

ON INTRODUCING AMENDMENTS AND ADDITIONS TO THE CONSTITUTION OF THE REPUBLIC OF KAZAKHSTAN

Unofficial translation

The Law of the Republic of Kazakhstan dated March 10, 2017 No. 51-VI 3PK.

Article 1. The following amendments and supplements shall be introduced to the Constitution of the Republic of Kazakhstan adopted at the republican referendum on August 30, 1995 (Gazette of the Parliament of the Republic of Kazakhstan, 1996, No. 4, Article 217, 1998, No. 20, Article 245, 2007, No. 10, Article 68; 2011, No. 3, Article 29):

1. Article 2 shall be supplemented with paragraph 3-1 as follows:

"3-1 A special legal regime in the financial sphere may be established within the city of Astana in accordance with the constitutional law."

2. Paragraph 3 of Article 4 shall be amended as follows:

"3. International treaties ratified by the Republic shall have priority over its laws. The procedure and conditions of the application in the territory of the Republic of Kazakhstan of international treaties to which Kazakhstan is a party are determined by the legislation of the Republic."

3. Paragraph 2 of Article 10 shall be amended as follows:

"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."

4. In Article 39:

1) Paragraph 2 shall be supplemented with the words "and inter-confessional" after the word "interethnic";

2) Paragraph 3 shall be amended as follows:

"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."

5. Paragraph 2 of Article 41 shall be amended as follows:

"2. A citizen of the Republic by birth who is not younger than forty, has a perfect command of the state language, has lived in Kazakhstan for not less than fifteen years and has higher education may be eligible for the office of the President of the Republic of Kazakhstan . The Constitutional Law may establish additional requirements for presidential candidates."

6. In Article 44:

1) subparagraph 3) shall be amended as follows:

"3) after consultation with the factions of political parties represented in the Majilis of the Parliament, submit to the Majilis for consent the candidacy of the Prime Minister; appoint a Prime Minister of the Republic with the consent of the Majilis of the Parliament; release a Prime-Minister from office; as proposed by the Prime Minister define the structure of the Government; appoint members of the Government as proposed by the Prime-Minister followed by consultation with the Majilis of the Parliament; independently appoint ministers of foreign affairs and defence, and internal affairs; dismisses members of the Government; receive the oath of members of the Government; preside at meetings of the Government on crucial matters if necessary; annul or suspend entirely or in part acts of akims of oblasts, cities of national significance and the capital;"

2) subparagraphs 8) and 9) shall be excluded;

3) subparagraph 10-1) shall be added as follows:

"10-1) in order to protect the rights and freedoms of an individual and citizen, ensure national security, sovereignty and integrity of the state, sends a request to the Constitutional Council to consider if an enacted law or other legal act is in conformity with the Constitution of the Republic, to issue an opinion in a case specified in paragraph 3 of Article 91 of the Constitution of the Republic of Kazakhstan;"

4) Subparagraph 18) shall be amended as follows:

"18) forms State Security Service subordinate to him;"

7. Subparagraph 2 of the Article 45 shall be excluded.

8. Paragraph 1 of Article 49 shall be amended as follows:

"1. Parliament of the Republic of Kazakhstan is the highest representative body of the Republic performing legislative functions."

9. Subparagraph 3) of the Article 53 shall be excluded.

10. Article 55 shall be supplemented with subparagraph 1-1) as follows:

"1-1) Election for a term of five years and dismissal of the Commissioner for Human Rights in the Republic of Kazakhstan pursuant to the proposal of the President of the Republic of Kazakhstan;"

11. Subparagraph 6) of Article 57 shall be amended as follows:

"6) have the right to hear reports of the members of the Government of the Republic concerning their activities at the initiative of no less than one-third of the total number of the deputies of the Chambers. Following the results of the hearing of the report by a majority of no less than two-thirds of the total number of the deputies of the Chambers have the right to accept the request to the President of the Republic of Kazakhstan about the dismissal of a member of the Government from office in the case of failure to comply with the laws of the Republic. In this case, the President of the Republic shall dismiss a member of the Government from office;"

12. Paragraph 2 of Article 61 shall be amended as follows:

"2. The President of the Republic of Kazakhstan shall have the right to determine the priority for the consideration of draft laws, meaning that the relevant draft laws should be adopted as a matter of priority within two months."

13. Paragraph 2 of Article 64 shall be amended as follows:

"2. The Government is a collegial body and in its activity is responsible to the President of the Republic and the Parliament."

14. In Article 66:

1) subparagraph 1) shall be amended as follows:

"1) develop the main directions of socio-economic policy of the state, its defense capability, security, guarantee of public order and organize their realization; in agreement with the President of the Republic approves state programs and ensures their implementation;";

2) subparagraph 8) shall be excluded;

3) subparagraph 9-1) shall be added as follows:

"9-1) approve a unified system of financing and labor payment for all bodies financed by the state budget of the Republic in agreement with the President of the Republic;"

15. Subparagraph 4) of Article 67 shall be supplemented with the words "and the Parliament" after the words "reports to the President".

16. Paragraph 1 of Article 70 shall be amended as follows:

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

17. Paragraph 2 of Article 72 shall be amended as follows:

"2. The Constitutional Council shall consider requests of the President of the Republic in cases set forth in subparagraph 10-1) of Article 44 of the Constitution, as well as inquiries of the courts in cases established by Article 78 of the Constitution."

18. Paragraph 4 of Article 73 shall be excluded.

19. Paragraph 2 of Article 74 shall be amended as follows:

"2. Laws and other regulatory legal acts that are recognized as unconstitutional, including those infringing the rights and freedoms of an individual and citizen provided for by the Constitution are subject to cancellation and shall not be in effect."

20. Paragraph 3 of Article 79 shall be amended as follows:

"3. The criteria applying to the judges of the courts of the Republic shall be determined by constitutional law."

21. Article 81 shall be amended as follows:

"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."

22. Paragraph 1 of Article 83 shall be amended as follows:

"1. Within the limits and forms stipulated by law the prosecutor's office on behalf of the state shall exercise the highest supervision over observance of the law in the Republic of Kazakhstan, represent the state's interests in courts and conduct criminal prosecutions on behalf of the state."

23. Paragraph 5 of Article 86 shall be amended as follows:

"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."

24. In paragraph 4 of Article 87 the second sentence shall be amended as follows:

"Akims of other administrative-territorial units shall be appointed or elected to office and dismissed in the manner determined by law."

25. In Article 91:

1) paragraph 2 shall be amended as follows:

"2. The independence of the state, the unitary status and territorial integrity of the Republic, the forms of government, as well as the fundamental principles of the Republic laid down by the Founder of independent Kazakhstan, the First President of the Republic of Kazakhstan - Elbasy, and his status established by the Constitution may not be changed .";

2) paragraph 3 shall be added as follows:

"3. Amendments and supplements to the Constitution of the Republic shall be submitted to the republican referendum or for consideration of the Parliament of the Republic provided that there is an opinion of the Constitutional Council on their compliance with the requirements stipulated in paragraph 2 of this Article."

Article 2. State bodies and officials of the Republic of Kazakhstan, established, elected, appointed in accordance with the Constitution and legislation of the Republic of Kazakhstan, shall retain their authority on the day this law enters into force until expiration of the term of office of the bodies and officials of the Republic for which they were established, elected or appointed, or until termination of their powers in the order established by the Constitution and the legislation of the Republic.

Article 3. This Law shall come into force from the date of its first official publication.

President of the Republic of Kazakhstan

N. Nazarbayev