



Kyrgyz Voters Approve Strong Presidential System in Constitutional Referendum

April 21, 2021

On April 11, 2021, voters in the Kyrgyz Republic (Kyrgyzstan) approved a new constitution that returns the country to a system of strong presidential rule after 10 years as Central Asia's only parliamentary republic. According to [preliminary data](#), 79% voted in favor; turnout was 37%, meeting the 30% threshold for the referendum to be considered valid. While a strong presidency may appeal to Kyrgyz voters frustrated with the existing parliamentary system, international observers and Kyrgyz civil society activists warn that the new constitution may threaten Kyrgyzstan's democracy and move the country in a more [authoritarian](#) direction. Human Rights Watch [criticized](#) the document as “undermin[ing] human rights norms and weaken[ing] checks and balances necessary to prevent abuses of power.”

Background

Kyrgyzstan has long been considered the most democratic country in Central Asia, with a vibrant [civil society](#) and a higher degree of [press freedom](#) than found elsewhere in the region. Members of Congress and other U.S. policymakers previously voiced support for consolidating Kyrgyzstan's gains as Central Asia's only parliamentary democracy. Promoting a more inclusive and accountable democracy is a stated U.S. [goal](#) in Kyrgyzstan, one of 21 countries worldwide that participate in the [House Democracy Partnership](#). [Corruption](#) is pervasive, however, and political institutions remain weak. U.S. officials and others have [expressed](#) concerns about the [influence](#) of organized crime in Kyrgyz politics.

Kyrgyzstan plunged into political upheaval following disputed October 4, 2020, parliamentary elections that heavily favored two pro-establishment parties; one of them was reportedly financed by Raimbek Matraimov, a former high-ranking customs official [implicated](#) in a massive corruption scheme, while the other had close ties to then-President Sooronbai Jeenbekov. Opposition parties alleged widespread [irregularities](#), including vote-buying and voter intimidation; these assertions were deemed [credible](#) by international election observers. The country's Central Electoral Commission annulled the elections after mass protests broke out in the capital, Bishkek. Amid the resulting power vacuum, [Sadyr Japarov](#), a former member of parliament who had been serving a lengthy prison sentence on charges he maintains were politically motivated, quickly emerged as the leading contender for interim prime minister, a post he assumed on October 14; he also became acting president on October 15, following Jeenbekov's

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resignation. Upon taking power, Japarov and his allies began to push for a constitutional referendum in order to return the country to a presidential form of government, [arguing](#) that Kyrgyzstan is not ready for parliamentarism. On January 10, 2021, Japarov [won](#) 79% of the vote in a snap presidential election that coincided with a [referendum](#) in which 81% of voters approved the transition to a presidential system. A [draft constitution](#) was submitted to the parliament on February 9 and approved in the April 11 vote.

New Constitution Raises Concerns

After Kyrgyzstan experienced revolutions in [2005](#) and in [2010](#) that ousted authoritarian-leaning presidents, a new constitution adopted in 2010 converted the country to a semi-parliamentary system in which the prime minister shared executive power with the president, who was limited to one six-year term. The 2021 constitution significantly bolsters presidential power at the expense of other branches of government, transferring several key parliamentary competencies to the executive and undermining judicial independence, and allows a president to serve two five-year terms. Once new elections are held, most likely by June 30, the size of the parliament will be reduced from 120 deputies to 90. One political scientist described the expansion of presidential powers as “[staggering](#).” A [joint opinion](#) issued by the Organization for Security and Cooperation in Europe (OSCE) and the European Commission for Democracy through Law (the Venice Commission) criticized the new constitution as “creat[ing] a real risk of undermining the separation of powers and the rule of law in the Kyrgyz Republic,” additionally noting that some provisions concerning human rights are not in line with international standards. Deputy Assistant Secretary of State for Central Asia Jonathan Henick [echoed](#) these concerns.

Legal experts have also voiced misgivings about the means by which the new constitution was adopted. The OSCE and the Venice Commission [expressed](#) “serious concerns due to lack of respect for the principles of rule of law and legality.” The sitting parliament’s term expired in October 2020, but deputies voted to extend their own mandates and suspend the law imposing a deadline for new elections, citing the need for constitutional reform. In the [assessment](#) of some Kyrgyz legal experts, this amounted to “flagrant and open violation of procedures for the adoption of new laws.” In November 2020, the Venice Commission issued an urgent amicus curiae [brief](#) arguing that the current parliament lacks legitimacy to introduce significant constitutional changes. Additionally, critics argue that the [process](#) was rushed and did not conform to mandated procedures, failing to allow for sufficient public consultation or parliamentary debate.

Frustrations Drive Desire for Change

Analysts [posit](#) that Kyrgyz voters may be [drawn](#) to a strong presidential system due to longstanding frustrations with corruption and the ineffectiveness of parliament. Freedom House [assesses](#) that in recent years Kyrgyzstan’s legislature “de facto surrendered its constitutionally granted power to form and control the executive branch ..., merely paying lip service to the declared goal of building a parliamentary democracy.” [Japarov](#) enjoys [widespread](#) popularity, and many in Kyrgyzstan support his [populist](#) platform. In a [poll](#) conducted by the International Republican Institute in February and March, 70% of respondents said the country is heading in the right direction, as opposed to 41% in August 2020. Nevertheless, some [argue](#) that the new constitution and the process by which it was adopted set the country up for future political instability.

While Japarov has [announced](#) his intention to combat crime and corruption, some analysts [speculate](#) that he has backing from organized crime leaders. U.S. officials and others have raised [concerns](#) about the handling of two criminal [cases](#) against Matraimov, whom the U.S. Treasury Department [added](#) to the Specially Designated Nationals List under Executive Order 13818, which implements the Global

Magnitsky Human Rights Accountability Act (Title XII, Subtitle F of P.L. 114-328), in December 2020. Matraimov was [released](#) from custody on April 15.

Author Information

Maria A. Blackwood
Analyst in Asian Policy

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