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# Kazakhstan's Constitution of 1995 with Amendments through 2022

Historical

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- Source of constitutional authority
- Motives for writing constitution
- Preamble

## Preamble

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We, the people of Kazakhstan, united by common historic fate, creating state on the indigenous Kazakh land, considering ourselves peace-loving and civil society, dedicated to the ideals of freedom, equality and concord, wishing to take 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

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### Article 1

- Official religion
- Type of government envisioned
- Referenda

1. The Republic of Kazakhstan proclaims itself democratic, secular, legal and social state whose highest values are an individual, 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; Kazakhstan patriotism and resolution of the most important issues of the affairs of state by democratic methods including voting at an all-nation referendum or in the Parliament.

### Article 2

- National capital

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 administrative-territorial structure of the Republic and the status of its capital shall be determined by the law. The capital of Kazakhstan is the city of Astana.
- 3-1. Within the city of Astana, a special legal regime in the financial sector may be established in accordance with constitutional law.
4. The names “Republic of Kazakhstan” and “Kazakhstan” shall be equal.

### Article 3

- Referenda

1. The people shall be the only source of state power.
2. The people shall exercise power directly through an all-nation referendum and free elections as well as delegate the execution of their power to state institutions.
3. Nobody shall have the right to appropriate power in the Republic of Kazakhstan. Appropriation of power shall be persecuted by law. The right to act on behalf of the people and the state shall belong to the President as well as to 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 is 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 system of checks and balances that governs their interaction.

- International law

### Article 4

1. The current law in the Republic of Kazakhstan is the norms of the Constitution, laws corresponding to it, other regulatory legal acts, international treaty and

- Legal status of treaties

1. other obligations of the Republic, as well as regulatory resolutions of the Constitutional Court and the Supreme Court of the Republic.
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.

## Article 5

- Restrictions on political parties
- International organizations

1. The Republic of Kazakhstan shall recognize ideological and political diversity. The formation of political party organizations 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 of 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 violent change of the constitutional system, violation of the integrity of the Republic, undermining the security of the state, inciting social, racial, national, religious, class and tribal enmity, as well as formation of unauthorized paramilitary units shall be prohibited.
4. Activities of political parties and trade unions of other states, religious parties as well as financing political parties and trade unions by 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 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.

- Right to own property

## Article 6

- Ownership of natural resources

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 land and its subsoil, water, flora and fauna, and other natural resources belong to the people. On behalf of the people, the right to property is exercised by the state. Land may also be in private ownership on the grounds, conditions and within the limits established by law.

- Official or national languages

## Article 7

- Protection of language use

1. The state language of the Republic of Kazakhstan shall be the Kazak language.
2. In state institutions and local self-administrative bodies the Russian language shall be officially used on equal grounds along with the Kazak language.
3. The state shall promote conditions for the study and development of the languages of the people of Kazakhstan.

- International law
- Customary international law

## Article 8

The Republic of Kazakhstan shall respect principles and norms of international law, pursue the policy of cooperation and good-neighborly 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 the military force.

- National anthem
- National flag

## Article 9

The Republic of Kazakhstan shall have its state symbols - the flag, emblem and anthem. Their description and order of official use shall be established by the constitutional law.

## Section II. The Individual and Citizen

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### Article 10

- Requirements for naturalization
- Conditions for revoking citizenship
- Requirements for birthright citizenship
- Right to renounce citizenship
- Terrorism
- Conditions for revoking citizenship

1. Citizenship of the Republic of Kazakhstan shall be acquired and terminated as prescribed by law, shall be indivisible and equal regardless of the grounds of its acquisition.
2. A citizen of the Republic may not be deprived of citizenship, the right to change his citizenship, and may not be exiled from the territory of Kazakhstan. The deprivation of citizenship is allowed only by a court decision on the ground of 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 citizen of the Republic shall not be recognized.

### Article 11

- International law
- Extradition procedure

1. A citizen of the Republic of Kazakhstan may not be extradited to foreign state unless otherwise stipulated by international treaties of the Republic.
2. The Republic shall guarantee its citizens protection and patronage outside its boundaries.

### Article 12

- Inalienable rights
- Protection of stateless persons
- International law

1. Human rights and freedoms in the Republic of Kazakhstan shall be recognized and guaranteed in accordance with this Constitution.
2. Human rights and freedoms 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 legal acts.
3. Every citizen of the Republic shall have rights and bear responsibilities owing to his citizenship.
4. Foreigners and stateless persons 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 treaties.
5. Exercise of citizen's human rights and freedoms must not violate rights and freedoms of other persons, infringe on the constitutional system and public morals.

### Article 13

- Right to counsel
- General guarantee of equality

1. Everyone shall have the right to be recognized as subject of the law and protect his rights and freedoms with all means not contradicting the law including self-defense.
2. Everyone shall have the right to judicial defense of his rights and freedoms.
3. Everyone shall have the right to qualified legal assistance. In cases stipulated by law, legal assistance shall be provided free of charge.

### Article 14

1. Everyone shall be equal before the law and court.

- Equality regardless of religion
- Equality regardless of nationality
- Equality regardless of social status
- Equality regardless of origin
- Equality regardless of language
- Right to life
- Equality regardless of creed or belief
- Equality regardless of race
- Equality regardless of financial status
- Equality regardless of gender

- Prohibition of capital punishment

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.

## Article 15

1. Everyone shall have the right to life.
2. No one has the right to arbitrarily deprive a person of life. The death penalty is prohibited.

## 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 with the sanction of a court with right of appeal of an arrested person. Without the sanction of a court, a person may be detained for a period no more than seventy-two hours.
3. Every person detained, arrested and accused of committing crime shall have the right to the assistance of defense lawyer (defender) from the moment of detention, arrest or accusation.

- Protection from unjustified restraint

- Right to counsel

- Human dignity

- Inalienable rights
- Prohibition of cruel treatment
- Prohibition of torture

- Right to privacy

## Article 17

1. A person's dignity shall be inviolable.
2. No one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to 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 personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages. Limitation of this right shall be permitted only in the 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 obtain access to documents, decisions and other sources of information concerning his rights and interests.

- Right to protect one's reputation

- Telecommunications

- Right to information

## Article 19

1. Everyone shall have the right to determine and indicate or not to 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.

- Right to culture

## Article 20

1. The 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 of 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, class and clannish superiority as well as the cult of cruelty and violence shall not be allowed.

- Freedom of press
- Freedom of expression

- Freedom of movement

## Article 21

1. Everyone who has legal right to stay on the territory of the Republic of Kazakhstan shall have the right to freely move about its territory and freely choose 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 freely return to the Republic.

- Restrictions on entry or exit

- Freedom of opinion/thought/conscience

## Article 22

1. Everyone shall have the right to freedom of conscience.
2. The right to freedom of conscience must 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. Chairmen and judges of the Constitutional Court, the Supreme Court and other courts, chairmen and members of the Central Electoral Commission, the Supreme Audit Chamber of the Republic, military personnel, employees of national security agencies, law enforcement agencies should not be members of political parties, trade unions, support any political party.

- Freedom of association

- Restrictions on the armed forces

## Article 24

1. Everyone has the right to freedom of labor, free choice of occupation and profession. Forced labor is allowed only on the basis of a judicial act on the conviction of a criminal or administrative offense or in 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.

- Right to choose occupation
- Emergency provisions
- Right to work
- Prohibition of slavery
- Right to just remuneration
- Right to safe work environment
- State support for the unemployed

- Right to strike

- Right to rest and leisure

## Article 25

1. Housing shall be inviolable. Deprivation of housing shall not be permitted unless otherwise stipulated by court decision. Penetration into housing, its inspection and search shall be permitted only in cases and according to the procedure stipulated by law.
2. Conditions shall be created in the Republic of Kazakhstan to provide citizens with housing. Citizens in need of housing shall be categorized in 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.

- Inalienable rights
- Regulation of evidence collection

- Right to shelter

- Right to own property

## Article 26

1. Citizens of the Republic of Kazakhstan may privately own any legally acquired property.
2. Property, including the right of inheritance, shall be guaranteed by law.
3. No one may be deprived of his property unless otherwise stipulated by court decision. Forcible alienation of property for the public use in extraordinary cases stipulated by law may be exercised on condition of its equivalent compensation.

- Right to transfer property
- Protection from expropriation

- Right to establish a business
- Right to competitive marketplace

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

- Rights of children

## Article 27

- Regulation of marriage
- Right to found a family
- Rights or duties of parents

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

## Article 28

- State support for the disabled
- State support for the elderly
- Right to reasonable standard of living

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

- Right to health care

## 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 persons engaged in private medical practice on the terms and according to the procedures stipulated by law.

## Article 30

- Compulsory education
- Free education
- Access to higher education

1. The citizens shall be guaranteed free secondary education in state educational establishments. Secondary education shall be obligatory.
2. A citizen shall have the right to receive on competitive basis higher education in state higher educational establishment.
3. The citizens shall have the right to pay and receive an education in private educational establishments on the basis and terms established by law.
4. The state shall set uniform compulsory standards in education. The activity of any educational establishment must comply with these standards.

## Article 31

- Protection of environment

1. The state shall set an objective to protect the environment favorable for the life and health of the person.
2. Officials shall be held accountable for the concealment of facts and circumstances endangering the life and health of the people in accordance with law.

- Freedom of assembly

## Article 32

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

## Article 33

- Right of petition

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

- Restrictions on voting
- Referenda
- Referenda
- Restrictions on voting

1. 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-administrations 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 the citizens judged incapable by court as well as those held in places of confinement on court's sentence.
4. Citizens of the Republic shall have the equal right to serve in public office. The requirements for candidates for public offices shall be conditioned only by the character of the office duties and shall be established by law.

## Article 34

- Duty to obey the constitution
- Binding effect of const rights

1. Everyone must observe the Constitution, legislation of the Republic of Kazakhstan and respect the rights, freedoms, honor and dignity of other persons.
2. Everyone must respect the state symbols of the Republic.

## Article 35

- Duty to pay taxes

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

## Article 36

- Duty to serve in the military

1. Defense of the Republic of Kazakhstan shall be 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.

- Protection of environment

## Article 38

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

## Article 39

- Inalienable rights

1. Rights and freedoms of an individual and citizen may be limited only by laws and only to the extent necessary for protection of the constitutional system, defense of the public order, human rights and freedoms, health and morality of the population.
2. Any actions capable of upsetting interethnic and inter-confessional concord shall be deemed unconstitutional.
3. No form of restrictions shall be allowed to the rights and freedoms of citizens on political grounds. In no circumstances shall there be any restriction of the rights and freedoms stipulated by Articles 11; 13-15, paragraph 1 of Article 16; Article 17; Article 19; Article 22; paragraph 2 of Article 26 of the Constitution.

## Section III. The President

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- Name/structure of executive(s)

## Article 40

- Foreign affairs representative

1. The President of the Republic of Kazakhstan shall be the head of state, its highest official determining the main directions 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 the symbol and guarantor of the unity of the people and the state power, inviolability of the Constitution, rights and freedoms of an individual and citizen.
3. The President of the Republic shall ensure by his arbitration concerted functioning of all branches of state power and responsibility of the institutions of power before the people.

## Article 41

- Claim of universal suffrage
- Secret ballot
- Head of state selection
- Restrictions on voting
- Eligibility to be elected
- Age restrictions on head of state

- Scheduling of elections

- Head of state selection

1. The President of the Republic of Kazakhstan shall be elected in accordance with the constitutional law by adult citizens of the Republic based on universal, equal and direct suffrage by secret ballot for a period of seven 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-I 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 received 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.

## Article 42

- Oaths to abide by constitution

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 is taken on the second Wednesday of January in a solemn atmosphere in the presence of members of Parliament, judges of the Constitutional Court, the Supreme Court, as well as ex-Presidents of the Republic. In the case provided for by Article 48 of the Constitution, the person who has assumed the powers of the President of the Republic of Kazakhstan shall take the oath within one month from the date of assuming 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-I dated October 7, 1998.]
5. The same person may not be elected as the President of the Republic more than once.

- Head of state term limits

## 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-III dated May 21, 2007.]
3. For the period of exercising his powers, the President of the Republic of Kazakhstan shall not be a member of a political party.
4. Close relatives of the President of the Republic of Kazakhstan are not entitled to hold positions of political civil servants, heads of subjects of the quasi-public sector.

- Head of state powers

## Article 44

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. calls regular and extraordinary elections to the Parliament of the Republic and its Chambers; convenes the first session of the Parliament and takes the oath of its deputies to the people of Kazakhstan; convenes an extraordinary session of the Parliament; signs the law submitted by the Parliament within one month, promulgates the law or returns the law or its individual articles for re-discussion and voting;
3. after consultations with the factions of political parties represented in the Mazhilis of the Parliament, recommends the candidacy of the Prime Minister of the Republic to the Mazhilis for approval; with the consent of the Mazhilis of the Parliament appoints the Prime Minister of the Republic; dismisses the Prime Minister of the Republic; on the recommendation of the Prime Minister determines the structure of the Government; on the recommendation of the Prime Minister, made after consultations with the Mazhilis of the Parliament, appoints members of the Government; independently appoints ministers of foreign affairs, defense, internal affairs; dismisses members of the Government from office; takes the oath of the members of the Government; if necessary, presides over meetings of the Government on particularly important issues;
4. with the consent of the Senate of the Parliament, appoints the Chairman of the Constitutional Court, the Chairman of the National Bank, the Chairman of the Supreme Judicial Council, the Prosecutor General and the Chairman of the National Security Committee of the Republic of Kazakhstan; relieves them of their posts;
5. create, abolish and reorganize the national bodies that are directly subordinated and accountable to the President of the Republic;
6. appoint and recall the heads of diplomatic representative offices of the Republic;
7. appoints the Chairman and two members of the Central Electoral Commission, the Chairman and two members of the Supreme Audit Chamber for a term of five years;
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;

- Extraordinary legislative sessions
- Approval or veto of general legislation

- Head of government selection
- Cabinet removal
- Cabinet selection
- Head of government removal

- Advisory bodies to the head of state
- Attorney general
- Central bank

- Electoral commission

- Referenda

- Constitutionality of legislation
  - Constitutional interpretation
  - International law
  - Treaty ratification
  - Selection of active-duty commanders
  - Designation of commander in chief
  - Protection of stateless persons
  - Power to pardon
  - Emergency provisions
  - Emergency provisions
  - Advisory bodies to the head of state
  - Establishment of judicial council
  - Head of state decree power
  - Head of state decree power
- 10-1.** in the interests of protecting the rights and freedoms of man and citizen, ensuring national security, sovereignty and integrity of the state, sends an appeal to the Constitutional Court on consideration of the law or other legal act that has entered into force for compliance with the Constitution of the Republic, 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.** appoints and dismisses the State Councilor of the Republic of Kazakhstan, determines his status and powers; forms 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.

## Article 45

- 1.** The President of the Republic of Kazakhstan, on the basis of and with 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.** The acts of Parliament signed by the President of the Republic as well as the acts of the President issued on the initiative of the Government shall be preliminary signed respectively by the Chairperson of each Parliaments Chambers or the Prime Minister on whom bear juridical responsibility for the legality of these acts.

## Article 46

- 1.** The President of the Republic of Kazakhstan, his honour 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 extend to ex-Presidents of the Republic.
4. [Excluded by the Law of the Republic of Kazakhstan dated 08.06.2022 (shall be enforced from 08.06.2022).]

- Head of state removal

## Article 47

- Joint meetings of legislative chambers

- Removal of individual legislators
- Joint meetings of legislative chambers
- Supreme court powers

1. The President of the Republic of Kazakhstan may be early dismissed from office in case of persistent inability to perform his duties due to illness. In this case, the Parliament forms a commission consisting of an equal number of deputies from each Chamber and specialists in the relevant fields of medicine. The decision on early release is made at a joint meeting of the Chambers of Parliament by a majority of at least three-quarters of the total number of deputies of each of the Chambers on the basis of the conclusion of the commission and the conclusion of the Constitutional Court on compliance with the established constitutional procedures.
2. The President of the Republic is liable for acts committed in the performance of his duties only in the event of high treason and may be removed from office by Parliament for this. The decision to bring charges and investigate them may be taken by a majority of the total number of deputies of the Mazhilis on the initiative of at least one third of its deputies. The investigation of the accusation is organized by the Senate, and its results, by a majority vote of the total number of deputies of the Senate, are submitted for consideration by a joint session of the Chambers of Parliament. The final decision on this issue is made at a joint meeting of the Chambers of Parliament by a majority of at least three-quarters of the total number of votes of deputies of each of the Chambers, subject to the presence of the conclusion of the Supreme Court on the validity of the accusation and the conclusion of the Constitutional Court on compliance with the established constitutional procedures. Failure to make a final decision within two months from the date of the accusation entails the recognition of the accusation against the President of the Republic as dismissed. The rejection of the accusation of the President of the Republic of committing high treason at any stage entails the 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.

## Article 48

- Head of state replacement

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.

## Section IV. Parliament

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### Article 49

- Dismissal of the legislature

1. Parliament of the Republic of Kazakhstan is the highest representative body of the Republic performing legislative functions.
2. Parliament's powers shall begin from the opening of its first session and terminate with the first session of new convocation.
3. The powers of Parliament may be prematurely terminated in cases and according to the procedure stipulated by the Constitution.
4. The organization and activities of Parliament, the legal status of its deputies shall be determined by constitutional law.

### Article 50

- Structure of legislative chamber(s)
- Second chamber selection
- Size of second chamber
- First chamber selection
- Size of first chamber
- Term length for first chamber
- Term length of second chamber

1. The Parliament shall consist of two Chambers: the Senate and the Mazhilis, which act on a permanent basis.
2. In the manner prescribed by the constitutional law, the Senate is formed by the deputies for two persons out of each region, city of republican significance and the capital of the Republic of Kazakhstan. Ten deputies of the Senate are appointed by the President of the Republic, five of them - at the recommendation of the Assembly of the People of Kazakhstan.
3. The Mazhilis consists of ninety-eight deputies elected in the manner prescribed by the constitutional law under a mixed electoral system: according to the system of proportional representation in the territory of a single nationwide constituency, as well as in single-mandate territorial constituencies.
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.

### Article 51

- First chamber selection
- Scheduling of elections
- Secret ballot
- Claim of universal suffrage
- Second chamber selection
- Scheduling of elections
- Replacement of legislators
- Eligibility for second chamber
- Eligibility for first chamber
- Age restrictions on second chamber
- Age restrictions on first chamber
- Second chamber selection
- First chamber selection

1. Election of deputies of the Mazhilis is carried out on the basis of universal, equal and direct suffrage by secret ballot. The next elections of deputies of the Mazhilis are held no later than two months before the end of the term of office of the current convocation of the Parliament.
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 republican 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.

## Article 52

- Attendance by legislators

1. [Excluded by the Law of the Republic of Kazakhstan dated No. 254-III 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.

- Outside professions of legislators

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.

- Immunity of legislators

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.

- Removal of individual legislators

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.

- Removal of individual legislators

A deputy of the Mazhilis of the Parliament loses his mandate in case of:

1. withdrawal or expulsion of a deputy from the political party from which, in accordance with the constitutional law, he was elected on the basis of a party list;
2. termination of the activities of a political party from which, in accordance with the constitutional law, a deputy was elected on the basis of a party list;
3. recall by voters, in the manner determined by the constitutional law, of a deputy elected in a single-mandate territorial constituency

- Removal of individual legislators

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.

- Electoral commission

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.

- Joint meetings of legislative chambers

## Article 53

Parliament at a joint session of the Chambers shall:

- Constitution amendment procedure
  1. introduce amendments and supplements to the Constitution pursuant to the proposal of the President of the Republic of Kazakhstan;
  - 1-1. adopts constitutional laws;
  - 1-2. conducts a repeated discussion and voting on constitutional laws or articles of a constitutional law that raised objections from the President of the Republic, within a month from the day the objections were sent. Failure to comply with this deadline means acceptance of the objections of the President. If the Parliament, by a three-quarters majority of the total number of deputies of each of the Chambers, overcomes the objections of the President, the President signs the constitutional law within one month. If the objections of the President are not overcome, the constitutional law is considered not adopted or adopted in the wording proposed by the President;
- Cabinet removal
  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).]
- Power to declare/approve war
- International law
  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. hears the annual messages of the Constitutional Court on the state of constitutional legality in the Republic;
- Legislative committees
  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 the Constitution.
- Division of labor between chambers

## Article 54

1. The Parliament adopts laws in a separate session of the Chambers by sequential consideration of issues, first in the Mazhilis, and then in the Senate, including:
    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. Holds a repeated discussion and vote on the laws or articles of the law that raised objections from the President of the Republic, within a month from the day the objections were sent. Failure to comply with this deadline means acceptance of the objections of the President. If the Mazhilis and the Senate, by a two-thirds majority of the total number of deputies of each of the Chambers, overcome the objections of the President, the President signs the law within one month. If the objections of the President are not overcome by at least one of the Chambers, the
- Treaty ratification
  - Approval or veto of general legislation
  - Veto override procedure

2. 2. law is considered not adopted or adopted in the wording proposed by the President;
3. Initiate the national referendum.

- Referenda

## Article 55

The following shall be the exclusive responsibility of the Senate:

- Supreme/ordinary court judge removal
- Supreme court selection

- Ombudsman

- Central bank
- Advisory bodies to the head of state
- Attorney general
- Establishment of judicial council

- Second chamber reserved policy areas

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. giving consent to the appointment by the President of the Republic of the Chairman of the Constitutional Court, the Chairman of the National Bank, the Chairman of the Supreme Judicial Council, the Prosecutor General, the Chairman of the National Security Committee of the Republic;

3. deprivation of immunity of the Prosecutor General, the Chairman and judges of the Supreme Court of the Republic, the Commissioner for Human Rights in the Republic of Kazakhstan;

4. [Excluded pursuant to the RK Law dated May 21, 2007 N 254-III, (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.

## Article 56

1. The following shall be the exclusive responsibility of the Mazhilis:
  1. acceptance for consideration of draft constitutional laws submitted to the Parliament;
  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;
  - 3-1. hearing twice a year the report of the Chairman of the Supreme Audit Chamber;
  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.

- First chamber reserved policy areas

- Head of government selection

- Cabinet removal

## Article 57

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

- Electoral commission
- Constitutional court selection

1. appoint three judges of the Constitutional Court; appoint two members of the Central Electoral Commission and three members of the Supreme Audit Chamber for a five-year term;

2. delegate half of the members of the commission formed by Parliament in the case provided for in Article 47.1 of the Constitution;

- Legislative committees
- Removal of individual legislators
- Cabinet removal
- Legislative oversight of the executive
- Leader of second chamber
- Leader of first chamber

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.

## 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. recommend to the Chambers the candidates for appointment to the positions of judges of the Constitutional Court, members of the Central Election Commission, the Supreme Audit Chamber;
  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.

## Article 59

- Length of legislative sessions
- Extraordinary legislative sessions

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 intercession 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.

- Quorum for legislative sessions
- Public or private sessions
- Legislative committees

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.

## 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

- Initiation of general legislation
- Joint meetings of legislative chambers
- Protection of environment
- Head of government decree power
- Division of labor between chambers

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.

Draft laws introduced as a legislative initiative of the Government of the Republic in order to promptly respond to the conditions that threaten the life and health of the population, the constitutional order, the protection of public order, and the economic security of the country, shall be subject to consideration by the Parliament immediately at a joint session of its Chambers.

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 relations shall be regulated by legislative acts.

In case of introduction of draft laws to the Parliament provided for by part two of paragraph 2 of this article, the Government of the Republic shall have the right to adopt, under its own responsibility the temporary regulatory legal acts having the force of law on the issues specified in part one of this paragraph, which are valid until the entry into force of laws adopted by the Parliament or until the Parliament does not adopt the laws.

4. A law adopted by a majority vote of the total number of deputies of the Mazhilis shall be submitted to the Senate, where it is considered for no more than sixty days.

4. The Majilis as a whole shall have the right to reject the draft law by a majority vote of the total number of deputies. The rejected draft law shall be considered not adopted and returned to the initiator.

A law approved by a majority vote of the total number of deputies of the Senate shall be submitted to the President for signing within ten days. If the Senate does not approve the law as a whole or its certain articles, then the law shall be returned to the Mazhilis. At the same time, the Senate shall have the right to propose a new version of certain articles of the law to the Mazhilis.

In the event that the Senate has not adopted a relevant decision within sixty days, the law shall be submitted to the President for signing.

- Division of labor between chambers

5. If the Mazhilis, by a majority vote of the total number of deputies, agrees with the wording of certain Articles of the law proposed by the Senate, the law shall be considered adopted by the Mazhilis in a new version and approved by the Senate and shall be submitted to the President for signing within ten days.

If the Mazhilis, by the same majority of votes, objects to the wording of certain articles of the law proposed by the Senate, and also if the Senate has not approved the law as a whole, disagreements between the Chambers shall be resolved through conciliation procedures.

The version of the law worked out by the conciliation commission shall be subject to consideration by the Majilis and the Senate in the manner prescribed by paragraph 4 of this article.

In cases when the Majilis, by a majority of votes from the total number of deputies of the Chamber, did not adopt the law in the wording proposed by the conciliation commission, the Majilis shall conduct a second vote on the law in the previously adopted version.

If, during the repeated voting, the Mazhilis confirms the earlier made decision by a two-thirds majority of the total number of deputies of the Chamber, the law shall be submitted to the President for signing within ten days.

If the law does not gain the indicated majority of votes of the deputies of the Majilis, the law is considered not adopted and is returned to the initiator.

- 5-1. [Excluded by the Law of the Republic of Kazakhstan dated 08.06.2022 (shall be enforced from 01.01.2023).]

- Spending bills
- Budget bills

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.

- Cabinet removal
- Joint meetings of legislative chambers

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.

## 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 Mazhil 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

- Approval or veto of general legislation
- Constitution amendment procedure

- Supermajority required for legislation

3. 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. Laws shall be adopted by the Majilis, approved by the Senate by a majority vote of the total number of deputies of the Chambers, unless otherwise provided for by the Constitution.

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

- Constitutionality of legislation

6. Conducting of at least two readings on the issues of introducing amendments and additions to the Constitution of the Republic of Kazakhstan, on draft constitutional laws shall be mandatory.
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.

- Dismissal of the legislature

## 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.

- Emergency provisions

- Establishment of cabinet/ministers

## Section V. Government

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### Article 64

1. The Government shall implement the executive power of the Republic of Kazakhstan, head the system of executive bodies and exercise supervision of their activity.
2. The Government is a collegial body and in its activity is responsible to the President of the Republic and the Parliament.
3. Members of the Government shall be accountable to the Chambers of Parliament in the case stipulated by paragraph of Article 57 of the Constitution.
4. The jurisdiction, the procedure of organization and activity of the Government shall be determined by constitutional law.

- Cabinet removal

### Article 65

1. The Government shall be formed by the President of the Republic of Kazakhstan according to the procedure stipulated by this Constitution.
2. Suggestions about the structure and composition of the Government shall be submitted to the President of the Republic of Kazakhstan by the Prime Minister of the Republic within ten days after his appointment.
3. The members of the Government shall take an oath to the people and President of Kazakhstan.

- Cabinet selection

- Cabinet selection

- Powers of cabinet

### Article 66

The Government of the Republic of Kazakhstan:

- Budget bills

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. [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. [Excluded by the Law of the Republic of Kazakhstan dated 07.10.1998 No. 284-I]
- 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.

- Head of government powers
- Name/structure of executive(s)

## Article 67

The Prime Minister of the Republic of Kazakhstan shall:

- Legislative oversight of the executive

1. organize and supervise the work of the Government, personally answer for its work;
2. [Excluded by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254-III ( shall be enforced from the date of its official publication)]
3. sign resolutions of the Government;
4. report the main directions of the Government's activity and all of its important decisions to the President and the Parliament;
5. perform other functions connected with organization and supervision of the Government's activity.

## Article 68

- Cabinet removal

- Eligibility for cabinet
- Reference to science
- Head of government's role in the legislature

1. Members of the Government shall be independent in making decisions within their competence and bear personal responsibility before the Prime Minister for the activity of bodies subordinated to them. member of the Government who does not agree with the policy, pursued by the Government, or who does not pursue it shall resign or subjected to release from his office.
2. Members of the Government shall not have right to be deputies of a representative body, hold other paid offices except teaching, scientific and other creative activities, engage in entrepreneurial activity, enter governing body or a supervisory board of a commercial organization, except for cases when it is their job responsibilities according to the legislation.

## Article 69

1. The Government of the Republic of Kazakhstan shall issue resolutions on the items of its jurisdiction having obligatory force on the entire territory of the Republic.
2. The Prime Minister of the Republic shall issue directions having mandatory force on the entire territory of the Republic.
3. Resolutions of the Government and directions of the Prime Minister must not contradict the Constitution, legislative acts, decrees and resolutions of the President of the Republic.

- Cabinet removal

## 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.

- Head of government removal

- Establishment of constitutional court

## Section VI. The Constitutional Court

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### Article 71

1. The Constitutional Court of the Republic of Kazakhstan shall consist of eleven judges, including the Chairman, whose powers shall last for eight years.

The same person may not be appointed as a judge of the Constitutional Court more than once.

2. The Chairman of the Constitutional Court shall be appointed by the President of the Republic with the consent of the Senate of the Parliament.
3. Four judges of the Constitutional Court shall be appointed by the President of the Republic, three judges of the Constitutional Court shall be appointed respectively by the Senate and the Majilis.

The Deputy Chairman of the Constitutional Court shall be appointed by the President of the Republic on the proposal of the Chairman of the Constitutional Court from among the judges of the Constitutional Court.

4. The position of a judge of the Constitutional Court is incompatible with a deputy mandate, holding other paid positions, except for teaching, scientific or other creative activities, carrying out entrepreneurial activities, being a member of the governing body or supervisory board of a commercial organization.
5. Judges of the Constitutional Court, during their term of powers, may not be arrested, brought to justice, subjected to administrative penalties imposed in

- Constitutional court term length

- Constitutional court selection

- Constitutional court selection

- Reference to science

5. court, or brought to criminal responsibility without the consent of the Parliament, except in cases of detention at the scene of a crime or serious crimes.
6. The organization and activities of the Constitutional Court shall be regulated by the constitutional law.

- Constitutionality of legislation
- Constitutional interpretation

## Article 72

- Constitutional court powers

- Referenda

- International law
- Legal status of treaties

1. The Constitutional Court on the appeal of the President of the Republic of Kazakhstan, the Chairman of the Senate, the Chairman of the Majilis, at least one fifth of the total number of deputies of the Parliament, the Prime Minister shall:
  1. decide, in case of a dispute, the issue of correctness of holding elections of the President of the Republic, deputies of the Parliament and holding a republican referendum;
  2. consider the laws adopted by the Parliament for their compliance with the Constitution of the Republic before signing by the President;
  - 2-1. consider the resolutions adopted by the Parliament and its Chambers for compliance with the Constitution of the Republic;
  3. consider international treaties of the Republic for their compliance with Constitution before ratification;
  4. give an official interpretation of the norms of the Constitution;
  5. give conclusions in the cases provided for by paragraphs 1 and 2 of Article 47 of the Constitution.
2. The Constitutional Court shall consider 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.
3. The Constitutional Court on the appeals of citizens, shall consider the regulatory legal acts of the Republic of Kazakhstan that directly affect their rights and freedoms, enshrined in the Constitution for compliance with the Constitution of the Republic.

The procedure and conditions for the appeals of citizens to the Constitutional Court shall be determined by the constitutional law.

4. The Constitutional Court, upon the appeals of the Prosecutor General of the Republic shall consider the issues specified in subparagraphs 3) and 4) of paragraph 1 of this article, as well as the regulatory legal acts of the Republic of Kazakhstan for their compliance with the Constitution of the Republic.
5. The Constitutional Court, on the appeal of the Commissioner for Human Rights shall consider the regulatory legal acts affecting the rights and freedoms of a person and citizen enshrined in the Constitution for compliance with the Constitution of the Republic.

## Article 73

- Referenda

1. In case of applying to the Constitutional Court on the issues specified in subparagraph 1 ) of paragraph 1 of Article 72 of the Constitution, the inauguration of the President, registration of elected deputies of the Parliament or the summing up of the results of the republican referendum shall be suspended.
2. In case of applying to the Constitutional Court on the issues specified in subparagraphs 2) and 3) of paragraph 1 of Article 72 of the Constitution, the period for signing or ratifying the relevant acts shall be suspended.
3. The Constitutional Court shall make its decision within the terms established by the constitutional law.
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).]

## Article 74

- Legal status of treaties
- Constitutionality of legislation
- International law

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

- Constitutionality of legislation
- International law

1. ratified and enforced.
2. Laws and other legal acts, their separate provisions, recognized as unconstitutional, including those infringing on the rights and freedoms of a human and a citizen enshrined in the Constitution shall be cancelled and shall not be subject to application from the date the decision is taken by the Constitutional Court or from the date established by it.
3. Decisions of the Constitutional Court shall enter into force from the day of their adoption, shall be binding on the entire territory of the Republic, final and shall not be subject to appeal.

## Section VII. Courts and Justice. Prosecutor's office. Commissioner for Human Rights

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### Article 75

- Jury trials required
- Establishment of administrative courts
- Structure of the courts
- Municipal government

1. Justice in the Republic of Kazakhstan shall be exercised only by the court.
2. Judicial power shall be exercised through the constitutional, civil, administrative, criminal and other forms of judicial procedure as established by law. In cases, stipulated by law, criminal procedure shall be carried out with participation of jurors.
3. The courts of the Republic shall be the Supreme Court of the Republic, local and other courts of the Republic established by law.
4. The judicial system of the Republic shall be established by the Constitution of the Republic and the constitutional law. The establishment of special and extraordinary courts under any name shall not be allowed.

### Article 76

- International law
- International law

1. Judicial power shall be exercised on behalf of the Republic of Kazakhstan and shall be intended to protect the rights, freedoms, and legal interests of the citizens and organizations for ensuring the observance of the Constitution, laws, other regulatory legal acts, and shall ensure international treaties of the Republic.
2. Judicial power shall be extended to all cases and disputes arising on the basis of this Constitution, laws, other regulatory legal acts, international treaties of the Republic.
3. Decisions, sentences and other judgments of courts shall have an obligatory force on the entire territory of the Republic.

### Article 77

- Judicial independence
- Presumption of innocence in trials
- Prohibition of double jeopardy
- Protection from ex post facto laws

1. A judge when executing justice shall be independent and subordinate only to the Constitution and the law.
2. Any interference in the activity of the court in the exercise of justice shall be inadmissible and accountable by the law. Judges shall not be held accountable with regard to specific cases.
3. In application of law judge must be guided by the following principles:
  1. person shall be considered to be innocent of committing crime until his guilt is established by court's sentence that has come into force;
  2. no one may be subject twice to criminal or administrative prosecution for one and the same offense;
  3. no one may have his jurisdiction, as stipulated by law changed without his consent;
  4. everyone shall have the right to be heard in court;
  5. the laws establishing or intensifying liability, imposing new responsibilities on the citizens or deteriorating their conditions shall have no retroactive force. If after the commitment of an offense accountability for it is canceled by law or reduced, the new law shall be applied;

- Protection from self-incrimination

3.
  6. the accused shall not be obligated to prove his innocence;
  7. no person shall be compelled to give testimony against oneself, one's spouse and close relatives whose circle is determined by law. The clergy shall not be obligated to testify against those who confided in them with some information at confession;
  8. any doubts of person's guilt shall be interpreted in the favor of the accused;
  9. evidence obtained by illegal means shall have no juridical force. No person may be sentenced on the basis of his own admission of guilt;
  10. application of the criminal law by analogy shall not be allowed.
4. The principles of justice established by the Constitution shall be common and uniform for all courts and judges in the Republic.

- Regulation of evidence collection

- Constitutionality of legislation

## Article 78

Courts shall not be entitled to apply the laws and other normative legal acts that infringe on the rights and freedoms of a human and a citizen enshrined in the Constitution. If the court sees that a law or other normative legal act to be applied infringes on the rights and freedoms of a human and a citizen enshrined in the Constitution, it shall be obliged to suspend the proceedings and apply to the Constitutional Court with a motion to recognize this act as unconstitutional.

## Article 79

- Judicial independence
- Supreme/ordinary court judge removal

1. Courts shall consist of permanent judges whose independence shall be protected by the Constitution and law. judge's powers may be terminated or suspended exclusively on the grounds established by law.
2. A judge may not be arrested, subject to detention, measures of administrative punishment, imposed by court of law, arraigned on criminal charge without the consent of the President of the Republic of Kazakhstan based on conclusion of the Highest Judicial Council of the Republic or in case stipulated by paragraph 3) of Article 55 of the Constitution; without the consent of Senate except for the cases of being apprehended on the scene of crime or committing grave crimes.
3. The criteria applying to the judges of the courts of the Republic shall be determined by constitutional law.
4. The office of judge shall be incompatible with deputy's mandate, holding other paid offices except teaching, research or other creative activity engaging in other entrepreneurial activity, or being member of managing body or supervisory board of commercial enterprise.

- Establishment of judicial council

- Eligibility for supreme court judges
- Eligibility for ordinary court judges

## Article 80

Financing of courts, provision of judges with housing shall be performed from the republican budget and must ensure the possibility of complete and free exercise of justice.

- Structure of the courts

## Article 81

The Supreme Court of the Republic of Kazakhstan is the highest judicial body for civil, criminal and other cases examinable by local and other courts in cases stipulated by law and shall consider legal cases within its jurisdiction and provide interpretations on judicial practice.

- Establishment of judicial council

## 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.

- Supreme court selection

- Ordinary court selection

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 Chairman of the Supreme Judicial Council shall be appointed by the President of the Republic with the consent of the Senate of the Parliament.
5. The status, procedure for the formation of the composition and organization of the work of the Supreme Judicial Council shall be determined by law.

- Attorney general

## 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 for the activities of the Prosecutor's Office of the Republic shall be determined by the constitutional law.

- Ombudsman

## Article 83-1

1. The Commissioner for Human Rights in the Republic of Kazakhstan shall contribute to the restoration of violated rights and freedoms of a human and a citizen, promote the rights and freedoms of a human and a citizen.
2. When exercising his/her powers, the Commissioner for Human Rights shall be independent and not accountable to state bodies and officials.
3. During the term of his/her powers, the Commissioner for Human Rights may not be arrested, brought to justice, subjected to administrative penalties imposed in court, brought to criminal responsibility without the consent of the Senate, except for cases of detention at the scene of a crime or serious crimes.
4. The legal status and organization of activities of the Commissioner for Human Rights shall be determined by the constitutional law.

## Article 84

[Excluded by the Law of the Republic of Kazakhstan dated 21.05.2007 No. 254-III (shall be enforced from the date of its official publication).]

- Municipal government

## Section VIII. Local Public Administration and Self-Administration

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### Article 85

Local public administration shall be exercised by local representative and executive bodies which are responsible for the state of affairs of the respective territory.

## Article 86

1. Local representative bodies - maslikhats - shall express the will of the population of respective administrative-territorial units and with regard to the common public interests shall determine the measures needed for its realization, and control their implementation.
2. Maslikhats shall be elected by the population on the basis of universal, equal suffrage under secret ballot for a five-year term.
3. A deputy of maslikhat may be citizen of the Republic of Kazakhstan who has reached twenty years of age. Citizen of the Republic may be deputy of only one maslikhat.
4. The jurisdiction of maslikhats shall include:
  1. approval of plans, economic and social programs for development of the territory, local budget and reports of their performance;
  2. decision of issues of local administrative-territorial organization in their jurisdiction;
  3. consideration of reports by heads of local executive bodies on the issues delegated by law to the jurisdiction of maslikhat;
  4. formation of standing commissions and other working bodies of maslikhat, hearing reports about their activity, decision of other issues connected with organization of the work of maslikhat;
  5. exercise other authorities for insuring of the rights and legitimate interests of citizens in accordance with the legislation of the Republic.
5. The powers of a maslikhat shall be prematurely terminated by the President of the Republic after consultation with the Prime Minister and the Chairpersons of Chambers of the Parliament, and also in the case of the adoption of a decision about self-dissolution.
6. The jurisdiction of maslikhats, procedure of their organization and activity, and legal status of their deputies shall be established by law.

## 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 shall be appointed by the President of the Republic with the consent of deputies of maslikhats located on the territory of the region, or deputies of maslikhats of cities of republican significance and the capital, respectively.

The President of the Republic shall propose at least two candidates for which a vote is held. The candidate who received the most votes of the deputies of the maslikhats, taken part in the voting shall be considered to have received consent.

Akims of other administrative-territorial units shall be appointed or elected to the position, as well as dismissed from the position in the manner prescribed by law. The President of the Republic shall have the right, at his/her own discretion, to dismiss akims of regions, cities of republican significance and the capital.

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, by a majority vote of the total number of its deputies shall have the right to express no confidence in the akim and raise the issue of his/her dismissal from the position, respectively, before the President of the Republic in relation to akims of regions, cities of republican significance and the capital, or by a higher akim in relation to akims of other administrative-territorial units. 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.

## 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 cancelled, respectively, by the Government of the Republic of Kazakhstan or a higher akim, as well as in a judicial proceeding.

- National vs subnational laws
- Federal review of subnational legislation

## Article 89

1. In the Republic of Kazakhstan, local self-administration which ensures that the issues of local significance shall be resolved independently by the population, shall be recognized.
2. Local self-administration shall be exercised by the population directly as well as through maslikhats and other bodies of local self-administration in local communities, covering the territories, on which groups of the population live compactly. The realization of state functions shall be delegated to local self-administration according to the law.
3. The organization and the activity of local self-administration shall be regulated by the law.
4. The independence of the bodies of local self-administration shall be guaranteed within the limits of their powers established by law.

- Transitional provisions

## Section IX. Concluding and Transitional Provisions

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### Article 90

1. The Constitution of the Republic of Kazakhstan adopted at an all-nation referendum shall come into effect from the day of official publication of the results of the referendum with the simultaneous termination of the functioning of the previously adopted Constitution of the Republic of Kazakhstan.
2. The day of adoption of the Constitution at the all-nation referendum shall be proclaimed national holiday the Constitution Day of the Republic of Kazakhstan.

- Constitution amendment procedure

### 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

- Referenda

- Unamendable provisions
  - Referenda
1. 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, the unitarity and territorial integrity of the Republic, the form of its government, the fundamental principles of the activities of the Republic, established by the Constitution, the provisions that the President of the Republic is elected for a term of seven years and the same person may not be elected President of the Republic more than once, shall be unchanged.
  3. Amendments and additions to the Constitution of the Republic shall be submitted to a republican referendum or to the consideration of the Parliament of the Republic if there is a conclusion of the Constitutional Court on their compliance with the requirements established by paragraph 2 of this article.

## Article 92

1. The constitutional laws must be adopted within year from the day of enactment of the Constitution. If the laws called constitutional in the Constitution or the acts having the force thereof have been adopted by the moment of enactment of the Constitution, they are brought into accordance with the Constitution and deemed to be the constitutional laws of the Republic of Kazakhstan.
2. Other laws named in the Constitution must be adopted according to the procedure and within the terms determined by the Parliament but no later than two years after the enactment of the Constitution.
3. The decrees of the President of the Republic published within the term of his exercise of additional powers in accordance with the law of the Republic of Kazakhstan from December 10, 1993 "On Temporary Delegation of Additional Powers to the President of the Republic of Kazakhstan and Heads of Local Administration" and having the force of law shall attain the force of law and may be altered, amended or annulled according to the procedure stipulated for alteration, amendment or annulment of the laws of the Republic. The decrees of the President of the Republic published within term he exercises additional powers on the issues stipulated by paragraphs 12-15, 18 and 20 of article 64 of the Constitution of the Republic of Kazakhstan adopted on January 28, 1993 shall not be subject to approval by Parliament of the Republic.
4. The legislation of the Republic of Kazakhstan functioning at the moment of enactment of this Constitution shall be applied in the part that does not contradict it and within two years from the day of the adoption of the Constitution must be brought into accordance with it.

## Article 93

With the purpose of implementation of article of the Constitution, the Government, local representative and executive bodies must create all necessary organizational, material and technical conditions for fluent and free-of-charge mastery of the state language by all citizens of the Republic of Kazakhstan in accordance with special law.

## Article 94

- Referenda

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.

- Deputy executive

## Article 94-1

Position of paragraph 1 of article 41 of the Constitution, defining a term of powers of the President of the Republic, shall be applied to the person who will be elected by the President of the Republic following the results of presidential election spent in connection with the expiration of a seven-year term of powers of the President of the Republic, elected in the elections on December 4th 2005.

## Article 94-2

The provision of Paragraph 5 of Article 42 of the Constitution shall apply to persons elected President of the Republic following the results of presidential elections held after the entry into effect of this norm of the Constitution.

The provision of Paragraph 5 of Article 42 of the Constitution shall apply to persons elected President of the Republic following the results of presidential elections held after the entry into effect of this norm of the Constitution.

## 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.

## Article 96

The Cabinet of Ministers of the Republic of Kazakhstan from the day of enactment of this Constitution shall acquire the rights, obligations and responsibility of the Government of the Republic of Kazakhstan.

## 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 of the Republic for a period of six years.

## Article 98

1. The justice and investigation bodies stipulated by this Constitution shall be formed according to the procedure and within the terms stipulated by the respective laws. The functioning juridical and inquiry bodies shall retain their powers until new bodies are formed.
2. Judges of the Supreme Court and the Highest Arbitration Court and local courts of the Republic of Kazakhstan shall retain their powers until the formation of courts, as stipulated by the Constitution. Vacant offices of judges shall be filled according to the procedure, established by the Constitution.

## Article 99

1. Until the formation of the Constitutional Court and the Supreme Audit Chamber, the chairmen and members of the Constitutional Council and the Accounts Committee for Control over the Execution of the Republican Budget shall retain their powers.

Until the formation of the Constitutional Court, the functions of the Constitutional Court, provided for in paragraphs 1 and 2 of Article 72 of the Constitution, shall be carried out by the Constitutional Council.

2. Normative resolutions of the Constitutional Council shall be applied to the extent that they do not contradict the Constitution until they are reviewed by the Constitutional Court.
3. The provisions of the Constitution of the Republic of Kazakhstan on the formation of the Chambers of the Parliament shall apply starting from the elections of deputies of the Mazhilis of the Parliament of the eighth convocation.

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