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**The Constitutional Chamber of the Kyrgyz Republic as a  
Guardian of fundamental rights**

**Ladies and gentlemen!**

**Dear Zuhtu ARSLAN,**

First of all, allow me to greet all participants of the conference and to congratulate the Constitutional Court of the Republic of Turkey on its 55th anniversary on behalf of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic. I would like to express gratitude to the organizers for the invitation to participate and the opportunity to speak at such a significant event, which is an important platform for the exchange of experience between the bodies of constitutional control.

Undoubtedly, the theme of the conference is very relevant as ensuring constitutional legitimacy is the most important requirement for existence and development of any democratic constitutional state where human rights and freedoms are recognized and guaranteed.

History has shown that declaration of the human and citizen rights and freedoms without a clear legal mechanism for their provision and protection does not give these rights and freedoms opportunities for implementation.

The Kyrgyz Republic is not an exception and recognizes the need to create and strengthen a full-fledged effective system for the protection of human and citizen's rights.

The Constitutional Chamber is one of the institutions that protects human rights and freedoms of citizens through ensuring constitutional justice.

The protection of human rights and freedoms by the Constitutional Chamber is

implemented through normative control. We assess compliance of the disputed norm with the legal act of the highest legal force - the Constitution.

The Constitution of the Kyrgyz Republic grants everyone the right to challenge the constitutionality of the law or any other normative legal act if they consider that those acts violate the rights and freedoms recognized by the Constitution. However, the Constitution does not connect this action with the direct violation of the rights and freedoms of the treated subject. This type of constitutional control, called abstract, pursues the goal of ensuring compliance with the Constitution and its provisions governing human rights and freedoms in the process of adopting normative and legal acts by the rulemaking body.

Undoubtedly, this abstract type of control has given more citizens the opportunity to protect their rights through constitutional justice. An analysis of appeals submitted to the Constitutional Chamber shows that the number of applications from citizens whose rights were not directly affected by the disputed acts is half of all the appeals to the Constitutional Chamber.

The review of the decisions made by the Constitutional Chamber shows that most of the cases examined since its foundation are related to the protection of fundamental human rights and freedoms.

In particular, there are decisions aimed at protecting the right to freedom of religion. The Constitutional Chamber expressed its legal position on this issue and pointed out that everyone has the right to freedom of thought, conscience and religion, and a person or group of persons professing a particular religion should not be in a preferential position in comparison with representatives of another religion.

While defending the right to freedom of expression, freedom of speech and free press, the Constitutional Chamber pointed out that the Constitution of the Kyrgyz Republic considers the right to freedom of expression, freedom of speech and free press a single and inseparable right to think freely and express oneself in words without fear of prosecution by the state. At the same time noting that such a right should be implemented

responsibly and to the extent when it does not violate the rights and freedoms of other persons established by the Constitution of the Kyrgyz Republic.

On the right to freedom of association, the Constitutional Chamber indicated that it includes the right to become a member of an association without obtaining any special permission from the state body.

The peculiarity of the right to association includes not only the complete freedom of expression of the will of citizens to unite, but also such inalienable components as the opportunity to independently define goals and objectives, work out ways to solve them, and many other signs based on independency.

On several aspects of the right to judicial protection, the Constitutional Chamber has repeatedly stated its position. In particular, in one of its decisions it was stated that persons in relation to which criminal cases were initiated have the right to appeal against the investigator's decision to initiate criminal proceedings. At the same time, the court must find out, first of all, whether the investigator has followed the procedure for issuing the decision, whether there are any grounds for initiating a criminal case, and if there are no circumstances precluding the proceedings.

I would like to draw your attention to the fact that, if the Constitutional Chamber recognizes the norms of the law as unconstitutional, the actions that are based on it and violate the constitutional rights and freedoms of citizens cease.

We understand that ensuring the supremacy of the Constitution and its direct effectiveness on the country's territory depends to a large extent on the quality of execution following the decisions made by the Constitutional Chamber, especially the decisions that indicate the presence of legal gaps in legal regulation. The first positive trend is that legislators and law enforcements take into account the decisions made by the Constitutional Chamber. This has a positive effect on the level of constitutional legality in the country and the provision of the rights and freedoms guaranteed by the Constitution.

In conclusion, I would like to restate that the protection and observance of the

basic rights of citizens is one of the most important duties of the state in which the Constitutional Chamber plays a significant role.

Thank you for your attention.