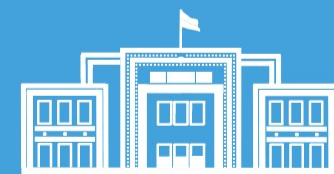


# CONSTITUTIONAL COURT OF THE REPUBLIC OF KAZAKHSTAN



CONSTITUTIONAL COURT OF THE  
REPUBLIC OF KAZAKHSTAN

## The 1990s:

- Elected at the session of the Supreme Council on July 2 , 1992
- After the adoption of the Constitution in 1995 and the establishment of the Constitutional Council of the Republic of Kazakhstan (by October 1995)

## The 2023:

- The Constitutional Court of the Republic of Kazakhstan on the results of the constitutional referendum of 2022
- It began to operate on January 1, 2023
- Composition – 11 judges



**World Conference on Constitutional Justice**  
*(121 members, participation since 2013)*



**Association of Asian constitutional courts and equivalent institutions**  
*(21 members, participation since 2013)*



**the Venice Commission of the Council of Europe**  
*(61 members, participation since 2012)*



**Eurasian Association of Constitutional Review Bodies**  
*(9 members, participation since 1997)*

**Memorandums on international cooperation signed with** the Constitutional Courts of the Republic of Indonesia, the Hashemite Kingdom of Jordan, the Russian Federation, the Republic of Turkey, the Arab Republic of Egypt

## APPLICANTS/SUBJECTS OF APPEAL:

- **PRESIDENT**

- **CHAIRPERSON OF THE SENATE**

- **CHAIRPERSON OF THE MAZHILIS**

- **DEPUTIES OF THE PARLIAMENT  
(at least one fifth of its total membership)**

- **PRIME MINISTER**

- **CITIZENS**

- **COMMISSIONER FOR HUMAN RIGHTS**

- **PROSECUTOR GENERAL**

- **COURTS (representatives)**

# MAIN FEATURES:



CONSTITUTIONAL COURT  
OF THE REPUBLIC OF KAZAKHSTAN

- 1. MISSION - ENSURING THE SUPREMACY OF THE CONSTITUTION THROUGHOUT THE TERRITORY OF THE REPUBLIC OF KAZAKHSTAN**
- 2. INDEPENDENT**
- 3. SEPARATE FROM THE COURT SYSTEM AND DOES NOT REVIEW JUDICIAL ACTS**
- 4. FOR LEGAL ISSUES ONLY AND DOES NOT ASSESS THE ACTUAL CIRCUMSTANCES THAT GAVE RISE TO THE APPEAL**

# CONDITIONS AND PRINCIPLES OF THE CONSTITUTIONAL PROCEEDINGS

## PRINCIPLES

- **supremacy of the Constitution**
- **comprehensive and complete objective research**
- **collegiality**
- **publicity (exception: state secrets and other protected secrets)**
- **equality of participants**
- **language of the proceedings is Kazakh (state language), when needed translation should be provided, including into sign language**

## CONDITIONS

- **suspension of proceedings - force majeure and other cases**
- **recording/meeting minutes during sessions of the Constitutional Court**
- **termination of proceedings is possible at any stage (at the request of the applicant, cancellation or invalidation of the legal act, lack of jurisdiction of the appeal made, adoption of the final decision of the Constitutional Court (on another appeal on a similar issue))**
- **state duty in the amount of 1 MCI (from January 1, 2024)**
- **hard copy and electronic formats**

## PRELIMINARY CONSTITUTIONAL CONTROL

### The proper conduct of:

- the election of the President, Members of Parliament
- a republican referendum

### Considers for compliance with the Constitution:

- the laws adopted by the Parliament, before they are signed by the President
- the international treaties of the Republic, before ratification

### Gives an official interpretation of the norms of the Constitution:

- the opinions on draft amendments to the Constitution and other cases in accordance with Article 47, paragraphs 1,2 of the Constitution

## THE SUBSEQUENT CONSTITUTIONAL CONTROL:

### SUBSEQUENT CONSTITUTIONAL CONTROL:

The constitutionality of laws and other normative legal acts and their individual provisions.

### THE RESULTS OF GENERALIZATION OF THE CONSTITUTIONAL PROCEEDINGS PRACTICE:

Annually direct a message to the Parliament on the state of constitutional legality in the Republic of Kazakhstan

# DECISIONS ON THE CONSTITUTIONALITY OF LAWS AND OTHER REGULATORY LEGAL ACTS

on the recognition of the legal act or its provisions to be consistent with the Constitution

on the recognition of the legal act or its provisions to be consistent with the Constitution as interpreted by the Constitutional Court

on the recognition of the legal act or its provisions being not consistent with the Constitution

## Additional decision by the Constitutional Court:

- on the recognition
- on editorial errors or compliance with the content, meaning and purpose of the decision of the Constitutional Court
- on correcting inaccuracies

## Review of the decision:

- changes in the Constitution
- new essential circumstances

## Dissenting opinion of Judge:

- written, attached to the materials of the constitutional proceedings, is not subject to public disclosure



## EXECUTION OF DECISIONS MADE BY THE CONSTITUTIONAL COURT

- ✓ **Regulatory resolutions shall take effect from the date of their adoption, are generally binding throughout the territory final and not subject to appeal**
- ✓ **In the case of the necessity in adoption of legislative and other measures to eliminate gaps and contradictions in legal regulation, the authorised stated bodies no later than 6 month after the publication of the Constitutional Court decision shall introduce a draft relevant law to the Mazhilis in order to ensure adoption of other legal acts, unless otherwise provided by the Constitutional Court.**
- ✓ **The final decisions of the Constitutional Court shall be directed within five working days after the decision adoption to the applicants of their representatives, the President, the chambers of the Parliament, the Supreme Court, the Prosecutor General, the Minister of Justice**
- ✓ **Decisions of the Constitutional Court are published in Kazakh and Russian languages on legal information platform, in the mass media (Yegemen Qazaqstan and Kazakhstanskaya Pravda newspapers), and on the website of the Constitutional Court**

# CITIZENS' APPEALS IN THE CONTEXT OF REGIONS

A total of 3500 as of 6 months of 2023



# THE NATURE OF THE ISSUES IN THE APPEALS

**Disagreement with court decisions - 1272 or 41 %**

**on criminal cases - 788**  
**on civil cases - 391**  
**on administrative cases - 93**

**Pension issues - 31**

**Issues of access to information - 103**

**Compliance with labor legislation - 51**

**Issues of the penal enforcement system - 50**

**On election - 36**

**explanation of legal norms - 69**

**About personal reception - 31**

**On the recognition of the normative legal acts unconstitutional - 802 or 26%**

**Social security issues - 43**

**Complaints on the actions of judges- 126**

**Issues of pre-trial investigation - 63**

**Complaints against law enforcement officers - 60**

**Housing legislation issues - 26**

**Issues of non-execution of judicial acts - 22**

**Issues of bankruptcy of individuals - 17**

**Others - 236**

# 23

Normative decisions

# 128

under review

# 34

on preliminary  
consideration

the amount of the state fee for citizens at the stage of appeal to the Supreme Court in the context of access to justice

about the lifelong deprivation of the right to enter the civil service

pension payments for former military personnel

conditions of restriction of freedom in the form of house arrest, as well as serving a sentence of life imprisonment

use of a person's image in the media without one's consent

lack of a mechanism for appealing decisions of the Commission on the Quality of justice or a Judicial jury

proportionality of criminal liability for individuals for transportation, purchase, sale, storage of oil and petroleum products, as well as oil refining

ratio of payment of a fine in the order of abbreviated proceedings and the possibility of reviewing decisions on administrative offenses under newly discovered circumstances

proportionality of lifetime restrictions on admission to public service for persons who have been brought to disciplinary responsibility for three years, and persons against whom a guilty verdict has been passed within for the same period of time

infringement of the constitutional right to protection within the framework of the Criminal Procedure Code of the Republic of Kazakhstan

infringement of the constitutional rights of a person and a citizen to access to justice

## At public expense:

- The State-guaranteed legal aid for socially vulnerable citizens (persons with disabilities, older people, etc.)
- Provision an interpreter from/to the national and official languages, in sign language
- Foreigners, stateless persons, and refugees have equal access to constitutional proceedings

