



## THE CONSTITUTION OF THE REPUBLIC OF KAZAKHSTAN

We, the people of Kazakhstan, being an inalienable part of the world community, proceeding from stability of the Kazakh statehood, acknowledging the priority of rights and freedoms of a man, determined to create a democratic society and a law-abiding state, desiring to ensure civil peace and international harmony, proper life for ourselves and our descendants, adopt the present Constitution and proclaim the following

### BASES OF THE CONSTITUTIONAL SYSTEM

**First.** The Republic of Kazakhstan is a democratic, secular and unitary state. The Republic of Kazakhstan as the form of the statehood of the self-determined Kazakh nation shall provide equal rights for all its citizens.

**Second.** The territory of the Republic of Kazakhstan shall be integral, indivisible and inviolable.

**Third.** The Republic of Kazakhstan shall acknowledge a man his life, freedom and inalienable rights as the highest value and exercise its authority for the interests of a citizen and society.

**Fourth.** The people of Kazakhstan is the sole source of the state authority of the Republic. The people shall exercise the state authority personally or through their representatives. No part of the people, no organization or an individual can arrogate the right to exercise the state authority.

The right to speak on behalf of the people of Kazakhstan shall belong only to the Supreme Soviet and to the President of the Republic within the limits of their constitutional powers.

**Fifth.** The Republic of Kazakhstan shall guarantee equal legal opportunities to public associations which act within the frameworks of the Constitution and laws of the Republic.

The ideology of public associations cannot be established as official ideology.

Sixth. The state authority in the Republic of Kazakhstan shall be based on the principle of its division into the legislative, executive and judicial powers. In accordance with it, the state bodies shall act independently within their powers, cooperating with each other, using the system of restraints and counterbalances.

Legislator shall proceed from the stability of the bases of the constitutional system. The state authority shall be exercised on the basis of the Constitution and laws of the Republic.

Seventh. The Constitution shall possess the supreme legal force and its norms shall be directly applied. Laws and other acts which contradict the provisions of the Constitution shall not have legal force.

Eighth. In the Republic of Kazakhstan the state language shall be the Kazakh language.

The Russian language shall be the language of international intercourse.

The state shall guarantee preservation of the sphere of the use of the language of international intercourse and of other languages, shall take care of their free development.

It shall be prohibited to limit rights and freedoms of citizens on account of their not having command of the state language or the language of international intercourse.

Ninth. The Republic of Kazakhstan shall possess the state symbols - the Coat of Arms, the Flag and the Anthem. The capital of the Republic of Kazakhstan is the city of Almaty.

## Section I. CITIZEN, HIS RIGHTS, FREEDOMS AND DUTIES

### Chapter 1.

#### GENERAL PROVISIONS

*Article 1.* The citizens of the Republic of Kazakhstan shall be guaranteed equality of rights and freedoms irrespective of their race, nationality, sex, language, social, property and official position, social origin, place of residence, attitude towards religion, creed, membership in a public association, as well as of previously incurred criminal punishment.

Any forms of discrimination of citizens shall be prohibited.

*Article 2.* Limitations in the implementation of rights and freedoms shall be permitted by the Constitution and laws of the Republic of Kazakhstan only for the purposes of ensuring rights and freedoms of other persons, public security, defense of the constitutional system. At this, the essence of constitutional rights and freedoms shall not be affected.

*Article 3.* International legal Acts on rights and freedoms of man and a citizen recognized by the Republic of Kazakhstan shall have priority before its laws in the territory of the Republic.

### Chapter 2.

#### CITIZENSHIP

*Article 4.* Every person in the Republic of Kazakhstan shall have the right of citizenship and of changing it.

The grounds and the procedure of the acquisition of preservation and loss of the citizenship of the Republic shall be established by the constitutional law. Deprivation of the citizenship of the Republic of Kazakhstan or of the right to change citizenship as well as the expulsion of citizens outside of the Republic shall not be allowed.

A person, being a citizen of the Republic of Kazakhstan, shall not be recognized as belonging to other state citizenship, except the cases, stipulated by the present Constitution and interstate agreements of the Republic of Kazakhstan.

All citizens, having been forced to leave the territory of the Republic, and also all Kazakhs, residing in other states, shall be acknowledged the right to have citizenship of the Republic of Kazakhstan along with the citizenship of other states, if it does not contradict laws of the states, wherein they are naturalized.

*Article 5.* The Republic of Kazakhstan shall patronize its citizens, residing outside the borders of its territory, protect their rights and freedoms.

A citizen of the Republic of Kazakhstan cannot be handed over to a foreign state, unless the case is specially stipulated by international- legal acts, recognized by the Republic and also by interstate agreements of the Republic of Kazakhstan.

*Article 6.* Persons, residing in the territory of the Republic of Kazakhstan, not being its citizens, shall enjoy all rights and freedoms, and also bear responsibilities, established by the Constitution, laws and interstate agreements of the Republic of Kazakhstan barring exceptions stipulated by laws and interstate agreements of the Republic of Kazakhstan.

*Article 7.* The Republic of Kazakhstan shall have the right to provide an asylum to foreign citizens and persons without citizenship, who became victims of violations of human rights.

### Chapter 3.

#### CIVIL RIGHTS AND FREEDOMS.

*Article 8.* The right to live is a natural and an inalienable right of every person. Nobody can be deprived of life arbitrarily. The capital punishment may be imposed only in exceptional cases by a court sentence. Each person sentenced to the capital punishment shall have the right to appeal for pardon.

*Article 9.* Honour and dignity of a man and a citizen shall be inviolable.

*Article 10.* A citizen of the Republic shall have the right to freedom of speech, creed and their free expression. Nobody can be forced to express his views or be persecuted for having convictions.

*Article 11.* A citizen of the Republic shall have the right to receive and disseminate any information through any legitimate way for his choice.

*Article 12.* A citizen of the Republic shall be guaranteed freedom of conscience - the right to independently determine his attitude towards religion, to profess any of them or to profess none, to disseminate views, connected with the attitude towards religion, and to act in accordance with them.

*Article 13.* A citizen of the Republic shall have the right to freely move and choose his place of living, as well as the right to freely leave the territory of Republic and to return.

### Chapter 4.

#### POLITICAL RIGHTS AND FREEDOMS

*Article 14.* Citizens of the Republic shall have the right, both directly and through their representatives, to participate in the management of the state affairs, in the discussion, adoption of laws and decisions of the state and local significance.

*Article 15.* Citizens of the Republic shall be guaranteed the freedom of peaceful gatherings, meetings, processions, pickets and demonstrations.

**Article 16.** Citizens of the Republic shall have the right to form public associations on the basis of free expression of will and community of interests for the implementation of their rights and freedoms.

**Article 17.** Citizens of the Republic shall have the equal right to practice public services. Requirements applied to a candidate on a position of a public servant shall depend only on the nature of his professional duties.

## Chapter 5.

### ECONOMIC AND SOCIAL RIGHTS

**Article 18.** A citizen of the Republic shall have the right to be a proprietor.

An owner at his disposition shall possess, use and manage the property, belonging to him.

The use of property should not damage the environmental sphere, violate rights and protected by law interests of citizens, legal entities and the state.

**Article 19.** A citizen of the Republic shall have the right to work, which includes the right of everybody to receive an opportunity to freely work as an independent producer or under labour agreement in accordance with his wishes, capabilities and professional training.

The freedom to enter into a labour agreement shall be guaranteed.

A citizen of the Republic shall have the right to working conditions, meeting security and sanitary requirements, and also to social protection from unemployment.

A reward for labour should not be less than the minimal wages set by law.

Forced labour shall be prohibited, except in the order of carrying out a court imposed sentence, or functioning of the Law on the state of emergency.

**Article 20.** Citizens of the Republic shall have the right to go on strike.

**Article 21.** A citizen of the Republic shall have the right to rest. The state shall determine the maximum working day duration, minimal weekly rest and annual paid vacation, as well as other main terms of the implementation of the right to rest.

**Article 22.** A citizen of the Republic shall have the right to housing. The state shall promote implementation of the right to housing by encouraging house-building, granting for use and by selling of dwellings from the state housing fund.

**Article 23.** A citizen of the Republic shall have the right to protection of health. This right is ensured by free of charge medical service, provided in the state institutions of health care.

To render paid medical service shall be allowed on the basis and under procedure, stipulated by law.

The Republic of Kazakhstan shall assist in development of the system of private medical services, encourage activity, promoting strengthening of health, development of physical culture and sports.

**Article 24.** A citizen of the Republic shall have the right to education. This right is ensured by free of charge secondary, special and higher education in the state educational institutions.

Paid education of citizens shall be allowed on the basis and under procedure, stipulated by law.

The Republic of Kazakhstan shall promote development of private system of education. Organizations and individuals, encouraging the development of education, science and culture shall enjoy the state support. The state shall provide the prior development of education, science and culture.

*Article 25.* A citizen of the Republic shall have the right to social support in his old age, in case of disease, loss of working capability, bread-winner of the family and in other stipulated by law cases.

*Article 26.* A citizen of the Republic shall have the right to a favourable for life and health environment.

*Article 27.* Citizens of the Republic shall be guaranteed the right to freedom of creative, scientific and technical work.

## Chapter 6.

### THE MAIN DUTIES

*Article 28.* Implementation of the rights and freedoms by a citizen of the Republic of Kazakhstan shall be inseparable from his duties, performance of which is necessary for ensuring personal, public and state interests.

*Article 29.* A citizen of the Republic of Kazakhstan must observe the Constitution and laws of the Republic and respect the rights, freedoms, honour and dignity of other citizens.

A citizen of the Republic must respect the state symbols - The Coat of Arms, the Flag, the Anthem.

*Article 30.* Citizens of the Republic of Kazakhstan must pay legally established taxes and dues.

*Article 31.* The defence of the Republic of Kazakhstan shall be a sacred duty of every citizen of the Republic.

Citizens of the Republic shall perform the military service in the order and forms established by law.

## Chapter 7.

### GUARANTEES OF RIGHTS AND FREEDOMS

*Article 32.* No one can deprive a citizen of any rights and freedoms or limit them, otherwise than in accordance with the present Constitution.

Laws and other normative acts not published in the established way shall not be applied.

*Article 33.* Private life of a citizen shall be inviolable. Intrusion upon private life of a citizen, and also infringement upon his honour and dignity shall be prohibited. Collection, keeping, use and dissemination of information of personal character without consent of a citizen shall be allowed only in cases and according to procedure directly established by law.

The state bodies, public associations and authorized officials must provide access for every citizen to documents, decisions and other materials affecting his rights and interests.

Detention, examination or searches as well as any other limitation of a personal freedom shall not be admitted, except in cases and order stipulated by law.

No person can be subjected to torture, to cruel or humiliating the dignity treatment and punishment.

*Article 34.* A citizen's dwelling shall be inviolable. Deprivation of a dwelling, intrusion into it, carrying out of examination, search shall not be admitted, except in cases and with the observance of guarantees established by law.

*Article 35.* A citizen of the Republic of Kazakhstan shall have the right to necessary defence.

*Article 36.* The Republic of Kazakhstan shall guarantee judicial protection of all rights and freedoms fixed in the Constitution and laws.

No one can be deprived of the right to consideration of his case with the observance of all requirements of law and justice by a competent, independent and impartial court.

*Article 37.* Everybody shall be equal before the law and the court.

*Article 38.* No one shall find a person guilty in a commission of a crime and impose punishment on him except the court.

A person shall be presumed innocent until his guilt is admitted by the having come into force verdict of the court. The accused must not prove his innocence. Any doubts in the guilt of an accused shall be interpreted to his favour.

*Article 39.* A law which establishes or increases legal responsibility shall not have retractive force. If after the commission of an offense the responsibility for it is repealed or alleviated, a new law shall be applied. Application of the criminal law by analogy shall not be admitted.

No one shall be tried more than once for the same offense.

*Article 40.* Any decisions and actions of state bodies, public associations, government officials and other people, which abridge or limit citizens' rights, can be appealed against in court.

To use a complaint against the person who brought the complaint or in whose interests it was brought shall not be admitted.

*Article 41.* Evidences which have been obtained illegally shall not have legal force.

*Article 42.* No person shall be obliged to testify against himself, his (or her spouse) or close relatives. Cleric officials shall not be obliged to testify against fellows in faith who trust them.

*Article 43.* A citizen shall have the right to a qualified legal assistance and defence, carried out in accordance with law and guaranteed by the state. The activity of persons with the aim of defending other citizens and rendering them legal assistance shall be independent and self-sufficient. Interference with it shall not be admitted and shall entail responsibility according to law. A defence counsel shall not have the right to divulge the information which became known to him in connection with the legal assistance without consent of his client.

*Article 44.* Temporary limitations of rights and freedoms may be established in a period of emergency state according to law and should be directly emphasized in the law on the introduction of the state of emergency.

In the period of emergency it shall not be admitted to change the Constitution of the Republic of Kazakhstan, laws on elections and on court proceedings, to hold referendums and elections, to limit powers and activity of the Supreme Soviet and courts, and also rights and freedoms, stipulated by articles 8, 9, 12, 22, part 5 of the article 33, articles 35, 36, 39.

## Section II. SOCIETY, BASES OF ITS SYSTEM

### Chapter 8.

#### PROPERTY AND ENTREPRENEURSHIP

*Article 45.* The economy of the Republic of Kazakhstan shall be based on various forms of property.

The state shall ensure equality of all subjects of property before the law.

Objects and subjects of property, their main types and forms, the limits of exercising rights by the owners, guarantees of their protection shall be determined by law.

*Article 46.* Land, its bowels, rivers and lakes, flora and fauna, other natural resources shall be the exclusive property of the state.

Limits and subjects of implementation on behalf of the state, of an owner's powers on the stated objects shall be determined by law.

*Article 47.* Private property shall be inviolable. No one can have his property confiscated except by the decision of a court. Requisition can be applied only in

exclusive cases, directly stipulated by law. The Republic of Kazakhstan shall protect the proprietary rights of its citizens and legal entities on their property situated in the territory of other states.

*Article 48.* The state shall guarantee the freedom of entrepreneurial activity and ensure its defence and support.

Monopolistic or any other activity which is aimed at limitation or elimination of lawful competition, obtainment of groundless advantages, abridgement of rights and legal interests of consumers shall not be admitted.

*Article 49.* Entrepreneurial activity of foreign citizens and legal entities, and also of persons not admitted to citizenship shall be under protection of the Republic of Kazakhstan and shall be exercised in its territory according to terms established for citizens of the Republic, barring exceptions, stipulated by laws and interstate agreements of the Republic of Kazakhstan.

## Chapter 9.

### FAMILY

*Article 50.* A man and a woman who reach the age defined by law shall have the right to marry and set up a family.

Marriage shall be based on a free consent and equality of both parties.

*Article 51.* The duties of parents and persons performing their functions shall be to support, to bring up and educate children. Character and forms of upbringing and educating should not abridge the interests of a child.

Able-bodied children must take care of their parents and render assistance to them.

*Article 52.* Family, motherhood, fatherhood and childhood shall be under protection of the society and the state.

The state shall provide support, upbringing and education of orphans and children deprived of parental guardianship, promote charitable activities as regards children.

## Chapter 10.

### PUBLIC ASSOCIATIONS

*Article 53.* As public associations in the Republic of Kazakhstan shall be acknowledged political parties, mass movements, professional, creative unions, religious and other associations of citizens.

The state shall provide the observation of the rights and legal interests of public associations.

*Article 54.* The interference of state bodies and officials with the activity of public associations as well as the interference of public associations with the activity of state bodies and officials shall not be permitted.

It is prohibited to impose functions of the state bodies on public associations.

The activity of public associations pursuing political purposes shall not be admitted in the bodies of state power, the public prosecutor's department and courts, armed forces, state enterprises, establishments and organizations.

**Article 55.** The establishment and activity of public associations proclaiming or realizing in practice racial, national, social, or religious animosity, class exclusiveness, calling for the violent overthrow of the constitutional order, encroaching upon the territorial integrity of the Republic shall be prohibited.

In the territory of the Republic of Kazakhstan it is prohibited to create armed troops not stipulated by the legislation of the Republic, and also secret societies and associations.

**Article 56.** Parties shall promote formation and expression of political will of citizens. Order of formation, cessation and function of political parties shall be regulated by law.

In the territory of the Republic of Kazakhstan activity of political parties of other states shall not be admitted.

**Article 57.** Trade unions shall be formed for protection of labour, and also of other social-economic rights and interests of their members, for defence and improvement of working conditions.

**Article 58.** Religious associations shall be separate from the state. The state should not favour any religion or atheism.

Creation of political parties on the clerical basis shall not be admitted. Religious associations should not pursue political aims and tasks.

### Section III. THE STATE, ITS BODIES AND INSTITUTIONS

#### Chapter 11.

##### GENERAL PROVISIONS

**Article 59.** The state shall be an official representative of people and shall express and carry out its will through its bodies and institutions.

**Article 60.** The state, its bodies and officials shall act within their granted powers.

**Article 61.** The state service in the Republic of Kazakhstan shall be based on responsibility of the state officials before the people of the Republic and before its every citizen; on equal rights at the entrance to the state civil service and exercising it.

The state officials are obliged to provide observance of the rights and freedoms of citizens, to support the authority of the state and its bodies.

#### Chapter 12.

##### THE SUPREME SOVIET

**Article 62.** The Supreme Soviet shall be the only legislative and the highest representative body of the Republic of Kazakhstan.

The quantity, the formation and the order of functioning of the Supreme Soviet shall be determined by the constitutional law.

**Article 63.** The Supreme Soviet of the Republic of Kazakhstan shall be elected for five years term. The authorities of the Supreme Soviet shall be terminated as soon as the work of the first session of the newly elected Supreme Soviet starts.

**Article 64.** The Supreme Soviet of the Republic of Kazakhstan shall:

- 1) adopt the Constitution of the Republic and introduce changes and amendments into it;
- 2) adopt laws and other decisions, exercise control over their implementation;
- 3) provide the official interpretation of the laws of the Republic;



4) adopt resolutions on changing the borders of the Republic of Kazakhstan; establish procedures for the solution of questions of the administrative-territorial arrangement of the Republic;

5) approve and exercise control over the execution of the republican budget, introduce changes into the budget, establish taxes and dues;

6) determine the monetary system of the Republic of Kazakhstan;

7) take decision to hold public referendum;

8) solve the questions of the state loans and of the rendering of economic and other forms of assistance by the Republic;

9) elect coordinating, operating, supervising and its other bodies;

10) give its consent to the appointment of the Prime-Minister, Deputy Prime Minister of the Republic of Kazakhstan, Ministers of Foreign Affairs, Defence, Finances, Internal Affairs, the Chairman of the Committee of National Security and Heads of diplomatic representations of the Republic of the Republic of Kazakhstan by the President of the Republic; by the President of the Republic;

11) elect the Constitutional Court of the Republic of Kazakhstan;

12) elect the Supreme Court and High Court of Arbitration of the Republic of Kazakhstan and determine the procedure of formation of lower ranking courts;

13) appoint the Prosecutor-General of the Republic of Kazakhstan;

14) appoint the Chairman of the National Bank of the Republic of Kazakhstan;

15) in cases and according to the procedure stipulated by the Constitution and the laws of the Republic relieve of office the Chairman and the judges of the Constitutional Court, Supreme Court, the High Court of Arbitration, the Prosecutor-General, the Chairman of the National Bank of the Republic of Kazakhstan;

16) institute state awards, establish honorary and special titles, the highest diplomatic ranks and military titles of the Republic of Kazakhstan;

17) promulgate amnesty acts;

18) ratify and denounce international treaties of the Republic of Kazakhstan;

19) confirm issued by the President of the Republic decree on introduction of the state of emergency;

20) decide the questions of war and peace;

21) exercise other powers entrusted with by the Constitution of the Republic;

*Article 65.* The Chairman of the Supreme Soviet of the Republic of Kazakhstan shall be elected by the Supreme Soviet at the first session out of those deputies of the Supreme Soviet who have command of the state language by secret ballot, by a majority of votes out of the total number of deputies.

The Chairman of the Supreme Soviet shall:

1) convene the sessions of the Supreme Soviet;

2) lead the preparation of questions to be considered by the Supreme Soviet;

3) preside at the sessions of Supreme Soviet;

4) recommend to the Supreme Soviet candidates for the positions of deputy Chairmen of the Supreme Soviet;

5) on behalf of the Supreme Soviet sign interparliamentary agreements; 6) carry out other authorities upon the questions of the Supreme Soviet activity entrusted to him by the Constitution and the laws of the Republic of Kazakhstan;

*Article 66.* Deputy Chairmen of the Supreme Soviet of the Republic of Kazakhstan shall carry out by the Chairman's empowerment some of his functions and substitute for him in case of his absence or his impossibility to execute his duties.

*Article 67.* A deputy of the Supreme Soviet of the Republic of Kazakhstan shall be a representative of the people of the Republic.

A deputy of the Supreme Soviet of the Republic of Kazakhstan shall have the right to express his opinion and to vote according to his conviction. A deputy must personally exercise his right to vote at the sessions of the Supreme Soviet and its bodies.

*Article 68.* A deputy of the supreme Soviet of the republic of Kazakhstan cannot occupy any other paid position outside the Supreme Soviet, nor be a deputy of any other representative body and conduct entrepreneurial activity.

*Article 69.* A deputy of the Supreme Soviet of the Republic of Kazakhstan shall be inviolable: he cannot be arrested, taken into custody by force, subjected to court imposed administrative liability, called to criminal responsibility without the consent of the Supreme Soviet. He cannot be detained with the exception of being arrested at the scene of the crime. The legal status of a deputy of the Supreme Soviet of the Republic of Kazakhstan shall be determined by the constitutional law.

*Article 70.* The session of the Supreme Soviet of the Republic of Kazakhstan shall be opened and closed at its plenary meeting.

The sessions of the Supreme Soviet shall be held open. At the proposal of one fifth of the deputies or the of the Chairman of the Supreme Soviet, and by a majority of votes of the total number of deputies, a session of Supreme Soviet may be closed.

*Article 71.* The deputies of the Supreme Soviet of the Republic of Kazakhstan, the President, The Cabinet of Ministers, the Supreme Court and High Arbitration Court of the Republic of Kazakhstan shall enjoy the right of legislative initiative.

*Article 72.* The laws and other resolutions of the Supreme Soviet of the Republic of Kazakhstan shall be adopted

by a majority of the total number of its deputies. The

Constitution of the Republic of Kazakhstan shall be adopted by a majority not less than the two-thirds of the total number of deputies of the Supreme Soviet.

*Article 73.* Draft laws and other important issues of the state life which are under the competence of the Supreme Soviet of the Republic may be submitted for nationwide discussion.

*Article 74.* A referendum shall be conducted for the adoption of the laws and resolutions on the most important issues of the state life by the citizens of the Republic of Kazakhstan.

The order of the organization and the conduct of the referendum shall be established by the constitutional law of the Republic of Kazakhstan.

### Chapter 13.

#### THE PRESIDENT

*Article 75.* The President shall be the head of the Republic of Kazakhstan and shall lead the united system of the Republic.

The President shall be the guarantor of the observation of citizens' rights and liberties, of the Constitution and of the laws of the Republic.

*Article 76.* The President of the Republic of Kazakhstan shall be elected for the term of five years.

The President shall enter into execution of his Office at the moment of taking an oath at the meeting of the Supreme Soviet on the third Wednesday of January: "I do solemnly swear to serve faithfully the people of Kazakhstan, to strictly follow the Constitution and the laws of the Republic, to guarantee citizens' rights and liberties and to conscientiously execute the high duties of the President of the Republic of Kazakhstan I have been entrusted with."

Authorities of the President shall cease at the moment of taking the office by the newly elected President.

The same person shall serve as president no more than two consecutive terms.

*Article 77.* The President cannot be a deputy in the representative body of the Republic, hold offices in other state bodies and public associations or be involved in entrepreneurial activity.

*Article 78.* The President of the Republic of Kazakhstan shall:

1) take necessary measures to protect the sovereignty, constitutional system, to ensure the security, territorial integrity of the Republic, rights and freedoms of citizens;

2) sign laws of the Republic of Kazakhstan, be entitled to return a law with his objections to the Supreme Soviet for repeated discussion and vote not later than two weeks after the presentation of the law for signing. If the Supreme Soviet approves the previously taken decision with the consent of two thirds out of the total number of deputies of the Supreme Soviet, the President shall sign the law. A law which is not returned within the specified period shall be considered signed;

3) appoint by and with the consent of the Supreme Soviet the Prime Minister, Deputy Prime Ministers of the Republic of Kazakhstan, Ministers of Foreign Affairs, Defence, Finances, Internal Affairs, the Chairman of the National Security Committee and Heads of diplomatic representatives of the Republic of Kazakhstan, exercise guidance over the activity of the Cabinet of Ministers; at presentation of the Prime Minister determine members of the Cabinet of Ministers; form and abolish ministries, state committees and departments; cancel or suspend wholly or partly the realization of acts of the Cabinet of Ministers, ministries, state committees and departments;

4) form the Security Council and other consultative bodies;

5) establish state programs;

6) determine the order, terms and provisions of the national currency functioning;

7) after consulting with the Supreme Soviet take decision on holding a referendum;

8) represent the Republic of Kazakhstan in international affairs; conduct negotiations and sign treaties on behalf of the Republic of Kazakhstan, ensure the observance of treaties concluded by the Republic and commitments undertaken by it;

9) receive the credentials and letters of recall of diplomatic and other representatives of foreign states accredited to him;

10) appeal to the people of the Republic of Kazakhstan and its Supreme Soviet, submit annual messages to the Supreme Soviet on the situation in the Republic and periodically inform it about the most important issues of domestic and foreign activity of the Republic of Kazakhstan;

11) introduce to the Supreme Soviet of the Republic of Kazakhstan candidatures for the Chairman and judges of the Constitutional Court, the Supreme Court, High Arbitration Court, the Prosecutor -General, the Chairman of the National Bank of the Republic of Kazakhstan; submit to the Supreme Soviet proposals on their dismissal from their offices;

12) adopt measures on strengthening defence potential of the state and perform functions of the Commander-in-Chief of the Armed Forces of the Republic of Kazakhstan;

13) confer state awards of the Republic of Kazakhstan and confer the highest diplomatic and military ranks, honorary and special titles of the Republic of Kazakhstan;

14) solve in accordance with the law issues of citizenship of the Republic of Kazakhstan, and of granting asylum.

15) issue acts of pardon;

16) in conformity with the law introduce the State of Emergency as a provisional measure exclusively for ensuring security of the citizens and for protection of the constitutional system;

17) execute other authorities in accordance with the Constitution and the laws of the Republic of Kazakhstan.

The President shall not be entitled to delegate his authorities of the head of the state to any bodies or officials.

*Article 79.* The President of the Republic shall issue decrees, resolutions and instructions which be compulsory on the whole territory of the Republic on the basis of and for execution of the Constitution and the laws of the Republic of Kazakhstan.

*Article 80.* The President of the Republic of Kazakhstan shall be inviolable.

*Article 81.* The Vice President of the Republic of Kazakhstan shall be elected together with the President of the Republic and execute some of the functions of the President by his empowerment and substitute for him in case of his absence or the impossibility by the President to carry out his duties.

The Vice President shall not be entitled to be a deputy of a representative body of the Republic, hold other offices in the state bodies of the Republic or exercise entrepreneurial activity.

The Vice-President shall be inviolable.

*Article 82.* The President and the Vice-President of the Republic of Kazakhstan shall have the right to resign in case of inability, in their opinion, of further execution of their authorities. Resignation of the President shall be considered accepted if it is voted by not less than two thirds out of the total number of deputies of the Supreme Soviet.

*Article 83.* In case of resignation of the President of the Republic, his death his powers shall be devolved to the Vice President. In case of inability of the Vice-President to assume the duties of the President they shall be transferred to the Chairman of the Supreme Soviet. In such cases presidential elections should be held in two months term.

In case of the resignation of the Vice President, his death the President by agreement with the Supreme Soviet shall appoint the Vice-President.

#### Chapter 14.

#### THE CABINET OF MINISTERS

*Article 84.* The Cabinet of Ministers shall be the government of the Republic of Kazakhstan and shall be authorized to solve questions of the state management. The legal status and powers of the Cabinet of Ministers shall be determined by the constitutional law.

Members of the Cabinet of Ministers cannot be deputies of a representative body, occupy other paid positions in the state bodies of the Republic and public associations or carry out in entrepreneurial activity.

*Article 85.* The Cabinet of Ministers shall be accountable to the President of the Republic of Kazakhstan.

The Cabinet of Ministers shall resign to the newly elected President.

The Cabinet of Ministers shall have the right to give its resignation to the President of the Republic in case it considers impossible to execute functions imposed on it. Every member of the Cabinet of Ministers shall have the right to apply to retirement.

*Article 86.* The Cabinet of Ministers shall issue acts compulsory in the whole territory of the Republic on the basis of, and at the execution of the Constitution, laws of the Republic of Kazakhstan, decrees of the President of the Republic of Kazakhstan.

*Article 87.* The Prime Minister shall carry out direct management of the activities of the Cabinet of Ministers, sign resolutions of the Cabinet of Ministers, issue orders, execute other functions entrusted on him.

*Article 88.* Members of the Cabinet of Ministers shall be accountable to the Supreme Soviet on questions of execution of the laws of the Republic of Kazakhstan.

The Supreme Soviet of the Republic shall have the right to hear a report of any member of the Cabinet of Ministers on questions of execution of laws of the Republic of Kazakhstan. In case of violation of the Constitution and laws of the Republic by a member of the Cabinet of Ministers the Supreme Soviet shall have the right to appeal to the President on his ahead-of-schedule relief of his position.

#### Chapter 15.

### TERRITORIAL ORGANIZATION OF THE STATE AND THE LOCAL MANAGEMENT

*Article 89.* For the purposes of realization of the state management the territory of the Republic of Kazakhstan shall be divided into established by law administrative- territorial units.

*Article 90.* The administrative-territorial units shall be independent in administering local affairs with limitations, established by laws of the Republic.

The solution of the questions of local importance shall be executed by local representative and executive bodies.

They shall ensure realization of the Constitution, laws, decrees of the President and of the Cabinet of Ministers of the Republic of Kazakhstan.

*Article 91.* Representative bodies of the population of the the appropriate administrative-and-territorial units shall be elected by for the term of five years.

The competence of the local representative bodies, the order of their formation and activity, the number of deputies and their legal status shall be established by law.

*Article 92.* The Head of the local executive body shall directly represent the President of the Republic in the corresponding administrative-and-territorial unit and exercise in its territory functions of the state management.

The Head of the local executive body shall be appointed to the position and relieved of it by the President in established by law order accordingly by the Head of the local executive body.

The competence of the local executive body, the order of its formation and activity shall be established by law.

*Article 93.* The local representative and executive bodies shall take decisions within their competence, compulsory for execution in the corresponding territory.

Decisions of the local representative bodies, not consistent with the Constitution and laws of the Republic of Kazakhstan, may be abolished in the court or in other established by law order.

Decisions of the local executive may be abolished by the higher ranking executive body or by the President of the Republic or by court.

*Article 94.* The authorities of the local representative bodies may be ceased ahead-of-schedule by the Supreme Soviet of the Republic of Kazakhstan in cases and in the order established by law.

## Chapter 16. THE COURTS

*Article 95.* Judicial power in the Republic of Kazakhstan shall be vested in the Constitutional Court, the Supreme Court, the High Arbitration Court and lower ranking courts established by law.

No other body, official or other person shall have the right to execute the functions of the judiciary.

The Constitutional Court shall be the highest body of the judicial power to defend the Constitution of the Republic of Kazakhstan.

The Supreme Court and the High Arbitration Court shall be the highest bodies of the judicial power in questions of their competence and shall execute court supervision over lower-ranking courts. The status of courts and judges of the Republic of Kazakhstan shall be determined by constitutional laws. The structure and the procedure of activity of courts shall be determined by law.

Setting up and establishment of extraordinary, special courts and positions of judges shall not be admitted.

*Article 96.* Judicial power shall be carried out on behalf of the Republic of Kazakhstan and shall be aimed at protection of rights and freedoms, ensurance of superiority of the Constitution of the Republic of Kazakhstan, of legitimacy and justice.

*Article 97.* Judicial power shall be spread on all matters and disputes, arising on the basis of this Constitution, laws and other acts, international contracted and other commitments of the Republic of Kazakhstan.

*Article 98.* The consideration of matters in courts shall be conducted on the basis of principles of legitimacy, ingenuousness, with observance of the language of legal proceedings, under conditions of publicity, competition, equality of rights of both parties, independence of judges and free evaluation by them of the proofs when pronouncing judgements.

Consideration of cases at the closed court sessions shall be admitted, when public hearings may lead to divulgence of state, commercial secrets or when it is necessary to protect personal or family life of citizens from publicity.

Persons, participating in the case, havig no command of the language of legal proceedings shall be provided with translation and shall be given the right to speak mothertongue in the court.

Matters in the courts shall be considered collectively. In the cases directly indicated in the law, consideration of the matter individually by the judge there shall be admitted.

The order of legal proceedings shall be determined by law. Creation of special forms of legal proceedings shall not be admitted.

*Article 99.* The resolutions and requirements of courts shall be compulsory for execution by all bodies, enterprises, establishments, organizations, public associations, officials and citizens, whom they appeal to. Non-execution of them shall entail responsibility before the law.

*Article 100.* The plenipotentiary term of judges in the Republic of Kazakhstan shall be ten years.

Judges may be relieved of their duties ahead-of-schedule only on account of their physical inability, preventing them from participating in court proceedings, and also of their own volition.

Judges may be deprived of their powers ahead-of-schedule on the basis and in the order established by law.

*Article 101.* Judges shall be independent and subordinated only to the Constitution and laws of the Republic of Kazakhstan.

The court shall have no right to implement the law, contradicting the Constitution of the Republic of Kazakhstan. If the court considers that the law or any other normative act which is to be applied contradicts the Constitution of the Republic of Kazakhstan, it shall suspend the legal proceedings upon the case and appeal to the Constitutional Court of the Republic of Kazakhstan with the presentation to acknowledge this law as non-constitutional.

Any interference in the activity of the court on the execution of justice shall not be admitted and shall entail responsibility by law.

Judges shall not be accountable for the questions on the procedure of execution of justice upon concrete cases.

*Article 102.* The position of a judge shall be incompatible with a deputy mandate, holding of posts in other state bodies, membership in a public association, pursuing political objectives, and with entrepreneurship.

*Article 103.* Judges shall be inviolable: a judge should not be arrested, subjected to custody, to measures of administrative punishment, imposed by court, called to criminal responsibility without the the consent of the body which elected them.

He should not be detained except the cases of being caught in the scene of the crime.

*Article 104.* The state shall guarantee inviolability of judges, provide appropriate for their status social, material and other guarantees of their independence.

*Article 105.* The right to a qualified legal assistance and protection shall be acknowledged at any stage of the legal proceedings.

## Chapter 17.

### THE PUBLIC PROSECUTOR'S DEPARTMENT

*Article 106.* The Public Prosecutor's department within its competence shall execute the supervision over the precise and uniform performance of laws in the territory of the Republic of Kazakhstan.

In cases and in the order, stipulated by law, the agencies of the Public Prosecutor's Department shall execute criminal prosecution, take part in the legal proceedings.

*Article 107.* The agencies of the Public Prosecutor's department shall exercise their powers independently of other state bodies, officials, and shall obey solely to law.

The position of a prosecutor shall be incompatible with the mandate of a deputy, holding of posts in other state bodies, membership in a public association, pursuing political aims, entrepreneurship.

*Article 108.* The sole and centralized system of agencies of the Public Prosecutor's department shall be headed by the Public Prosecutor-General of the Republic of Kazakhstan, appointed by the Supreme Soviet for a term of five years. The lower-ranking public prosecutors shall be appointed and removed of office the Prosecutor-General.

The competence, structure, order of activity of agencies of the Public Prosecutor's department and the legal status of the public prosecutors shall be determined by law.

## **Chapter 18. ELECTIONS**

*Article 109.* Elections of the deputies of the Supreme Soviet, of the President and deputies local representative bodies shall be held on the basis of universal, equal and direct right to vote by secret ballot.

*Article 110.* Elections shall be universal: all citizens of the Republic of Kazakhstan who have reached the age of 18 shall have the right to vote. Citizens acknowledged to be incapable by court and also persons kept in places of imprisonment shall not participate in elections.

*Article 111.* Elections shall be equal: each citizen shall have one vote, candidates shall participate in elections on equal footings.

*Article 112.* Elections shall be direct: the deputies of the Supreme Soviet, the President, the deputies of the local representative bodies shall be elected by citizens by direct vote.

*Article 113.* Voting at elections shall be secret: control over voters' exercise of the franchise shall not be inadmitted.

*Article 114.* A citizen of the Republic of Kazakhstan not younger than thirty five years of age and not older than sixty five years of age, who has been permanently residing within the territory of the Republic not less than ten years, who has a perfect command of the state language may be elected the President.

A citizen of the Republic of Kazakhstan, who has been permanently residing within the territory of the Republic of Kazakhstan not less than ten years, speaking the state language may be elected Vice-President.

The Vice-President of the Republic shall be elected together with the President of the Republic of Kazakhstan.

*Article 115.* A citizen of the Republic who has reached the age of 25 may be elected as a deputy to the Supreme Soviet of the Republic of Kazakhstan, a citizen of the Republic who has reached the age of 20 - as a deputy of the local representative body. A citizen of the Republic of Kazakhstan may be a deputy to only one representative body of the Republic of Kazakhstan.

*Article 116.* The elections of the President of the Republic of Kazakhstan shall be held on the first Sunday in December and should be held concurrently with the elections of the Supreme Soviet of the Republic of Kazakhstan.

*Article 117.* The preparation for elections shall be conducted openly and with publicity.

Citizens, and also political parties and other public associations registered in the established by law order shall be guaranteed opportunity of free nomination of their candidates, their thorough discussion, campaigns for or against their election.

*Article 118.* The order of arrangement and holding elections of deputies to the Supreme Soviet, of the President, deputies of the local representative bodies and powers of electoral commissions shall be determined by constitutional laws.



## **Chapter 19.**

### **FINANCES**

*Article 119.* The financial system of the Republic of Kazakhstan shall consist of the budget and financial resources of state enterprises, establishments and organizations.

The Supreme Soviet of the Republic may establish goal-oriented financial funds and determine sources of their formation.

*Article 120.* The budgetary system of the Republic of Kazakhstan shall consist of the republican and local budgets.

In the territory of the Republic of Kazakhstan the unified budgetary-financial, tax, monetary-credit, currency and price policy shall be pursued; the unified tax service shall be functioning.

*Article 121.* The banking system in the Republic of Kazakhstan shall form the National Bank of the Republic of Kazakhstan, accountable to the Supreme Soviet and to the President of the Republic and also state and private banks.

*Article 122.* The state shall create special monetary funds designed for economic, social, pension, medical and other kinds of state support.

*Article 123.* The state shall render assistance to the development of non-state forms of insurance and banking.

## **Chapter 20.**

### **DEFENCE AND SECURITY**

*Article 124.* Defence of the sovereignty and territorial integrity of the Republic of Kazakhstan shall be carried out by its Armed Forces.

The structure, the order of taking the military service and the status of servicemen of the Republic shall be determined by law.

*Article 125.* Protection of the state and public security and the legal order shall be entrusted to the bodies of internal affairs, national security and the republican Guard. Their status and activity shall be determined by law.

*Article 126.* The use of the Armed Forces, the republican Guard or organs of internal affairs and security for impediment or illegal limitation of the activity of the bodies of the state authority, of the rights and freedoms of citizens, or other unconstitutional purposes, shall be considered a grave crime.

## **Section IV. THE GUARANTEES OF OBSERVANCE OF THE CONSTITUTION**

### **Chapter 21.**

#### **PROMOTION OF THE STABILITY OF THE CONSTITUTION AND PROTECTION OF ITS PROVISIONS**

*Article 127.* The execution of the principles and provisions of the Constitution of the Republic of Kazakhstan shall be ensured by the democratic organization of the society and state, by the highest legal power of the Constitution, and by the superiority of law.

*Article 128.* The stability of the Constitution shall be ensured by the specific procedure of its amendment, and the complicated procedure of the revision of certain constitutional provisions, as well as by the constitutional laws.

*Article 129.* The Constitution may be changed and amended by not less than two-thirds vote out of the total number of the deputies of the Supreme Soviet.

Amendments, concerning the bases of the constitutional system shall be submitted to by not less than three-fourths votes of the total number of deputies of the Supreme Soviet.

Laws stated in the Constitution of the Republic of Kazakhstan as constitutional laws shall be adopted by the Supreme Soviet by a two-thirds votes of the total number of deputies of the Supreme Soviet.

*Article 130.* Court protection of the Constitution and ensurance of its superiority shall be entrusted to the Consitutional Court of the Republic of Kazakhstan, which shall consider claims on conformity of laws and other acts, interstate contracted and other commitments of the Republic of Kazakhstan with the Constitution.

*Article 131.* Determination of the unconstitutionality of the laws or of other acts by the Constitutional Court shall abolish their functioning in the territory of the Republic of Kazakhstan, and also abolish effect of other normative and other acts, based on the law, which was found to be unconstitutional.

Detemination of the unconstitutionality of the not having come into force international,contracted and other commitments of the Republic of Kazakhstan by the Constitutional Court shall signify their invalidity for the Republic of Kazakhstan.

Decisions of the Constitutional court shall have legal force since the moment of enactment, unless the President or the Chairman of the Supreme Soviet of the republic of Kazakhstan submit an objection to the Constitutional court the resolution of the Constitutional court within the ten days term since the moment of enactment.

In case of submittance by the President or the Chairman of the Supreme Soviet of the Republic of Kzakhstan of an objection to the resolution of the Constitutional Court the execution of the resolution of the Constitutional Court shall be suspended.

If the Constitutional court by a majority of votes not less than two-thirds out of the total number of judges confirms the previously passed resolutoin, it shall come into force since the moment of its enactment.

The resolutions of the Constitutional court shall be final and carry no right of appeal.

## Section V. TRANSITIONAL PROVISIONS

### I.

#### General Provisions

*Article 1.* The present transitional provisions shall be a constituent part of the Constitution of the Republic of Kazakhstan and be aimed at the consecutive implementation of its regulations.

*Article 2.* The functioning of the Constitution (The Main Law) of the Kazakh SSR of 1978 with its subsequent changes and additions, except articles 98, 100, 104, 105, 110, 113 of the Constitution of the Kazakh SSR, which shall be valid till the expiration of the term of authorities of the Supreme Soviet of the Republic of Kazakhstan of the twelvth convocation shall be ceased on the day of enactment of the Constitution of the Republic of Kazakhstan.

*Article 3.* Some provisions of the Constitution of the Republic of Kazakhstan shall come into force in the order and in time, established in the present Transitional provisions.

## II.

### ON LEGISLATION

*Article 4.* There should be created conditions for free and non-charged training of the state language during the transitional period, at this period office-work procedures shall be run both in the Kazakh and the Russian languages.

*Article 5.* Laws, stated in the Constitution of the Republic of Kazakhstan as the constitutional laws should be adopted within a year since its enactment, except:

constitutional laws on the Supreme Soviet of the Republic of Kazakhstan, on the status of a deputy of the Supreme Soviet of the Republic of Kazakhstan and on elections to the Supreme Soviet and to local representative bodies of the Republic of Kazakhstan, which should be adopted not later than July 1, 1994;

If the laws, stated in the Constitution of the Republic of Kazakhstan as constitutional have been adopted to the moment of enactment of the Constitution of the Republic of Kazakhstan, then they shall be changed in conformity with it and be considered constitutional.

Other laws, stated in the Constitution of the Republic of Kazakhstan, should be adopted in the order and in time, determined by the Supreme Soviet, but not later than two years after its enactment. If such laws have been functioning to the moment of enactment of the present Constitution, they shall be brought in line with it.

*Article 6.* Laws and other normative acts, and also acts of the local representative bodies of the Republic should be changed in conformity with it in two years since the enactment of the Constitution of the Republic of Kazakhstan. Up to this they shall be functioning inasmuch as they do not contradict the present Constitution and laws of the Republic of Kazakhstan.

*Article 7.* Laws and other normative acts of the USSR shall be applied in the territory of the Republic of Kazakhstan till the adoption of the appropriate laws and other normative acts of the Republic and only in that part, which do not contradict the present Constitution and laws of the Republic of Kazakhstan.

International agreements of the USSR shall be applied in the territory of the Republic of Kazakhstan inasmuch they do not contradict the Constitution, laws and interstate agreements of the Republic of Kazakhstan. The functioning of the contradictory provisions of the mentioned agreements shall be stopped according to the procedure, established by the legislation of the Republic of Kazakhstan.

## III.

### On the State, Its Bodies and Institutions.

*Article 8.* Provisions of article 68 of the Constitution of the Republic of Kazakhstan shall come into force since the moment of the opening of the first session of the Supreme Soviet of the new convocation.

Part two of article 115 of the present Constitution shall come into force since the moment of the opening of the first sessions of the local representative bodies of the new convocation.

*Article 9.* The Supreme Soviet of the Republic of Kazakhstan, elected in accordance with the legislation, valid at the moment of enactment of the Constitution of the Republic of Kazakhstan, shall perform its powers till the expiration of the term it was elected for.

*Article 10.* The President and the Vice-President, elected in accordance with the legislation of the Kazakh SSR valid at the moment of enactment of the Present Constitution, shall preserve their powers till the next presidential elections. Meanwhile the provision of the Constitution

of the Republic of Kazakhstan, stating that a person cannot hold Office of the President more than two consecutive terms shall cover the President of the Republic of Kazakhstan.

*Article 11.* With the enactment of the present Constitution the Cabinet of Ministers shall preserve its powers till the new Cabinet of Ministers is formed.

*Article 12.* The laws, regulating composition and activity of courts, the public prosecutor's department and law-enforcing bodies, valid at the moment of enactment of the Constitution of the Republic of Kazakhstan shall be applied inasmuch they do not contradict its provisions.

*Article 13.* The present Constitution shall come into force since the moment of it being signed.

**Passed on January 28, 1993 at the ninth session of the Supreme Soviet  
of the Republic of Kazakhstan of the twelfth convocation.**

**President  
of the Republic of Kazakhstan  
N. NAZARBAEV**

**Alma-Ata, January 28, 1993.  
№ 1932 - XII**