formation of the Council of Justice according to constitutional law, the Judges Selection Council shall perform its functions.

Article 7.

1. The Law of the Kyrgyz Republic "On the Constitution of the Kyrgyz Republic" shall enter into force from the day of its official publication.

2. From the date of entry into force of this Act and the Constitution, the following shall be declared null and void:

- Constitution of the Kyrgyz Republic, adopted by referendum on June 27, 2010;
- Law of the Kyrgyz Republic "On enactment of the Constitution of the Kyrgyz Republic" adopted by referendum on June 27, 2010;
- Law № 218 of the Kyrgyz Republic "On Amendments to the Constitution of the Kyrgyz Republic" of December 28, 2016.

3. May 5 shall remain the Day of Adoption of the First Constitution of Independent and Sovereign Kyrgyzstan.

Article 8.

Within six months, the Jogorku Kenesh and the Cabinet of Ministers shall take necessary measures derived from this Constitution, including bringing the existing laws and their own decisions into conformity with this Constitution.

**Chairman
of the Constitutional Convention**

Borubashov B.I.

27.01.2021 г.