

[KG] New Constitution Adopted

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On 8 November 2006 *Jogorku Kenesh* (the Parliament) of the Kyrgyz Republic adopted the new version of the Constitution of the Kyrgyz Republic, and the next day the Constitution was signed by the President, K. Bakiev, and entered into force. The new Constitution was officially published in the official daily *Erkin-Too* on 6 December 2006.

The Constitution consists of 9 chapters and 101 articles. The second chapter of the Constitution is devoted to human rights and freedoms. Among the democratic rights enumerated in Article 14 of the Constitution are the rights to seek, hold, use and impart information orally, in writing or by any other means. According to part 6 of Article 14, everybody has the right to freedom of ideas, speech and press, the right to unimpeded expression of ideas and views. No-one can be forced to express their views and ideas. According to part 2 of Article 18 the constitutional human rights and freedoms can only be limited by the Constitution itself or by a statute, and only in cases when such limitations are aimed at guaranteeing the rights and freedoms of others, guaranteeing public safety and order, territorial integrity, and defense of the constitutional order.

Apart from the human rights and freedoms chapter, other sections of the new Constitution contain several peculiar provisions about legal regulation of the activity of the mass media. Part 6 of Article 65 forbids the parliament to adopt a statute, which would limit freedom of speech and of the press. The general meaning of this norm is close to the provision of the First Amendment of the Constitution of the United States of America which states that "Congress shall make no law ... abridging the freedom of speech, or of the press...". This provision of part 6 of Article 65 does not comply with part 2 of Article 18, which permits the imposition of restraints on human rights only by a statute.

Surprisingly, the new Constitution does not contain provisions prohibiting censorship, although the previous one adopted on 5 May 1993 did prohibit censorship in part 10 of its Article 16.

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http://www.president.kg/docs/const_2006rv/

Constitution of Kyrgyz Republic

