

Aide-memoire

On May 21, 2007 the President of the Republic of Kazakhstan signed a Law amending the Constitution. These changes are based on the proposals of the State Commission on Democratization and enlarge the powers of the Parliament, raise the role of political parties, thus transforming Kazakhstan from presidential into presidential-parliamentary republic.

The main changes are as follows:

- death penalty is positioned by the Law as an exceptional punishment for those who committed terrorist acts resulting in death of people which are equal to the most serious crimes committed during war time. Persons convicted to capital punishment can suit for expungement by pardon. This provision is in accordance with the Paragraph 1 of the Article 2 of the Second Optional Protocol to the International Covenant on Civil and Political Rights;
- President's term in office is reduced from 7 to 5 years;
- The term on the members of the Lower House of the Parliament (Majilis) is increased from 4 to 5 years;
- The number of the MP's is increased by 30 (up to 107) in the Majilis and by 8 (up to 47) in the upper house – the Senate;
- 98 members of the Majilis will be elected in accordance with the proportional electoral system (party lists), 9 – by the Assembly of the People of Kazakhstan in order to take into account the interests of the major ethnic groups;
- Several members of the Senate will also represent the Assembly of the People of Kazakhstan;
- The Senate is empowered to adopt laws in the period of temporal absence of the Majilis or due to termination of its tenure;
- the Prime-Minister is appointed by the President after consultations with political fractions of the Parliament and upon approval by the majority of the members of the Mazhilis. The Prime-Minister shall represent the political party having majority in the Parliament;
- To give the Government a vote of no-confidence, it will be sufficient for the Majilis to have a simple majority of votes compared to the previously required two thirds of votes;
- The right to sanction arrest is vested by the Constitution to courts only, i.e. Prosecutor Office is deprived of this function;
- The constitutional prohibition of state funding of public associations is abolished what envisages partial financing of political parties by the state;
- The term of local self-governance bodies (Maslikhats) is increased up to 5 years which would enhance stability of local athorities and strengthen the basis of self governance;
- Akims (governors, mayors) of regions, large cities, the capital as well as Akims of other levels will be appointed after their approval by the respective Maslikhats;
- The procedure for Maslikhats' to express no confidence in an Akim is simplified – it will require a simple majority of votes compared to the previously required two thirds of votes.