

# THE CONSTITUTION OF THE REPUBLIC OF KAZAKHSTAN

*We, the people of Kazakhstan,  
united by a common historic fate,  
creating a state on the indigenous Kazakh land,  
considering ourselves a peace-loving and civil society,  
dedicated to the ideals of freedom, equality and concord,  
wishing to take a worthy place in the world community,  
realizing our high responsibility before the present and future generations,  
proceeding from our sovereign right,  
accept this Constitution.*

## Section I

### General Provisions

#### Article 1

1. The Republic of Kazakhstan proclaims itself as a democratic, secular, legal and social state whose highest values are a person, his life, rights, and freedoms.
2. The fundamental principles of the activity of the Republic are public concord and political stability; economic development for the benefit of all the nation; Kazakhstani patriotism and resolution of the most critical issues of State affairs by democratic methods including voting by national referendum or in Parliament.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 18/2 dated December 21, 2001.

#### Article 2

1. The Republic of Kazakhstan is a unitary state with a presidential form of government.
2. The sovereignty of the Republic shall cover the whole of its territory. The state shall ensure the integrity, inviolability, and inalienability of its territory.
3. The law shall determine the administrative-territorial division of the Republic and the status of its capital. The Capital of Kazakhstan is the city of Nur-Sultan.
- 3-1. Within the city of Nur-Sultan, a special legal regime can be established in the financial sphere in accordance with the constitutional law.
4. The names "Republic of Kazakhstan" and "Kazakhstan" shall be equal.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 4 dated April 23, 2003.

Footnote: Article 2, as amended by the Law of the Republic of Kazakhstan No.254 dated May 21, 2007 (shall be applied from the date of its official publication); No. 51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).

#### Article 3

1. The people shall be the only source of governmental power.
2. The people shall exercise power directly through national referendum and free elections, as well as delegate the execution of their ability to state institutions.
3. Nobody shall have the right to arrogate the power in the Republic of Kazakhstan. Arrogation of authority shall be prosecuted by law. The right to act on behalf of the people and the state shall belong to the President, as well as to the Parliament of the Republic within the limits of the constitutional powers. The government and other state bodies shall act on behalf of the state only within the limits of their delegated authorities.
4. The state power in the Republic of Kazakhstan shall be unified and executed on the basis of the Constitution and laws in accordance with the principle of its division into the legislative, executive and judicial branches, and a system of checks and balances, which governs their interaction.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No.1/2 dated April 12, 2011.

#### **Article 4**

1. The provisions of the Constitution, the laws corresponding to it, other regulatory and legal acts, international agreements and other commitments of the Republic, as well as regulatory resolutions of the Constitutional Council and the Supreme Court of the Republic, shall be the functioning law in the Republic of Kazakhstan.
2. The Constitution shall have the highest juridical force and direct effect on the entire territory of the Republic.
3. International agreements ratified by the Republic have primacy over its laws. The legislation of the Republic determines the procedure and conditions of operation of international agreements in the territory of the Republic of Kazakhstan to which Kazakhstan is a party.
4. All laws and international agreements, where the Republic is a party, shall be published. Official publication of regulatory and legal acts, dealing with the rights, freedoms, and responsibilities of citizens shall be the necessary condition for their application.

Footnote: See regulatory decisions of the Constitutional Council of the Republic of Kazakhstan No. 18 dated October 11, 2000, No. 6 dated November 05, 2009;

Footnote: Article 4 as amended by the Law of the Republic of Kazakhstan No. 51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).

#### **Article 5**

1. The Republic of Kazakhstan shall recognize ideological and political diversity. The formation of political parties in state bodies shall not be permitted.
2. Public associations shall be equal before the law. Illegal interference of the state in the affairs of public associations, and public associations in the affairs of the state, imposing the functions of state institutions on public associations shall not be permitted.
3. Formation and functioning of public associations pursuing the goals or actions directed toward a violent change of the constitutional system, violation of the integrity of the Republic, undermining the security of the state, inciting social, racial, national, religious, and tribal enmity, as well as the formation of unauthorized paramilitary units shall be prohibited.

4. Activities of political parties and trade unions of other states, religious parties, as well as the financing of political parties and trade unions of foreign legal entities and citizens, foreign states and international organizations shall not be permitted in the Republic.

5. Activities of foreign religious associations on the territory of the Republic, as well as the appointment of heads of religious associations in the Republic by foreign religious centers shall be carried out in coordination with the respective state institutions of the Republic.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 4/2 dated June 7, 2000.

Footnote: Article 5, as amended by the Law of the Republic of Kazakhstan No.254 dated May 21, 2007 (shall be applied from the date of its official publication).

## **Article 6**

1. The Republic of Kazakhstan shall recognize and protect state and private property equally.

2. Property shall impose obligations, and its use must simultaneously benefit the society. Subjects and objects of ownership, the scope, and limits of the rights of proprietors, and guarantees of their protection shall be determined by law.

3. The state shall own the land and underground resources, waters, flora and fauna, and other natural resources. The land may also be privately owned on terms, conditions and within limits established by law.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No.19/24 dated November 3, 1999; resolution of the Constitutional Council of the Republic of Kazakhstan No.1/2 dated April 12, 2001; resolution of the Constitutional Council of the Republic of Kazakhstan No.2/2 dated April 13, 2000; No. 4 dated April 23, 2003.

## **Article 7**

1. The state language of the Republic of Kazakhstan shall be the Kazakh language.

2. Russian language shall be officially used on equal grounds along with the Kazakh language in state institutions and local self-administrative bodies.

3. The state shall promote conditions for the study and development of the languages of the people of Kazakhstan.

## **Article 8**

The Republic of Kazakhstan shall respect principles and norms of international law, shape policy of cooperation and good-neighbourly relations between states, their equality and non-interference in each other's domestic affairs, peaceful settlement of international disputes and renounce the [first] use of military force.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No.1/2 dated April 12, 2001.

## **Article 9**

The Republic of Kazakhstan shall have its state symbols - the flag, emblem, and the anthem. The constitutional law shall establish their description and order of official use.

Footnote. Article 9 as amended in the Kazakh language, the text in the Russian language is not changed by the Law of the Republic of Kazakhstan No. 254 dated May 21, 2007 (shall be applied from the date of its official publication).

## **Section II**

### **Person and Citizen**

#### **Article 10**

1. Citizenship of the Republic of Kazakhstan shall be acquired and terminated, as prescribed by law and shall be indivisible and equal regardless of the grounds of its acquisition.

2. A citizen of the Republic shall not be deprived of citizenship, the right to change such citizenship, and also may not be expelled from Kazakhstan. Deprivation of citizenship is allowed only by a court decision for the commission of terrorist crimes, as well as for causing other grave harm to the vital interests of the Republic of Kazakhstan.

3. Foreign citizenship of a citizen of the Republic shall not be recognized.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 12 dated December 1, 2003.

Footnote: Article 10 as amended by the Law of the Republic of Kazakhstan No. 51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).

#### **Article 11**

1. A citizen of the Republic of Kazakhstan shall not be extradited to a foreign state unless otherwise stipulated by international agreements of the Republic.

2. The Republic shall guarantee protection and patronage to its citizens outside its boundaries.

#### **Article 12**

1. Human rights and freedoms in the Republic of Kazakhstan shall be recognized and guaranteed in accordance with this Constitution.

2. Human rights and liberties shall belong to everyone by virtue of birth, be recognized as absolute and inalienable, and define the contents and implementation of laws and other regulatory and legal acts.

3. Every citizen of the Republic shall have rights and bear responsibilities owing to his citizenship.

4. Foreigners and stateless people in the Republic shall enjoy rights and freedoms as well as bear responsibilities, established for the citizens unless otherwise stipulated by the Constitution, laws and international agreements.

5. The exercise of a citizen's human rights and freedoms must not violate the rights and freedoms of other people nor infringe on the constitutional system and public morals.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No.12 dated December 2, 2003; resolution of the Constitutional Council of the Republic of Kazakhstan No. 4 dated April 18, 2007.

#### **Article 13**

1. Everyone has the right to recognition of his/her legal personality and the right to protect his/her rights and freedoms by all means not contradicting the law, including the necessary defense.
2. Everyone shall have the right to legal defense of his rights and freedoms.
3. Everyone shall have the right to take qualified legal assistance. In cases stipulated by law, legal assistance shall be provided free of charge.

Footnote: See resolution of the Constitutional Council of the Republic Kazakhstan No. 7/2 dated March 29, 1999; resolution of the Constitutional Council of the Republic of Kazakhstan No. 1 dated February 15, 2002.

#### **Article 14**

1. Everyone shall be equal before the law and court.
2. No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 2/2 dated March 10, 1999; resolution of the Constitutional Council of the Republic of Kazakhstan No. 7/2 dated March 29, 1999.

#### **Article 15**

1. Everyone shall have the right to life.
2. No one shall have the right to deprive life of a person arbitrarily. The death penalty is established by law as an exceptional punishment for terrorist offenses involving the death of people, as well as for particularly serious crimes committed in wartime, with giving the sentenced person the right to seek pardon. <\*>

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 10 dated January 30, 2003;

Footnote: Article 15 as amended by the Law of Republic of Kazakhstan No. 254 dated May 21, 2007 (shall be applied from the date of its official publication).

#### **Article 16**

1. Everyone shall have the right to personal freedom.
2. Arrest and detention shall be allowed only in cases stipulated by law and only with the authorization of the with the right of appeal. Without the authorization of the court, a person shall be detained for a period of not more than seventy-two hours.
3. Every person detained, arrested and accused of committing a crime shall have the right to the assistance of a lawyer (defender) from the moment of detention, arrest or accusation.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 13 dated December 31, 2003;

Footnote: Article 16 as amended by the Law of Republic of Kazakhstan No. 254 dated May 21, 2007 (shall be applied from the date of its official publication).

#### **Article 17**

1. Human dignity shall be inviolable.
2. No one should be subjected to torture, violence, abusive or other treatment and punishment degrading human dignity.

#### **Article 18**

1. Everyone shall have the right to inviolability of private life, personal or family secrets, protection of honor and dignity.
2. Everyone shall have the right to confidentiality of individual deposits and savings, correspondence, telephone conversations, postal, telegraph, and other messages. The limitation of this right shall be permitted only in cases and according to the procedure directly established by law.
3. State bodies, public associations, officials, and the mass media must provide every citizen with the possibility to become familiar with the documents, decisions and other sources of information concerning his rights and interests.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No.5 dated on August 20, 2009.

#### **Article 19**

1. Everyone shall have the right to determine and indicate or not indicate his national, party and religious affiliation.
2. Everyone shall have the right to use his native language and culture, to freely choose the language of communication, education, instruction and creative activities.

#### **Article 20**

1. Freedom of speech and creative activities shall be guaranteed. Censorship shall be prohibited.
2. Everyone shall have the right to freely receive and disseminate information by any means not prohibited by law. The list of items constituting state secrets of the Republic of Kazakhstan shall be determined by law.
3. Propaganda or agitation for the forcible change of the constitutional system, violation of the integrity of the Republic, undermining of state security, and advocating war, social, racial, national, religious, and clannish superiority as well as the cult of cruelty and violence, shall not be allowed.

#### **Article 21**

1. Everyone who has the legal right to stay within the territory of the Republic of Kazakhstan shall have the right to free movement throughout its territory and free choice of a place of residence, except in cases stipulated by law.
2. Everyone shall have the right to leave the territory of the Republic. Citizens of the Republic shall have the right to return to the Republic freely.

#### **Article 22**

1. Everyone shall have the right to freedom of conscience.

2. The right to freedom of conscience shall not specify or limit universal human and civil rights and responsibilities before the state.

### **Article 23**

1. Citizens of the Republic of Kazakhstan shall have the right to freedom of forming associations. The activities of public associations shall be regulated by law.

2. Military servants, employees of national security agencies, law enforcement agencies and judges shall not be members of parties, trade unions, or speak in support of any political party.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 13/2 dated July 5, 2000.

### **Article 24**

1. Everyone shall have the right to freedom of labor, free choice of occupation and profession. Involuntary labor shall be permitted only by a court sentence or in the conditions of a state of emergency or martial law.

2. Everyone has the right to working conditions that meet the requirements of safety and hygiene, to remuneration for work without any discrimination, as well as to social protection against unemployment.

3. The right to individual and collective labor disputes using the methods for resolving them, established by law, including the right to strike, shall be recognized.

4. Everyone shall have the right to rest. Working labor agreements specifying the length of working time, days off and holidays, and paid annual leave shall be guaranteed by law.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 2/2 dated March 10, 1999.

### **Article 25**

1. The right to housing shall be inviolable. Deprivation of housing shall not be permitted unless otherwise stipulated by a court judgment. Entry into housing, its inspection and search shall be permitted only in certain cases and according to the procedure stipulated by law.

2. Provisions to provide citizens with housing in the Republic of Kazakhstan shall be created. Citizens in need of housing shall be categorized in a manner, to be prescribed by law and provided with housing at an affordable price from the state housing funds in accordance with the norms stipulated by law.

### **Article 26**

1. Citizens of the Republic of Kazakhstan shall privately own any legally acquired property.

2. The property, including the right of inheritance, shall be guaranteed by law.

3. No one may be deprived of his property unless otherwise stipulated by a court judgment. Forcible alienation of property for public use in extraordinary cases specified by law shall be exercised on condition of its equivalent compensation.

4. Everyone shall have the right to freedom of entrepreneurial activity, and free use of property for any legal entrepreneurial activity. Monopolistic activity shall be regulated and limited by law. Unfair competition shall be prohibited.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 6/2 dated June 16, 2000; resolution of the Constitutional Council of the Republic of Kazakhstan No. 21/2 dated December 20, 2000; resolution of the Constitutional Council of the Republic of Kazakhstan No. 4 dated July 1, 2005.

#### **Article 27**

1. Marriage and family, motherhood, fatherhood, and childhood shall be under the protection of the state.
2. Care and upbringing of children shall be a natural right and responsibility of parents.
3. Adult, able-bodied children must take care of their disabled parents.

#### **Article 28**

1. A citizen of the Republic of Kazakhstan shall be guaranteed a minimum wage and pension, and guaranteed social security in old age, in case of disease, disability or loss of the main income-provider and other legal grounds.
2. Voluntary social insurance, the creation of additional forms of social security, and charity shall be encouraged.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No.3/2 dated March 12, 1999.

#### **Article 29**

1. Citizens of the Republic of Kazakhstan shall have the right to protection of health.
2. Citizens of the Republic shall be entitled to free, guaranteed, extensive medical assistance established by law.
3. Paid medical treatment shall be provided by state and private medical institutions, as well as by people engaged in private medical practice on terms and according to the terms and procedures stipulated by law.

#### **Article 30**

1. Citizens shall be guaranteed free secondary education in state educational establishments. Secondary education shall be obligatory.
2. A citizen shall have the right to obtain a higher education on a competitive basis in a state higher educational institution.
3. Fee-based education in private educational institutions shall be carried out on the grounds and in the manner prescribed by law.
4. The state shall set uniform compulsory standards in education. The activity of any educational institution must comply with these standards.

#### **Article 31**

1. The state shall aim to protect the environment in favour of human life and health.
2. Officials shall be held accountable for the concealment of facts and circumstances endangering the life and health of the people in accordance with the law.



**Article 32**

Citizens of the Republic of Kazakhstan shall have the right to assemble peacefully and without weapons, hold meetings, campaigns and demonstrations, street processions and pickets. The use of this right may be restricted by law in the interests of state security, public order, and protection of health, rights, and the freedom of other persons.

**Article 33**

1. Citizens of the Republic of Kazakhstan shall have the right to participate in the government of the state's affairs directly and through their representatives, to address personally as well as to direct individual and collective appeals to public and local self-administrative bodies.

2. Citizens of the Republic shall have the right to elect and be elected into public and local self-administration as well as to participate in an all-nation referendum.

3. The right to elect and be elected, to participate in the all-nation referendum shall not extend to those citizens judged incapable by a court as well as those held in places of confinement upon a court's sentence.

4. Citizens of the Republic shall have an equal right to serve in public office. The requirements for candidates for public offices shall be conditioned only by the character of the duties of the office and shall be established by law.

Footnote: See resolution of the Constitutional Council of the Republic of Kazakhstan No. 284 dated October 7, 1998.

**Article 34**

1. Everyone must observe the Constitution, legislation of the Republic of Kazakhstan and respect the rights, freedoms, honor, and dignity of other people.

2. Everyone must appreciate the state symbols of the Republic.

**Article 35**

Payment of legally established taxes, fees, and other obligatory payments shall be a duty and responsibility of everyone.

**Article 36**

1. Defense of the Republic of Kazakhstan shall be a sacred duty and responsibility of its every citizen.

2. Citizens of the Republic shall perform military service according to the procedure and in the forms established by law.

**Article 37**

Citizens of the Republic of Kazakhstan must care for the protection of historical and cultural heritage, and preserve monuments of history and culture.

**Article 38**

Citizens of the Republic of Kazakhstan must preserve nature and protect natural resources.

#### **Article 39**

1. Rights and freedoms of an individual and citizen may be limited only by law and only to the extent necessary for the protection of the constitutional system, defense of public order, human rights and freedoms, and the health and morality of the population.
2. Any acts capable of violating inter-ethnic and inter-religious harmony shall be recognized as unconstitutional.
3. Restriction of the rights and freedoms of citizens for political reasons shall not be allowed in any form. The rights and freedoms provided for by articles 11, 13–15, paragraph 1 of article 16, article 17, article 19, article 22, paragraph 2 of article 26 of the Constitution, are not subject to limitation in any case.

Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan No.51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).

### **Section III**

#### **The President**

#### **Article 40**

1. The President of the Republic of Kazakhstan shall be the head of the state, holder of the highest office determining the main guidelines of the domestic and foreign policy of the state and representing Kazakhstan within the country and in international relations.
2. The President of the Republic shall be a symbol and guarantor of the unity of the people and state power, the inviolability of the Constitution, the rights and freedoms of person and citizen.
3. The President of the Republic ensures the coordinated functioning of all branches of government and the responsibility of the authorities to the people.

#### **Article 41**

1. The President of the Republic of Kazakhstan shall be elected in accordance with the constitutional law by adult citizens of the Republic on the basis of universal, equal and direct suffrage by secret ballot for a term of five years.
2. A citizen of the Republic by birth who is at least forty years old, fluent in the state language, has lived in Kazakhstan for the last fifteen years and has a higher education, may be elected President of the Republic of Kazakhstan. The constitutional law may establish additional requirements for candidates for the President of the Republic.
3. Regular elections of the President of the Republic shall be held on the first Sunday of December and shall not coincide with the election of a new Parliament of the Republic.
  - 3-1. Extraordinary presidential elections shall be assigned by the decision of the President of the Republic and shall be held in accordance with the procedure and terms established by the Constitutional Law.
4. Excluded by Law of the Republic of Kazakhstan No. 284 dated October 7, 1998
5. A candidate who receives more than fifty percent of the votes cast by voters who have taken part in the voting shall be considered elected. In the event that none of the candidates receives the specified number of votes, a second vote shall be taken, in which two candidates who receive the largest number of votes

participate. A candidate is considered to be elected if he receives a greater number of votes of the voters who took part in the voting.

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan No. 9/2 dated October 9, 1998; No. 5 dated August 19, 2005.

Footnote: Article 41 as amended by the Laws of the Republic of Kazakhstan No. 284 dated October 7, 1998; No. 254 dated May 21, 2007 (shall be applied from the date of its official publication); No. 403-IV dated February 02, 2011 (shall be applied from the date of its first official publication); No. 51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).

## **Article 42**

1. The President of the Republic of Kazakhstan shall take office from the moment of swearing to the people the following oath: "I solemnly swear that I will faithfully serve the people of Kazakhstan, strictly observe the Constitution and the laws of the Republic of Kazakhstan, guarantee the rights and freedoms of citizens and honestly perform the high duties of the President of the Republic of Kazakhstan entrusted to me."

2. The oath shall be taken on the second Wednesday of January in a ceremonial atmosphere in the presence of the deputies of Parliament, the members of the Constitutional Council, the judges of the Supreme Court, as well as all former Presidents of the Republic. In the case, stipulated by article 48 of the Constitution, the person who assumes the powers of the President of the Republic of Kazakhstan shall take the oath within one month from the day of assumption of the powers of the President of the Republic.

3. The powers of the President of the Republic shall terminate from the moment the newly -elected President of the Republic takes office as well as in the case of early discharge from office, resignation or death. All former Presidents of the Republic, except those who were discharged from office, shall have the title of ex-President of the Republic of Kazakhstan.

4. Excluded by the Law of the Republic of Kazakhstan No. 284 dated October 7, 1998.

5. The same person may not be elected to the office of the President of the Republic more than two times in a row.

This restriction shall not apply to the First President of the Republic of Kazakhstan.

Footnote: Article 42, as amended by the Laws of the Republic of Kazakhstan No.284 dated October 7, 1998; No.254 dated May 21, 2007 (shall be applied from the date of its official publication.)

## **Article 43**

1. The President of the Republic of Kazakhstan shall not have the right to be a deputy of a representative body, occupy other paid positions nor engage in entrepreneurial activity.

2. Excluded by Law of the Republic of Kazakhstan No. 254 dated May 21, 2007.

Footnote: Article 43 as amended by the Law of the Republic of Kazakhstan No. 254 dated May 21, 2007 (shall be applied from the date of its official publication).

## **Article 44**

1. The President of the Republic of Kazakhstan shall:

1) annually address the people of Kazakhstan with a message on the state of the country and the main guidelines of the domestic and foreign policy of the Republic of Kazakhstan;

- 2) appoint regular and special elections to the Parliament of the Republic and its Chambers; convene the first session of Parliament and take the oath of its deputies to the people of Kazakhstan; convene an extraordinary session of Parliament; sign the law submitted by the Senate of Parliament within one month, promulgate the law or returns the law or some of its articles for further discussion and voting;
- 3) after consultations with factions of political parties represented in the Mazhilis of the Parliament, submit the candidacy of the Prime Minister of the Republic to the Mazhilis for approval; with the consent of the Mazhilis of the Parliament appoint the position of the Prime Minister of the Republic; dismiss the Prime Minister of the Republic; determine the structure of the Government upon the proposal of the Prime Minister; appoint members of the Government to office upon the recommendation of the Prime Minister, made after consultation with the Mazhilis of the Parliament; independently appoint ministers of foreign affairs, defense, internal affairs; dismiss members of the Government; take the oath of Government members; if necessary, preside at Governmental meetings on particularly important issues; repeal or suspend, in whole or in part, the acts of akims of regions, cities of republican significance and the capital;
- 4) appoint the Chairperson of the National Bank, the Prosecutor General and the Chairperson of the Committee of National Security of the Republic with the consent of the Senate of Parliament with the Parliament's consent; discharge them from office;
- 5) create, abolish and reorganize national bodies that are directly subordinate and accountable to the President of the Republic,
- 6) appoint and recall the heads of diplomatic representative offices of the Republic;
- 7) appoint the Chairperson and two members of the Central Election Commission, the Chairperson and two members of the Accounts Committee for Control over Implementation of the Republican Budget for a five-year term;
- 8) Excluded by the Law of the Republic of Kazakhstan No. 51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).
- 9) Excluded by the Law of the Republic of Kazakhstan No. 51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).
- 10) adopt a resolution on the conduct of the national referendum;
- 10-1) send an appeal to the Constitutional Council on consideration of an enacted law or other legal act on compliance with the Constitution of the Republic in the interests of protecting the rights and freedoms of person and citizen, ensuring national security, sovereignty and integrity of the state, on giving an opinion in the case provided for in paragraph 3 of Article 91 of the Constitution of the Republic of Kazakhstan;
- 11) conduct negotiations and sign international agreements of the Republic; sign ratification instruments; letters of credentials and recall from diplomatic and other representatives of foreign states accredited to him;
- 12) act as the Commander-in-Chief of the Armed Forces of the Republic, appoint and discharge the highest command of the Armed Forces from office;
- 13) award state decorations of the Republic; confer honorary, highest military and other ranks, ranked positions, diplomatic ranks and qualification degrees;
- 14) resolve issues of citizenship of the Republic, and granting of political asylum;
- 15) exercise the pardon of citizens;
- 16) take measures dictated by the above circumstances including the imposition of a state of emergency on the entire territory and in particular areas of Kazakhstan, and immediately inform the Parliament of the use of the Armed Forces of the Republic in case of a serious and immediate threat to the democratic institutions of the Republic, its independence and territorial integrity, political stability of the Republic, security of its citizens and the disruption of normal functioning of the Constitutional bodies of the state, after

official consultations with the Prime Minister and Chairpersons of the Parliamentary Chambers of the Republic;

17) the President shall impose martial law on the entire territory of the Republic or in particular areas, declare a partial or total mobilization and immediately inform the Parliament of the Republic in case of aggression against the Republic or immediate external threat to its security;

18) form the State Security Service subordinate to him;

19) appoint to and discharge the State Secretary of the Republic of Kazakhstan from office, determine his status and powers; form the Administration of the President of the Republic;

20) form the Security Council and other consultative and advisory bodies as well as the Assembly of People of Kazakhstan and the Supreme Judicial Council;

21) exercise other powers in accordance with the Constitution and the laws of the Republic.

Footnote: See the resolutions of the Constitutional Council of the Republic of Kazakhstan No. 10/2 dated June 30, 1999; No. 15/2 dated July 03, 2000, No. 14/2 dated November 12, 2001; No.3 dated October 18, 2010.

Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan No. 284 dated October 7, 1998; No. 254 dated 21.05.2007 (shall be applied from the date of its official publication); No. 51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).

#### **Article 45**

1. The President of the Republic of Kazakhstan, on the basis of and for the exercise of the Constitution and the laws, shall issue decrees and resolutions which are binding on the entire territory of the Republic.

2. Excluded by the Law of the Republic of Kazakhstan No. 51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).

3. Acts of Parliament, signed by the President of the Republic, as well as acts of the President, issued on the initiative of the Government, shall be preliminarily affixed accordingly by the signature of the Chairperson of each Chamber of Parliament or the Prime Minister, who are legally responsible for the legality of these acts.

Footnote: See regulatory resolutions of the Constitutional Council of the Republic of Kazakhstan No. 15/2 dated July 3, 2000; No. 5 dated June 26, 2008.

Footnote: See Article 45 as amended by the Law of the Republic of Kazakhstan No.51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).

#### **Article 46**

1. The President of the Republic of Kazakhstan, his honor and dignity shall be inviolable.

2. Provision, service, and guard of the President of the Republic and his family shall be carried out at the state's expense.

3. The provisions of this article shall apply to ex-Presidents of the Republic.

4. The status and powers of the First President of Kazakhstan shall be determined by the Constitution of the Republic and Constitutional Law.

Footnote: Article 46 as amended by the Law of the Republic of Kazakhstan No. 254 dated May 21, 2007 (shall be applied from the date of its official publication).

#### **Article 47**

1. The President of the Republic of Kazakhstan may be prematurely discharged from office in the case of continued incapacity to carry out his duties due to illness. In this case, the Parliament shall form a commission consisting of equal numbers of deputies from each Chamber and specialists in the corresponding areas of medicine. The decision on early discharge shall be adopted at a joint sitting of the Parliament's Chambers by the majority of not less than three quarters of the total number of deputies of each Chamber on the grounds of opinion of the commission and the Constitutional Council on compliance with the established constitutional procedures.

2. The President of the Republic shall bear responsibility for the actions performed while carrying out his duties and only in the case of high treason may be discharged from office by Parliament. The decision to bring an accusation and conduct its investigation may be adopted by the majority of the deputies of the Mazhilis at the initiative of no less, than one-third of the total number of its deputies. Investigation of the accusation shall be organized by the Senate and its results shall be transferred for consideration by the majority of votes of the total number of the deputies of the Senate at a joint session of the Parliament's Chambers. The final decision on this issue shall be adopted at a joint sitting of the Chambers of Parliament by a majority of not less than three-quarters of the total number of the deputies of each Chamber provided that the Supreme Court concludes that on the validity of the accusation and conclusion of the Constitutional Council on compliance with the established constitutional procedures. The failure to make a final decision within two months from the moment of the accusation shall result in recognition of the rejection of the allegation against the President of the Republic. The rejection of the accusation against the President of the Republic in the commission of high treason at any stage shall result in early termination of the powers of the deputies of the Mazhilis, who initiated the consideration of this issue.

3. The issue of discharge of the President of the Republic from office may not be commenced within the period of consideration by him of the issue of early termination of the powers of Parliament of the Republic or the Mazhilis of Parliament.

Footnote: Article 47 as amended by the Law of the Republic of Kazakhstan No. 254 dated May 21, 2007 (shall be applied from the date of its official publication).

#### **Article 48**

1. In case of early discharge or impeachment of the President of the Republic of Kazakhstan from office as well as in the case of his death, the powers of the President of the Republic shall be transmitted for the remaining period to the Chairperson of the Senate of Parliament; if the Chairperson of the Senate is unable to assume the powers of the President, they shall pass to the Chairperson of the Mazhilis of Parliament; if the Chairperson of the Mazhilis is unable to assume the powers of the President, they shall pass to the Prime Minister of the Republic. A person who has assumed the powers of the President of the Republic, shall resign himself from the powers of the Chairperson of the Senate, the Chairperson of the Mazhilis and the Prime Minister. In this case, the filling of vacant public positions shall be carried out in the manner prescribed by the Constitution.

2. A person who has assumed the authority of the President of the Republic of Kazakhstan, on the grounds and in the manner provided by paragraph 1 of this article, shall not have the right to initiate changes and additions to the Constitution of the Republic of Kazakhstan.

Footnote: Article 48 as amended by the Law of the Republic of Kazakhstan No. 284 dated October 7, 1998.

## Section IV

### Parliament

#### Article 49

1. The Parliament of the Republic of Kazakhstan is the highest representative body of the Republic exercising legislative power.
2. Parliament's powers shall begin from the opening of its first session and terminate with the first session of the Parliament of a new convocation.
3. The powers of Parliament may be terminated early in cases and as stipulated by the Constitution.
4. Constitutional Law shall determine the organization and activity of Parliament as well as the legal status of its deputies.

Footnote. See the resolution of the Constitutional Council of the Republic of Kazakhstan No.13/2 dated July 14, 1999.

Footnote. Article 49 as amended by the Law of the Republic of Kazakhstan dated No. 284 dated October 7, 1998; No. 51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).

#### Article 50

1. The Parliament shall consist of two Chambers: the Senate and the Mazhilis, which act on a permanent basis.
2. The Senate shall be composed of deputies in the procedure stipulated by Constitutional Law: represented by two individuals from each region, city of republic significance, and the capital of the Republic of Kazakhstan. Fifteen deputies of the Senate shall be assigned by the President of the Republic, accounting for the need to provide in the Senate for representation of national, cultural and other significant interests of the society.
3. The Mazhilis shall consist of one hundred and seven deputies elected in the procedure established by Constitutional Law.
4. A deputy of Parliament may not be a member of both Chambers at the same time.
5. The term of powers of the Senate's deputies shall be six years, and the term of the deputies of the Mazhilis shall be five years.

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan No.1/2 dated March 15, 1999; No.24/2 dated November 29, 1999; No.1 dated February 11, 2003; No.1 dated February 12, 2004.

Footnote. Article 50 as amended by the Law of the Republic of Kazakhstan dated No. 284 dated October 7, 1998; No. 254 dated May 21, 2007 (shall be applied from the date of its official publication).

#### Article 51

1. Election of the ninety-eight deputies of the Mazhilis shall be carried out by the universal, equal and direct suffrage by secret ballot. Nine deputies of the Mazhilis shall be elected by the Assembly of the People of Kazakhstan. Regular elections of the deputies of the Mazhilis shall be held no later than two months before the expiry of the term of powers of the current Parliament convocation.
2. The election of deputies of the Senate shall be carried out on the basis of indirect suffrage by secret ballot. Half of the elected deputies of the Senate shall be re-elected every three years. In this case, their regular elections shall be held no later than two months before the expiry of their term of office.

3. Extraordinary elections of the deputies of Parliament or the Mazhilis of Parliament shall be held within two months from the day of early termination of the powers of Parliament or the Mazhilis of Parliament respectively.

4. A deputy of Parliament may be a person who is a citizen of the Republic of Kazakhstan and who has been a permanent resident for the last ten years on its territory. A deputy of the Senate may be a person who has reached thirty years of age, has a higher education and length of service of not less than five years, and has been a permanent resident for not less than three years on the territory of the respective region, city of republic significance or the capital of the Republic. A deputy of the Mazhilis may be a person who has reached twenty-five years of age.

5. Constitutional Law shall regulate elections of the deputies of the Parliament of the Republic.

6. A deputy of Parliament shall take an oath before the people of Kazakhstan.

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan No. 5/2 dated March 18, 1999; No. 24/2 dated November 29, 1999; No. 1 dated February 11, 2003.

Footnote. Article 51 as amended by the Law of the Republic of Kazakhstan No. 284 dated October 7, 1998; No. 254 dated May 21, 2007 (shall be applied from the date of its official publication).

## **Article 52**

1. Excluded by the Law of the Republic of Kazakhstan dated No. 254 dated May 21, 2007 (shall be applied from the date of its official publication).

2. Deputies of Parliament are obliged to take part in its work. Voting in Parliament shall be carried out by the deputy only in person. The absence of a deputy without a clear reason at meetings of the Chambers and their bodies more than three times, as well as the transfer of the right to vote, entails the application to the deputy of statutory measures of punishment.

3. A deputy of Parliament shall not have the right to be a deputy of another representative body, occupy other paid positions, except teaching, research, and creative activities, be engaged in entrepreneurial activity, be a member of a governing body or a supervisory board of a commercial organization. Violation of this rule shall entail the termination of a deputy's powers.

4. A deputy of Parliament during the term of his office may not be arrested, subject to detention, measures of administrative punishment imposed judicially, charged with criminal liability without the consent of a respective Chamber except for cases of being detained at the scene of a crime or the commission of serious crimes.

5. The powers of a deputy of the Parliament shall be terminated in cases of resignation, death, being recognized as incapable, dead or untraceable by a valid judgment of the court, and in other cases stipulated by the Constitution and the Constitutional Law.

A deputy of the Parliament shall be deprived of his mandate in cases of:

- 1) his departure for permanent residence beyond the Republic of Kazakhstan;
- 2) the entry into force against him of a conviction rendered by a court ;
- 3) loss of citizenship of the Republic of Kazakhstan.

A deputy of the Mazhilis of Parliament shall be deprived of his mandate in cases of:

- 1) withdrawal or expulsion of a deputy from a political party, from which, in accordance with constitutional law, he has been elected;
- 2) termination of a political party, from which, in accordance with constitutional law, he has been elected.



The powers of appointed deputies of the Senate of Parliament may be terminated early by the decision of the President of the Republic.

The powers of the deputies of Parliament and the Mazhilis of Parliament shall be terminated early in cases of dissolution of Parliament and the Mazhilis of Parliament respectively.

6. Preparation of issues concerning the application of penalty measures to the deputies, their compliance with the requirements of item 3 of this article, rules of deputy ethics, as well as termination of the deputies' powers and deprivation of their powers and deputy inviolability, shall be imposed by the Central Election Commission of the Republic of Kazakhstan.

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan No. 7/2 dated May 17, 2001; No. 19/2 dated December 13, 2001; No. 10 dated January 30, 2003; No. 1 dated February 11, 2003; No. 5 dated May 12, 2003; No. 9 dated August 25, 2004.

Footnote. Article 52 as amended by the Law of the Republic of Kazakhstan No. 284 dated October 7, 1998; No.254 dated May 21, 2007(shall be applied from the date of its official publication).

### **Article 53**

Parliament at a joint session of the Chambers shall:

- 1) introduce amendments and supplements to the Constitution pursuant to the proposal of the President of the Republic of Kazakhstan;
- 2) approve the reports of the Government and the Accounts Committee for Control over Implementation of Republican Budget on the implementation of the national budget. Failure to approve the report of the Government on the execution of the Republican Budget by Parliament means that the Parliament expresses a vote of no confidence in the Government;
- 3) Excluded by the Law of the Republic of Kazakhstan No.51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).);
- 4) take a decision on war and peace issues;
- 5) take the decision to use the Armed Forces of the Republic pursuant to the proposal of the President of the Republic to fulfil international obligations for the maintenance of peace and security;
- 6) grant a hearing of annual messages of the Constitutional Council on the state of the constitutional legality in the Republic;
- 7) form joint commissions of the Chambers, elect and release their chairpersons from office, hear reports on the activity of the commissions;
- 8) exercise other powers assigned to the Parliament by the Constitution.

Footnote. See normative resolution of the Constitutional Council of the Republic of Kazakhstan No. 5 dated June 26, 2008.

Footnote. Article 53 as amended by the Law of the Republic of Kazakhstan No.254 dated May 21, 2007 (shall be applied from the date of its official publication); as amended by the Law of the Republic of Kazakhstan No. 51-VI dated March 10, 2017 (shall be applied from the date of its first official publication).

### **Article 54**

1. Parliament at a separate session of the Chambers through consecutive consideration of issues first in the Mazhilis and then in the Senate shall adopt constitutional and other laws as well as:

- 1) Approve the national budget and make amendments and supplements thereto;

- 2) Establish and annul state taxes and dues;
- 3) Establish the rules for resolution of issues related to the administrative and territorial structure of the Republic of Kazakhstan;
- 4) Institute state awards, honorary, military and other titles, ranked positions, diplomatic ranks of the Republic of Kazakhstan, and determine state symbols of the Republic;
- 5) resolve issues of state loans and economic and other assistance granted by the Republic of Kazakhstan;
- 6) Resolve amnesty issues;
- 7) Ratify and denounce international treaties of the Republic.

2. The Parliament at a separate session of the Chambers through consecutive consideration of issues first in the Mazhilis and then in the Senate shall:

- 1) Discuss the National Budget Performance Report;
- 2) if a law or an article of the law gives rise to objections by the President of the Republic of Kazakhstan, Parliament shall hold a repeated discussion and voting on the laws or articles of the law within a month from the day of the submission of any objections. Failure to comply with this term shall indicate acceptance of the President's objections. If the Mazhilis and the Senate by a majority of two thirds of the total deputies of each Chamber approve the earlier decision, the President shall sign the law within a month. If neither of the two Chambers votes against the President's objections, the law shall be deemed either rejected or adopted in the wording proposed by the President. If the Head of State has any objections to constitutional laws adopted by the Parliament, these shall be considered in the procedure stipulated by this sub-item. If the President has objections to the constitutional laws, these may be rejected by a vote of at least three quarters of the total membership of each chamber.
- 3) Initiate the national referendum.

Footnote: Article 54 in the wording of Law of the Republic of Kazakhstan N 254 dated 21.05.2007 (shall be enacted from the day of its official publication); see regulatory resolution of the Constitutional Council of the Republic of Kazakhstan No 8 dated 15.10.2008.

## **Article 55**

The following shall be the exclusive responsibility of the Senate:

- 1) Election and release from office of the Chairperson of the Supreme Court and judges of the Supreme Court of the Republic of Kazakhstan upon the recommendation of the President of the Republic of Kazakhstan, and swearing them into office;
  - 1-1) election of The Human Rights Commissioner in Kazakhstan for a five-year term and his release from office upon the recommendation of the President of the Republic of Kazakhstan;
- 2) approval of the President's nominees for Chairperson of the National Bank, Prosecutor General and the Chairperson of the National Security Committee of the Republic of Kazakhstan;
- 3) removal of immunity of the Prosecutor General, the Chairperson and judges of the Supreme Court of the Republic;
- 4) has been excluded pursuant to the RoK Law dated May 21, 2007 N 254, (is enacted from the date of its official publishing);
- 5) performance of the Parliament's functions with regard to adoption of constitutional and other laws, when the Mazhilis is absent due to the early termination of its powers;
- 6) performance of other powers that have been conferred upon the Senate by the Constitution. .

Footnote: See resolution N 11/2 of the Constitutional Council of the Republic of Kazakhstan dated July 5, 2000.

Footnote: Article 55 as amended by Law of the Republic of Kazakhstan N 254 dated May 21, 2007 (shall be enacted from the day of its official publication); No. 51-VI dated March 3, 2017 (shall be enacted from the day of its first official publication).

#### **Article 56**

1. The following shall be the exclusive responsibility of the Mazhilis:

- 1) The decision to consider draft constitutional and other laws submitted to Parliament and the consideration of such laws.;
- 2) acceptance of the President's candidate for Prime Minister by a majority vote of the total number of deputies of the Chamber. ;
- 3) Announcement of the regular Presidential elections in the Republic;
- 4) performance of other powers that have been conferred upon the Mazhilis by the Constitution.

2. Upon the proposal of at least one fifth of its total membership, the Mazhilis is empowered to adopt by a simple majority of its total membership, a vote of no confidence in the Government.

Footnote: Article 56 as amended pursuant to the Law of the Republic of Kazakhstan N 254 dated May 21, 2007 (shall be enacted from the day of its official publication).

#### **Article 57**

Each of the Parliament Chambers shall independently, without participation from the other Chamber:

- 1) appoint two members of the Constitutional Council; appoint two members of the Central Election Commission for a five-year term; and appoint three members of the Accounts Committee for Control over Implementation of the Republican Budget;
- 2) delegate half of the members of the commission formed by Parliament in the case provided for in Article 47.1 of the Constitution;
- 3) elect half the members of joint commissions of the Chambers;
- 4) terminate the powers of the Chambers' deputies, and upon recommendation of the Prosecutor General of the Republic of Kazakhstan, resolves the issues of their immunity removal;
- 5) hold Parliamentary hearings on the issues of its responsibilities;
- 6) have the right, on the initiative of a vote by at least one third of the total membership, to hear the reports of the Government on their performance. After the hearings, a majority of at least two-thirds vote of the total membership of the Chamber, is entitled to adopt the request of the President of the Republic to remove from office the member of the Government who failed to comply with the legislation of the Republic. The President shall then dismiss that member.
- 7) establish the coordinating and working bodies of the Chambers; and
- 8) adopt the regulations of their activities, other decisions on the issues of the Chamber structure and the internal code of conduct.

Footnote: Article 57 as amended pursuant to the Laws of the Republic of Kazakhstan N 284 dated October 7, 1998; N 254 dated May 21, 2007 (shall be enacted from the day of its official publication); N 51-VI dated March 10, 2017 (shall be enacted from the day of its first official publication).

## **Article 58**

1. The Chambers shall be headed by their chairpersons, who are elected by the Senate and the Mazhilis from among the deputies who are fluent in the state language, by a secret vote of a majority of the total membership. The Senate Chairperson shall be nominated by the President of the Republic of Kazakhstan. The Mazhilis Chairperson shall be nominated by the Chamber deputies.

2. The Chairpersons of the Chambers may be released from office and are entitled to submit their resignation by way of a majority vote by the Chambers.

3. The Chairpersons of Parliament's Chambers shall:

- 1) convene and chair sessions of the Chambers;
- 2) exercise general supervision of the issues subject to consideration by the Chambers;
- 3) nominate the Deputy Chairs of the Chambers;
- 4) ensure the respect for the regulations by Chambers in their activity;
- 5) supervise the activity of the coordinating bodies of the Chambers;
- 6) sign acts issued by the Chambers;
- 7) nominate the members of the Constitutional Council, the Central Election Commission and the Accounts Committee for Control over Implementation of the Republican Budget;
- 8) comply with other duties entrusted by the Regulation of Parliament.

4. The Mazhilis Chairperson shall:

- 1) open the sessions of Parliament;
- 2) convene regular joint sessions of the Chambers and chair the regular and extraordinary joint sessions of the Chambers.

5. The Chairpersons of the Chambers shall issue instructions on the matters of their responsibility.

Footnote: Article 58 as amended pursuant to the Law of the Republic of Kazakhstan N 254 dated May 21, 2007 (shall be enacted from the day of its official publication).

## **Article 59**

1. Parliamentary sessions shall proceed in the form of joint and separate sessions of the Chambers.

2. The President of the Republic of Kazakhstan shall convene the first session no later than thirty days after the election results are published.

3. The regular sessions of the Parliament shall be held once a year from the first business day of September to the last business day of June.

4. Generally the session of Parliament shall be opened by the President of the Republic and closed at joint sessions of the Senate and Mazhilis. During the intersession period, the President of the Republic of Kazakhstan, either on his own initiative, or at the suggestion of one of the Chairpersons or at least one-third of the total membership of the Parliament, is entitled to convene an extraordinary session of Parliament. Only the issues that were the reason for the convocation shall be considered at this session.

5. Joint and individual sessions of the Chambers shall be held if at least two-thirds of the total membership of each Chamber are present.

6. Joint and individual sessions of the Chambers shall be open. If provided for by the regulations, the session may be held behind closed doors. The President of the Republic, the Prime Minister and members of the Government, the Chair of the National Bank, the Prosecutor General, and the Chairperson of the National Security Committee shall have the right to be present at any session and be heard.

Footnote: See resolution of the Constitutional Council of Republic of Kazakhstan N 14/2 dated June 30, 1999, resolution of the Constitutional Council of Republic of Kazakhstan N 13/2 dated July 14, 1999.

Footnote: Article 59, as amended pursuant to the Law of Republic of Kazakhstan N 254 dated May 21, 2007 (shall be enacted from the day of its official publication.)

#### **Article 60**

1. The Chambers shall establish standing committees with at least seven members in each Chamber.
2. The Senate and Mazhilis shall have the right to establish joint commissions in equal numbers to resolve the issues related to their joint activities.
3. The committees and commissions shall issue resolutions on the matters of their responsibility.
4. The law shall govern the procedure of the establishment of these committees, their powers and workflow management.

#### **Article 61**

1. The President of the Republic, the Deputies of Parliament and the Government shall have the right of a legislative initiative which shall be realized only in the Mazhilis.
2. The President of the Republic of Kazakhstan shall have the right to determine priority consideration of draft laws which means that the draft law shall be adopted as a matter of urgency within two months.
3. Parliament shall have the right to issue laws that regulate the most important public relations and establish fundamental principles and standards relating to:
  - 1) the legal capacity of individuals and legal entities, civil freedoms and rights, and the obligations and responsibilities of individuals and legal entities;
  - 2) the system of ownership and other real property rights;
  - 3) the basis of the organization and activities of central and local government bodies and of civil and military service;
  - 4) taxation and the application of fees and other mandatory charges;
  - 5) the republican budget;
  - 6) issues of the judicial system and legal proceedings;
  - 7) education, health care and social provisions;
  - 8) the privatization of enterprises and their property;
  - 9) environmental protection;
  - 10) the administrative and territorial structure of the Republic;
  - 11) national defence and security.

All other issues are covered by local by-laws.

4. If the Mazhilis consider and adopt draft law by a majority vote of the total number of its deputies, this draft law shall be submitted to the Senate for consideration within not more than sixty days. If the Senate by majority vote of the total number of its deputies agrees with the proposed draft law, the law shall be deemed to be adopted, subject to the submission to the President for signing. If Senate reject the draft law by majority vote of the total number of its deputies, this draft law shall be returned to the Mazhilis. If the Mazhilis, by the majority vote of two-thirds of the total number of deputies, agrees with the draft law once again, this draft law shall be submitted to the Senate for a second discussion and voting. A twice-rejected draft law may not be submitted again during the same session.

5. Amendments and supplements to a draft law proposed by Senate by the majority vote of the total number of its deputies, shall be sent to the Mazhilis. If the Mazhilis by the majority vote of the total number of its deputies agree with the proposed amendments and supplements, the law shall be deemed to be adopted. If the Mazhilis by the same majority vote rejects the amendments and supplements proposed by the Senate by the same majority vote, the disagreement between the Chambers shall be resolved through conciliatory procedures.

5-1. If the Mazhilis consider and adopt the draft constitutional law by at least two-thirds vote of the total number of its deputies, this draft law shall be submitted to the Senate for consideration within not more than sixty days. If the Senate adopt the draft by at least a two-thirds vote of the total number of its deputies, then the constitutional law shall be deemed adopted and is subject to submission to the President of the Republic of Kazakhstan within ten days for signing. The Mazhilis or the Senate may reject the draft constitutional law as a whole by a majority vote of the total number of the deputies of the Chamber. The amendments and supplements to a draft constitutional law proposed by Senate by the two-thirds vote of its deputies, shall be sent to the Mazhilis. If the Mazhilis by the two thirds vote of its deputies agrees with the proposed amendments and supplements, the constitutional law shall be deemed to be adopted. If the Mazhilis by the same majority vote rejects the amendments and supplements proposed by the Senate, the disagreement between the Chambers shall be resolved through conciliatory procedures.

6. The draft laws that provide for the reduction of state revenues or increase in state expenditures may only be submitted when there is a positive resolution of the Government of the Republic of Kazakhstan. This resolution shall not be required with respect to the draft laws that are subject to consideration by the Mazhilis of the Parliament as part of the legislative initiative of the President of the Republic of Kazakhstan.

7. If the draft law submitted by the Government has not been adopted, the Prime- Minister shall have the right to raise an issue of confidence in the Government at a joint session of the Chambers. The voting on this issue shall be held no earlier than forty-eight hours from the moment of calling for a vote of confidence. If the call for a vote of confidence does not receive the majority vote of the total number of deputies of each Chambers, a draft law shall be deemed to be adopted without voting. However, the Government may not exercise this right more than twice a year.

Footnote: See regulatory resolutions of the Constitutional Council of the Republic of Kazakhstan N 3/2 dated March 12, 1999, N 19/2 dated November 11, 1999; No 9/2 dated June 15, 2000, No15/2 dated July 3, 2000, No 8/2 dated June 6, 2001, as amended pursuant to the Law of Republic of Kazakhstan N 254 dated May 21, 2007 (shall be enacted from the day of its official publication), dated March 3, 2017; № 51-VI (shall be enacted from the day of its first official publication).

## **Article 62**

1. The Parliament adopts legislative acts in the form of laws of the Republic of Kazakhstan, resolutions of Parliament, and resolutions of the Senate and the Mazhilis which are binding throughout the territory of the Republic.

2. The laws of the Republic come into force after the President of the Republic signs them.

3. Amendments and additions to the Constitution shall be made by a majority of at least three-quarters of the votes of the total number of deputies in each Chamber.

4. Constitutional laws shall be adopted on issues stipulated by the Constitution by a majority of at least two-thirds of the votes of the total number of deputies of each Chamber.

5. Legislative acts of Parliament and its Chambers shall be adopted by a majority vote of the total number of deputies of the Chambers, unless otherwise provided by the Constitution.

6. At least two readings on the introduction of amendments and additions to the Constitution of the Republic of Kazakhstan shall be conducted.

7. Laws of the Republic and resolutions of Parliament and its Chambers shall not contradict the Constitution. Resolutions of Parliament and its Chambers should not contradict the laws.

8. The order of development, presentation, discussion, enactment and publication of legislative and other regulatory legal acts of the Republic shall be governed by the special law and regulation of Parliament and its Chambers.

Footnote. See resolutions of the Constitutional Council of the Republic of Kazakhstan dated July 03, 2000 No. 15/2; as of April 18, 2007, No. 4.

Footnote. Article 62 as amended by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication).

### **Article 63**

1. The President of the Republic, after consulting with the chairpersons of the Chambers of Parliament and the Prime Minister, may dissolve Parliament or the Mazhilis of Parliament.

2. The Parliament and Mazhilis of the Parliament cannot be dissolved during a state of emergency or martial law, or during the last six months of the office of the President, or within one year of the previous dissolution.

Footnote. Article 63 is in the wording of the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication).

## **Section V**

### **Government**

#### **Article 64**

1. The Government exercises the executive power of the Republic of Kazakhstan, heads the system of executive bodies and manages their activities.

2. The Government is a collegial body and within its activities is accountable to the President of the Republic and Parliament.

3. The members of the Government are accountable to the Chambers of Parliament in the case provided for in subparagraph 6) of Article 57 of the Constitution.

4. The competence, organization and activities of the Government are determined by constitutional law.

Footnote. Article 64 as amended by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication); dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

#### **Article 65**

1. The Government is formed by the President of the Republic of Kazakhstan in the manner prescribed by the Constitution.

2. Proposals on the structure and composition of the Government shall be made to the President of the Republic by the Prime Minister of the Republic within ten days of the appointment of the Prime Minister.

3. Government members take an oath to the people and the President of Kazakhstan.

## **Article 66**

The Government of the Republic of Kazakhstan:

1) develops the main directions of social and economic policy of the state, its defense, security and public order, and organizes their implementation; approves the state programmes in coordination with the President of the Republic, and also ensures their implementation;

2) submits to Parliament the republican budget along with a report on its execution, and ensures execution of the budget;

3) submits draft laws to the Mazhilis and ensures implementation of laws;

4) organizes the management of state property;

5) develops measures for the conduct of the foreign policy of the Republic;

6) manages the activities of ministries, state committees, and other central and local executive bodies;

7) has the power to cancel or suspend, either in whole or in part, the actions of ministries, state committees, or other central and local executive bodies of the Republic;

8) is excluded by the Law of the Republic of Kazakhstan dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication);

9) is excluded by the Law of the Republic of Kazakhstan dated 07.10.1998 No. 284;

9-1) by an agreement with the President of the Republic, approves a unified system of financing and remunerating employees for all bodies maintained at the expense of the state budget;

10) performs other functions assigned to it by the Constitution, laws and acts of the President.

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan dated 17.03.1999 No. 4/2; dated 12.04.2001 № 1/2.

Footnote. Article 66 as amended by the Law of the Republic of Kazakhstan dated 07.10.1998 No. 284; dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

## **Article 67**

The Prime Minister of the Republic of Kazakhstan:

1) organizes and manages the activities of the Government, and is personally responsible for its work;

2) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication);

3) signs orders of the Government;

4) reports to the President and Parliament on the main activities of the Government and on all its major decisions;

5) performs other functions related to the organization and management of the Government.



Footnote. Article 67 as amended by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication); dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

#### **Article 68**

1. Government members are independent in making decisions within their competence and are personally accountable to the Prime Minister of the Republic for the work of state bodies subordinate to them. A member of the Government who does not agree with the policy pursued by the Government or does not implement it should resigns or will be dismissed.

2. Government members may not be deputies of a representative body, occupy other paid positions, except for teaching, scientific or other creative activities carry out entrepreneurial activities, or be part of the governing body or supervisory board of a commercial organization, except when it is their job in accordance with the law. <\*>

Footnote. Article 68 as amended by the Law of the Republic of Kazakhstan dated 07.10.1998 No. 284; 21.05.2007 No. 254 (shall be entered into force from the date of its official publication).

#### **Article 69**

1. The Government of the Republic of Kazakhstan, within matters of its competence, issues decrees that are binding throughout the territory of the Republic.

2. The Prime Minister of the Republic shall issue binding orders on the entire territory of the Republic.

3. Government decrees and orders of the Prime Minister should not contradict the Constitution, legislative acts, or decrees and orders of the President of the Republic.

#### **Article 70**

1. The Government shall resign its powers to the newly elected Mazhilis of the Parliament of the Republic.

2. The Government and any member thereof shall have the right to declare to the President of the Republic that they will resign if they consider it impossible to continue to perform the functions assigned to them.

3. The Government shall declare its resignation to the President of the Republic if the Mazhilis of the Parliament or the Parliament expresses a vote of no confidence in the Government.

4. The President of the Republic shall, within ten days, consider accepting or rejecting the resignation.

5. Acceptance of a resignation means termination of the authority of the Government or its respective member. Accepting the resignation of the Prime Minister means the termination of powers of the entire Government.

6. If the resignation of the Government or its member is rejected, the President will entrust it or its member with the further implementation of its duties.

7. The President of the Republic has the right, on his own initiative, to decide on the termination of the powers of the Government and to release any member from their position. The release of the Prime Minister from office means the termination of powers of the entire Government.

Footnote. See the resolution of the Constitutional Council of the Republic of Kazakhstan No. 11 dated November 19, 2003.

Footnote. Article 70 as amended by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication); dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

## **Section VI**

### **Constitutional Council**

#### **Article 71**

1. The Constitutional Council of the Republic of Kazakhstan consists of seven members, whose powers last six years. Life members of the Constitutional Council are ex-Presidents of the Republic.

2. The Chairperson of the Constitutional Council is appointed by the President of the Republic, and in the event of a split of votes equally, his vote is decisive.

3. Two members of the Constitutional Council are appointed by the President of the Republic and two members of the Constitutional Council are appointed by the Senate and the Mazhilis, respectively.

Half the members of the Constitutional Council are renewed every three years.

4. The position of the Chairperson and member of the Constitutional Council is incompatible with the deputy mandate, the occupation of other paid positions except for teaching, scientific or other creative; or entrepreneurial activities, membership in the governing body or supervisory board of a commercial organization.

5. The Chairperson and members of the Constitutional Council during their term of office may not be arrested, subjected to detention, administrative measures imposed in court, or brought to criminal responsibility without the consent of Parliament, except in cases of detention at the crime scene or committing serious crimes.

6. The organization and activities of the Constitutional Council are governed by constitutional law.

Footnote. See resolutions of the Constitutional Council of the Republic of Kazakhstan as of 30.01.2003 No. 10; as of 03/16/2011 №3.

Footnote. Article 71 as amended by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication).

#### **Article 72**

1. The Constitutional Council, on the appeal of any of the following: the President of the Republic of Kazakhstan, the Chairperson of the Senate, the Chairperson of the Mazhilis, at least one fifth of the total number of deputies of the Parliament, and the Prime Minister:

1) decides in the event of a dispute the question of correctness of election conduct of the President of the Republic, the deputies of Parliament and the conduct of a republican referendum;

2) considers, before they are signed by the President, the laws adopted by the Parliament for their compliance with the Constitution of the Republic;

2-1) considers, for compliance with the Constitution of the Republic, resolutions adopted by the Parliament and its Chambers;

3) considers, before ratification, the international treaties of the Republic for compliance with their Constitution;

4) gives an official interpretation of the norms of the Constitution;

5) gives conclusions in cases provided for by paragraphs 1 and 2 of Article 47 of the Constitution.

2. The Constitutional Council examines the appeals of the President of the Republic in the cases provided for by subparagraph 10-1) of Article 44 of the Constitution, as well as the appeals of the courts in the cases established by Article 78 of the Constitution.

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan dated July 03, 2000 No. 15/2; dated 13.12.2001 No. 19/2.

Footnote. Article 72 as amended by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication); dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

### **Article 73**

1. In case of an appeal to the Constitutional Council on issues specified in subparagraph 1) of paragraph 1 of Article 72 of the Constitution, the entry into the office of the President, the registration of elected deputies of the Parliament or the summing up of the republican referendum are suspended.

2. In case of appeal to the Constitutional Council on the issues specified in subparagraphs 2) and 3) of paragraph 1 of Article 72 of the Constitution, the time period for signing or ratifying the relevant acts is suspended.

3. The Constitutional Council shall make its decision within one month from the day the application is received. At the request of the President of the Republic, this period may be shortened to ten days if the issue does not tolerate delay.

4. Excluded by the Law of the Republic of Kazakhstan dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

### **Article 74**

1. Laws and international treaties recognized as non-compliant with the Constitution of the Republic of Kazakhstan may not be signed or, accordingly, ratified and enforced.

2. Laws and other legal acts recognized as unconstitutional, including those that infringe the rights and freedoms of a person and citizen enshrined in the Constitution, are repealed and shall not be applied.

3. Decisions of the Constitutional Council come into force on the day of their adoption, are generally binding throughout the territory of the Republic, are final and not subject to appeal.

Footnote. See the resolution of the Constitutional Council of the Republic of Kazakhstan dated December 13, 2001 No. 19/2.

Footnote. Article 74 as amended by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication); dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

## **Section VII**

### **Courts and Justice**

#### **Article 75**

1. Justice in the Republic of Kazakhstan shall be exercised only by a court.
2. Judicial power is exercised through civil, criminal and other forms of legal proceedings established by law. In cases provided by law, criminal proceedings are conducted with the participation of jurors.
3. The courts of the Republic are the Supreme Court of the Republic and local and other courts of the Republic established by law.
4. The judicial system of the Republic is established by the Constitution of the Republic and constitutional law. The establishment of special and emergency courts under any name is not allowed. <\*>

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan dated 15.02.2002 No. 1; dated 04.14.2006 No. 1.

Footnote. Article 75 as amended by the Law of the Republic of Kazakhstan dated 07.10.1998 No. 284; 21.05.2007 No. 254 (shall be entered into force from the date of its official publication).

#### **Article 76**

1. Judicial authority shall be exercised on behalf of the Republic of Kazakhstan and, by its purpose, has the protection of the rights, freedoms and legitimate interests of citizens and organizations and the enforcement of the Constitution, laws, other normative legal acts and international treaties of the Republic.
2. The judicial power extends to all cases and disputes arising on the basis of the Constitution, laws, other regulatory legal acts and international treaties of the Republic.
3. Decisions, sentences and other rulings of the courts are binding throughout the territory of the Republic.

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan dated 29.03.1999 No. 7/2; dated 12.20.2000 No. 21/2; dated April 18, 2007, No. 4.

#### **Article 77**

1. A judge in the administration of justice is independent and subject only to the Constitution and the law.
2. Any interference with the court's administration of justice is unacceptable and punishable by law. Judges are not accountable for specific cases.
3. When applying the law, the judge shall be guided by the following principles:
  - 1) a person is considered to be innocent of committing a crime until his guilt is recognized by the court judgment that has entered into legal force;
  - 2) no one may be subjected to repeated criminal or administrative liability for the same offense;
  - 3) no one's court jurisdiction, provided for him by law, can be changed without his consent;
  - 4) everyone has the right to be heard in court;
  - 5) laws that establish or strengthen liability, impose new duties on citizens or worsen their situation, do not have retroactive effect. If, after committing the offense, the responsibility for it is cancelled or mitigated by law, the new law shall be applied;
  - 6) the accused is not obliged to prove his innocence;
  - 7) no one is obliged to testify against himself, or his spouse (-s) and close relatives, whose circle is determined by law. Priests are not obliged to testify against those who confided in them at confession;
  - 8) any doubts about the guilt of the person shall be interpreted in favour of the accused;

9) evidence obtained in an unlawful manner is not legally binding. No one can be convicted solely on the basis of his own confession;

10) the application of criminal law by analogy is not allowed.

4. The principles of justice established by the Constitution are common and uniform for all courts and judges of the Republic.

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan dated 10.03.1999 No. 2/2; dated April 18, 2007, No. 4.

### **Article 78**

The courts are not entitled to apply laws and other regulatory legal acts that infringe the rights and freedoms of a person and citizen enshrined in the Constitution. If the court finds that the law or other regulatory legal act to be applied infringes upon the rights and freedoms of a person and citizen enshrined in the Constitution, he is obliged to suspend the proceedings and apply to the Constitutional Council with a view to declare this act unconstitutional.

### **Article 79**

1. The courts consist of permanent judges whose independence is protected by the Constitution and the law. The powers of a judge may be terminated or suspended solely on the grounds established by law.

2. A judge may not be arrested, brought in, have administrative measures imposed against him in court or be brought to criminal responsibility without the consent of the President of the Republic of Kazakhstan, based on the opinion of the Supreme Judicial Council of the Republic, or in the case established by subparagraph 3) of Article 55 of the Constitution, - without the consent of the Senate, except in cases of detention at the crime scene or committing serious crimes.

3. Requirements for judges of the courts of the Republic shall be determined by constitutional law.

4. The position of a judge is incompatible with the following roles: a deputy's mandate, the occupation of another paid position except for teaching, scientific or other creative activities,; entrepreneurial activities, and joining the governing body or supervisory board of a commercial organization. <\*>

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan dated 06.03.1997 No. 3; dated January 30, 2003 No. 10; dated 7/18/2004 No. 7; dated 06.23.2004 No. 6.

Footnote. Article 79 as amended by the Law of the Republic of Kazakhstan dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

### **Article 80**

Funding of courts and the provision of judges with housing is carried out at the expense of the republican budget and should ensure the possibility of full and independent administration of justice.

### **Article 81**

The Supreme Court of the Republic of Kazakhstan is the highest judicial body in civil, criminal and other cases, jurisdictional, local and other courts, and in cases stipulated by law it considers cases related to its jurisdiction and gives explanations on matters of judicial practice.

Footnote. Article 81 is in the wording of the Law of the Republic of Kazakhstan dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

## **Article 82**

1. The Chairperson and judges of the Supreme Court of the Republic of Kazakhstan are elected by the Senate on the proposal of the President of the Republic, based on recommendation of the High Judicial Council.
2. The Chairpersons and judges of local and other courts are appointed by the President of the Republic based on the recommendation of the High Judicial Council.
3. In accordance with constitutional law, judicial panels may be established in courts. The procedure for empowering the chairpersons of the judicial boards shall be determined by constitutional law.
4. The Supreme Judicial Council consists of the President and other persons appointed by the President of the Republic.
5. The status and organization of work of the High Judicial Council shall be determined by law.

Footnote. Article 82 is in the wording of the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication).

## **Article 83**

1. The Prosecutor's Office, on behalf of the state and in the limits and forms established by law, supervises the observance of legality on the territory of the Republic of Kazakhstan, represents the interests of the state in court, and carries out criminal prosecutions on behalf of the state.
2. The Office of the Public Prosecutor of the Republic shall compile a single centralized system with the subordination of the lower level prosecutors to the higher and to the Prosecutor General of the Republic. It exercises its authority independently of other state bodies and officials, and is accountable only to the President of the Republic.
3. The Prosecutor General of the Republic during his term of office may not be arrested, brought to trial, be subject to administrative measures imposed in court or brought to criminal responsibility without the consent of the Senate, except in cases of detention at the crime scene or committing serious crimes. The term of office of the Prosecutor General is five years.
4. The competence, organization and procedure of the activities of the General Prosecutor's Office of the Republic shall be determined by law.

Footnote. See the resolutions of the Constitutional Council of the Republic of Kazakhstan dated 26.12.2000 No. 23/2; dated January 30, 2003 No. 10; dated 12.31.2003 № 13.

Footnote. Article 83 as amended by the Law of the Republic of Kazakhstan dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

## **Article 84**

Footnote. Article 84 is excluded by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication).

## **Section VIII**

### **State Administration and Self-Government**

## **Article 85**

Local state administration is carried out by local representatives and executive bodies that are responsible for the state of affairs in the relevant territory.

#### **Article 86**

1. Maslikhats are local representative bodies that express the will of the population and of the respective administrative-territorial units and, taking into account national interests, determine the measures necessary for its implementation and control their implementation.

2. Maslikhats shall be elected by the population on the basis of universal, equal and direct suffrage by secret ballot for a term of five years.

3. A citizen of the Republic of Kazakhstan who has reached twenty years of age may be elected deputy of the Maslikhat. A citizen of the Republic may be a deputy of only one Maslikhat.

4. The jurisdiction of Maslikhats includes:

1) the approval of plans, economic and social development programs of the territory and local budgets, and reports on their execution;

2) the solution of issues related to their jurisdiction of the local administrative-territorial structure;

3) the consideration of reports of the heads of local executive bodies on issues that are referred by law to the competence of the Maslikhat;

4) the formation of standing commissions and other working bodies of the Maslikhat, the hearing of reports on their activities, and the solution of other issues related to organization of work in Maslikhat;

5) implementation in accordance with the legislation of the Republic of other powers to ensure the rights and legitimate interests of citizens.

5. The powers of the Maslikhat may be terminated early by the President of the Republic following consultations with the Prime Minister and the Presidents of the Chambers of Parliament, as well as if the Maslikhat makes a decision on self-dissolution.

6. The competence of Maslikhats, the order of their organization and activities, and the legal status of their deputies are established by law.

Footnote. Article 86 as amended by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication); dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

#### **Article 87**

1. Local executive bodies are included in the unified system of executive bodies of the Republic of Kazakhstan, and ensure the implementation of the state-wide policy of the executive power in combination with the interests and development needs of the relevant territory.

2. The jurisdiction of local executive bodies includes:

1) the development of plans, economic and social development programs of the territory, and local budget, including ensuring their implementation;

2) the management of communal property;

3) the appointment and dismissal of heads of local executive bodies, and the solution of other issues related to the organization of work of local executive bodies;

4) the implementation in the interests of the local government of other powers imposed on local executive bodies by the legislation of the Republic.

3. Each local executive body is headed by the Akim (Mayor) of the relevant administrative and territorial unit, which is the representative of the President and the Government of the Republic.

4. Akims of regions, cities of republican significance and the capital are appointed by the President of the Republic with the consent of Maslikhats of regions, cities of republican significance and the capital, respectively. Akims of other administrative-territorial units shall be appointed or elected to office, as well as dismissed from office in the manner determined by law. The President of the Republic has the right, at his discretion, to dismiss the Akims from office.

5. On the initiative of at least one-fifth of the total number of Maslikhat deputies, the question of expressing a vote of no confidence in the Akim may be raised. In this case, the Maslikhat has the right to express no confidence in the Akim by the majority of votes of the total number of his deputies and raise the question of his release from office to the President of the Republic or the higher Akim, respectively. Powers of Akims of regions, cities of republican significance and the capital shall be terminated when the newly elected President of the Republic takes office.

6. The competence of local executive bodies, the organization and the procedure for their activities shall be established by law.

Footnote. Article 87 as amended by the Law of the Republic of Kazakhstan dated 07.10.1998 No. 284; dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication); dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

#### **Article 88**

1. Maslikhats make decisions on issues of their competence, and Akims make decisions and orders that are binding on the territory of the corresponding administrative and territorial unit.

2. Draft decisions of Maslikhats providing for a reduction in local budget revenues or an increase in local budget expenditures can be submitted for consideration only if there is a positive conclusion by an Akim.

3. Decisions of Maslikhats that do not comply with the Constitution and legislation of the Republic of Kazakhstan may be cancelled in court.

4. Decisions and orders of Akims can be reversed by the President, the Government of the Republic of Kazakhstan or a higher Akim respectively, as well as in court.

Footnote. See the resolution of the Constitutional Council of the Republic of Kazakhstan dated 31.05.2000 No. 3/2.

#### **Article 89**

1. In the Republic of Kazakhstan, local self-government is recognized, which provides for independent decision-making by the population regarding local issues.

2. Local self-government is exercised by the population directly, as well as through Maslikhats and other local self-government bodies in local communities covering the territories in which population groups live compactly.

In accordance with the law, local governments may be delegated the exercise of state functions.

3. The organization and activities of local self-government in Kazakhstan are regulated by law.

4. Independence of local governments is guaranteed within the limits of their authority established by law.



Footnote. Article 89 as amended by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication).

## **Section IX**

### **Final and Transitional Provisions**

#### **Article 90**

1. The Constitution of the Republic of Kazakhstan, adopted at a republican referendum, enters into force from the day of the official publication of the results of the referendum, with simultaneous termination of the previously adopted Constitution of the Republic of Kazakhstan.
2. The day of adoption of the Constitution at a republican referendum is declared a public holiday - the Day of the Constitution of the Republic of Kazakhstan.

#### **Article 91**

1. Amendments and additions to the Constitution of the Republic of Kazakhstan may be introduced by a republican referendum, held by decision of the President of the Republic, adopted by him on his own initiative or on the proposal of Parliament or the Government. The draft amendments and additions to the Constitution shall not be submitted to the republican referendum if the President decides to submit it to Parliament. The decision of Parliament shall be made in this case in the manner prescribed by the Constitution. If the President of the Republic rejects the proposal of Parliament to submit amendments and additions to the Constitution to the republican referendum, the Parliament has the right to adopt a law that makes these amendments and additions to the Constitution by a majority of at least four fifth votes of the total number of deputies of each Chamber of Parliament. In this case, the President of the Republic signs this law or submits it to the republican referendum, which is considered valid if more than half of the citizens of the Republic who have the right to participate in the republican referendum took part in the vote. Amendments and additions to the Constitution which are submitted to the republican referendum, are considered adopted if more than half of the citizens who took part in the voting voted for them in at least two thirds of regions, cities of republican significance and the capital.
2. The independence of the state established by the Constitution, the unitarity and territorial integrity of the Republic, the form of the Republic's government as well as the fundamental principles of the Republic which were laid down by the Founder of independent Kazakhstan, the First President of the Republic of Kazakhstan - ,Yelbasy, and its status are unchanged. <\*>
3. Changes and additions to the Constitution of the Republic shall be submitted to the republican referendum or to the Parliament of the Republic for consideration if the opinion of the Constitutional Council on their compliance with the requirements established by paragraph 2 of this article is available.

Footnote. See the resolution of the Constitutional Council of the Republic of Kazakhstan dated 04.12.1998 No. 13/2.

Footnote. Article 91 as amended by the Law of the Republic of Kazakhstan dated 07.10.1998 No. 284; dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication); dated 10.03.2017 No. 51-VI (shall be enforced from the date of its first official publication).

#### **Article 92**

1. Constitutional laws shall be adopted within a year from the day the Constitution enters into force. If laws that are defined as constitutional in the Constitution, or acts that have the power of such have been adopted by the time it enters into force, then they are brought into line with the Constitution and are considered constitutional laws of the Republic of Kazakhstan.

2. Other laws named in the Constitution shall be adopted in the order and terms determined by the Parliament, but not later than two years from the day the Constitution enters into force.

3. Decrees of the President of the Republic, issued during the term of exercising additional powers in accordance with the Law of the Republic of Kazakhstan of December 10, 1993 On the temporary delegation of additional powers to the President of the Republic of Kazakhstan and heads of local administrations and having the force of law, may be modified, added or cancelled only in the manner which provides for the changing, supplementing or repealing of the laws of the Republic. Decrees of the President of the Republic, issued during the term of exercising additional powers, on matters provided for by paragraphs 12-15, 18 and 20 of Article 64 of the Constitution of the Republic of Kazakhstan, adopted on January 28, 1993, are not subject to approval by the Parliament of the Republic.

4. Legislation of the Republic of Kazakhstan which is in force at the time the Constitution comes into force shall be applied to the extent that does not contradict the Constitution, and within two years of the date of adoption of the Constitution should be brought into line with it.

Footnote. See the resolution of the Constitutional Council of the Republic of Kazakhstan dated June 15, 2000 No. 8/2.

### **Article 93**

In order to implement Article 7 of the Constitution, the Government along with local representative and executive bodies are obliged to create all the necessary organizational, material and technical conditions for free, as well as free of charge learning of the state language by all citizens of the Republic of Kazakhstan in accordance with a special law.

### **Article 94**

1. The President of the Republic of Kazakhstan, elected in accordance with the legislation of the Republic of Kazakhstan which is in force at the time the Constitution enters into force, acquires the powers of the President of the Republic of Kazakhstan established by it and implements these powers during the period established by the decision adopted at the republican referendum on April 29, 1995. With the consent of the President of the Republic of Kazakhstan, the present term of office of the President of the Republic may be reduced by a resolution of the Parliament of the Republic adopted at a joint meeting of its Chambers by a majority of votes from the total number of deputies of each Chamber. In this case, the Mazhilis of the Parliament shall, within one month, appoint the election of the President of the Republic of Kazakhstan. The President of the Republic, elected on the basis of these elections, shall take the oath within one month of the date of publication of the election results, and exercises his authority until taking office as President of the Republic, elected at the next presidential election, to be held after seven years on the first Sunday of December.

2. The Vice-President of the Republic of Kazakhstan, elected in accordance with the legislation of the Republic of Kazakhstan in force at the time the Constitution enters into force, shall retain his authority until the expiration of the term for which he was elected.

Footnote. See the resolution of the Constitutional Council of the Republic of Kazakhstan dated August 19, 2005 No. 5.

Footnote. Article 94 as amended by the Law of the Republic of Kazakhstan dated 07.10.1998 No. 284.

### **Article 94-1**

The provision of paragraph 1 of Article 41 of the Constitution, which determines the term of office of the President of the Republic, applies to a person who will be elected President of the Republic following the

presidential election held in connection with the expiration of the seven-year term of office of the President of the Republic elected in the elections dated December 4, 2005.

Footnote. The Constitution is supplemented by Article 94-1 in accordance with the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254 (shall be enforced from the date of its official publication).

#### **Article 95**

1. One half of the deputies of the Senate of the first convocation shall be elected for a term of four years, the other half of the deputies for a term of two years, in accordance with the procedure established by constitutional law.

2. The provisions of the Constitution of the Republic of Kazakhstan, on the election of deputies of the Mazhilis of Parliament and on the basis of party lists, apply after the election of deputies of the Mazhilis of Parliament of the second convocation. <\*>

Footnote. See the resolution of Constitutional Council of the Republic of Kazakhstan dated 11.29.1999 No. 24/2.

Footnote. Article 95 as amended by the Law of the Republic of Kazakhstan dated 07.10.1998 No. 284.

#### **Article 96**

From the day the Constitution enters into force, the Cabinet of Ministers of the Republic of Kazakhstan acquires the rights, duties and responsibilities of the Government of the Republic of Kazakhstan established by it.

#### **Article 97**

The first composition of the Constitutional Council of the Republic of Kazakhstan is formed as follows: each of the President of the Republic, the Chairperson of the Senate of Parliament and the Chairperson of the Mazhilis of the Parliament shall appoint one member of the Constitutional Council for a term of three years, with the exception of the Chairperson of the Constitutional Council who shall be appointed by the President Republic for a period of six years.

#### **Article 98**

1. The bodies of justice and investigation provided for by the Constitution shall be formed in the manner and within the periods stipulated by the relevant laws. Prior to their formation, the existing justice and investigation bodies shall retain their authority.

2. Judges of the Supreme Court, the Supreme Arbitration Court, and local courts of the Republic of Kazakhstan shall retain their powers until the formation of courts stipulated by the Constitution. Vacant positions of judges shall be replaced in the manner prescribed by the Constitution.