



United States Mission to the OSCE

On Constitutional Reform in Kyrgyzstan

As delivered by Acting Political Counselor Lane Darnell Bahl
to the Permanent Council, Vienna
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The United States welcomed the Kyrgyz Republic's outreach to the Office for Democratic Institutions and Human Rights (ODIHR) for an opinion on the Kyrgyz Republic's constitutional reform and appreciate ODIHR's joint work with the *Venice Commission* on the opinion.

A constitution is the framework and vision for a country's organization and future, a compact between the people and the government constituted to serve them. It should reflect the will and aspirations of its people. As such, the process of drafting and adoption of a constitution should be fair and inclusive. The United States is concerned about the repeated procedural irregularities in the drafting process and approval of the Kyrgyz constitution, including parliament's disregard of the ten-day mandatory period between readings of a law, as well as claims of intimidation and illegal proxy voting.

The United States took note of ODIHR and the *Venice Commission's* strong concerns about the overly prominent role of the President in relation to the executive branch, local administrations, and the judiciary. As the opinion makes clear, OSCE region countries adopt various systems of government. The United States has a presidential system, a similar model which the Kyrgyz Republic seeks to establish; however, the U.S. constitution defines three separate branches of government—the executive, the legislative, and the judiciary—each of which acts as a check on and balance to the others. This delineation fosters accountability and safeguards against abuse of power within a government. We encourage the Kyrgyz Republic, in line with ODIHR's and the *Venice Commission's* recommendations, to ensure separation of powers is maintained, inclusive of an independent judiciary. The role of the *kurultai* should also be defined in the constitution to clearly delineate the power and role of the Parliament.

Additionally, the report notes its concerns over "certain references to morals" and "ethical values as potential grounds for restricting human rights and fundamental freedoms." We share the concern these articles could be used to restrict the exercise of human rights, including those of members of minority groups and vulnerable communities, in a manner inconsistent with the Kyrgyz Republic's international obligations. We are also troubled by a draft constitutional provision that calls for financial transparency for political parties, trade unions, and public associations. We echo concerns from civil society—that without limits—the proposed provision could be used to silence opposition voices.

The ODIHR/*Venice Commission* report recommended removal of this provision from the constitution. The new constitution should ensure respect for democratic principles of government and for human rights and fundamental freedoms.

We encourage the Kyrgyz Republic to seriously consider ODIHR's and the *Venice Commission's* concerns and recommendations for improvement of the draft constitution. The United States reaffirms its support for the Kyrgyz Republic's democratic development.

Thank you, Madam Chair.

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