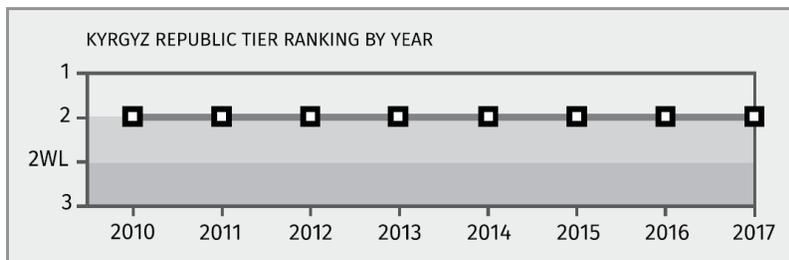


The 2017 Trafficking in Persons Report

KYRGYZ REPUBLIC: TIER 2

The Government of the Kyrgyz Republic (or Kyrgyzstan) does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Kyrgyz Republic remained on Tier 2. The government demonstrated increasing efforts during the reporting period by beginning to draft a new national action plan for 2017-2020 and passing amendments to bring the anti-trafficking article in its criminal code up to international standards. It worked to implement recommendations from a parliamentary committee that previously evaluated the government's anti-trafficking efforts, and the committee provided further evaluation and recommendations for improvements during the reporting period. The government approved criteria for victim identification, including measures to prevent unfair criminalization of victims, and created an inter-ministerial body to coordinate anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. The government largely relied on NGOs and international organizations to train law enforcement personnel, who continued to lack training on victim identification. It did not address alleged complicity in trafficking and trafficking related offenses, despite credible reports of serious and endemic corruption that contributes to trafficking and official complicity in detaining and exploiting trafficking victims.



RECOMMENDATIONS FOR KYRGYZ REPUBLIC

Vigorously investigate and prosecute government officials allegedly complicit in trafficking or who engage in abuse and exploitation of trafficking victims, and convict and punish those found guilty; investigate and prosecute suspected trafficking crimes, respecting due process, and convict and punish trafficking offenders, ensuring the majority of those convicted serve time in prison; enact legislation consistent with international law to ensure prosecuting the prostitution of minors does not require proof of force, fraud, or coercion; increase efforts to identify trafficking victims proactively among vulnerable groups, particularly persons in prostitution, and refer victims to protection services; approve and implement guidelines on victim identification and train officials on their use; implement child-sensitive investigation and prosecution procedures for cases in which children may be human trafficking victims; increase trafficking-specific training for law enforcement, including through contributing to efforts by international organizations to train police, prosecutors, and judges; ensure identified trafficking victims are exempt from punishment for unlawful acts committed as a direct result of being subjected to trafficking; and continue to contribute to NGOs providing assistance to victims.

PROSECUTION

The government maintained law enforcement efforts but did not address serious allegations of official complicity. Article 124 of the criminal code, entitled “Trafficking in Persons,” criminalizes both sex and labor trafficking of adults and children and covers a non-trafficking offense, “child adoption for commercial purposes.” Contrary to international law, article 124 requires the prosecutor to prove the offender used force, blackmail, fraud, deception, or abduction for cases of sex trafficking regardless of whether the victim is a child or adult. However, to address these deficiencies, the president signed into law an update to the existing criminal code that will bring article 124 in line with international standards during the reporting period but the government has not yet implemented the amendments. Article 124 prescribes penalties of five to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Prosecutors may also charge traffickers using article 260 for engaging a person in prostitution through the use of force or the threat of force or fraud, which is punishable by a fine or imprisonment of three to five years, or longer in the presence of aggravating circumstances. When the victim is a child aged 14-17 years, the penalty is five to 10 years imprisonment, and when the victim is younger than 14 years, the penalty is 10 to 15 years imprisonment. Article 261 criminalizes organizing others into prostitution or maintaining a brothel without the use or threat of physical violence, and imposes the same penalties for child victims as are set forth in article 260. Article 15 of the code on children prohibits forced child labor.

The government initiated eight trafficking investigations under article 124 in 2016, including five sex trafficking cases and two child forced labor cases; it is unknown whether the remaining case was sex or labor trafficking. In comparison, in 2015 the government conducted four trafficking investigations. Authorities did not report additional investigations under other articles that involved inducing minors into prostitution compared to 18 additional investigations in 2015. The prosecutor general’s office (PGO) initiated five prosecutions of criminal cases under article 124—two of the five for labor trafficking—involving an unknown number of suspects in 2016, compared with six cases involving an unknown number of suspects in 2015. In the five prosecuted criminal cases, involving nine victims of trafficking, the government convicted 10 offenders under article 124 in 2016, compared with four offenders convicted in two cases in 2015. The government did not report on sentences or whether the convicted offenders were sentenced to prison.

Advocates for victims reported there was a general lack of proactive investigation. Such advocates indicate police generally did not pursue investigations unless victims made a specific, well-supported complaint. During the reporting period, a national-level department in the Ministry of Internal Affairs (MVD) continued to oversee national anti-trafficking law enforcement efforts; however, a major restructuring of the MVD was ongoing and future staffing levels remained unknown. Despite the uncertainty, the unit developed criteria to identify victims and participated in interagency working groups. Civil society actors reported the need for systemic training for law enforcement, prosecutors, and judges, particularly on how to identify victims and work with them as witnesses. Authorities cooperated with civil society and foreign partners to train police, prosecutors, and judges; based on a 2016 MOU, an international organization and the government collaborated on a three-day training for 24 judges in January 2017 and a training for 23 prosecutors in February 2017. The Supreme Court and PGO provided trainers for both trainings.

Corruption continued to be a systemic problem in the Kyrgyz Republic. NGOs and international organizations reported law enforcement officials accepted bribes to drop cases and sometimes warned suspects prior to raids. Traffickers were reportedly also able to avoid punishment by offering victims payment to drop cases. The UN special rapporteur on the sale of children, child sex trafficking, and child pornography documented allegations of law enforcement officials’ complicity in human trafficking in a 2013 report; police officers allegedly threatened, extorted, and raped child sex trafficking victims.

However, the government has never investigated the allegations from this report, nor did it report the investigation, prosecution, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government maintained efforts to identify and assist trafficking victims and worked to improve its identification and referral mechanisms. Based on recommendations from a 2015 Parliamentary Monitoring Report, authorities partnered with civil society and foreign partners to develop a national referral mechanism and standard operating procedures for assisting trafficking victims. The government drafted amendments to the anti-trafficking law to implement these mechanisms; however, the updates were not finalized or implemented by the close of the reporting period. International organizations and NGOs reported assisting 86 victims in 2016, 68 of whom were subjected to forced labor, 11 to sex trafficking, and seven to both labor and sex trafficking; one of the victims was a child and 47 victims were male. Local governments in Osh and Bishkek continued to provide rent-free facilities used by three NGO-run shelters that provided services for trafficking victims. MVD's witness protection unit did not report assisting any trafficking victims. In 2015, the unit assisted seven victims and provided physical protection for them and their family members and helped them to obtain a state attorney. Consular officials assisted an unknown number of victims abroad by providing no-cost travel documents.

Police did not use child-sensitive procedures when dealing with child victims during case investigation and courts did not provide safeguards to ensure children's privacy and protection; however, the newly drafted referral mechanism would address the treatment and proper provision of assistance to children if implemented. Although the law provides for the proper treatment of witnesses, authorities rarely followed it. The government required witnesses to attend multiple public hearings and sit next to their alleged traffickers at trial, which deterred victims from cooperating with police. Government provided attorneys reportedly lacked knowledge on handling trafficking cases. While the law provides the opportunity to seize traffickers' assets and compensate victims, authorities did not report granting such restitution. According to the 2013 UN special rapporteur report, police officers allegedly detained child sex trafficking victims, releasing them only after they performed sexual acts; the government has not yet responded to the report's allegations. Police allegedly extorted bribes from child sex trafficking victims through threats of arrest for commercial sex, even though commercial sex was neither illegal nor an administrative offense. The police's increased interaction with international and local trafficking experts has reportedly led to officers' increased sensitivity toward children found in brothels. However, the continued lack of training and formal written procedures for the identification and protection of potential sex trafficking victims increased victims' vulnerability to arrest and penalization during brothel raids.

PREVENTION

The government increased efforts to prevent trafficking. In May 2016, the government created the Coordination Council on Migration which coordinates government efforts on migration issues, including combating trafficking in persons. The council includes representatives from the Office of the President, relevant government ministries, international organizations, and NGOs. During the reporting period, the Council devoted one session to trafficking in persons and met three times. In October, the prime minister issued a decree to create a temporary interagency working group, which met during the reporting period to analyze the former National Action Plan to Combat Trafficking in Persons for 2013-2016 and to draft a new national action plan for 2017-2020. An international organization estimated the government completed roughly 70 percent of its objectives in the National Action Plan to Combat Trafficking in Persons for 2013-2016. In January 2017, a parliamentary commission completed an evaluation of the government's overall anti-trafficking efforts in conjunction with an international organization and NGOs, the second such analysis of implementation of the 2005 national anti-trafficking law; however, the commission had not yet published the report. The government, with the support of an international

organization, continued to operate two information consultation centers—formerly called employment centers—that in 2016 provided an unknown number of people employment services, vacancy advertisements, a list of licensed foreign labor recruitment agencies, and predeparture orientation (which included trafficking prevention) for job seekers to ensure safer migration and employment. The government also continued to provide a national toll-free telephone line and office space to an NGO-run hotline that provided legal advice and assistance on working abroad; the hotline received 2,979 calls in 2016, which resulted in the identification of three victims. During the reporting period, the State Migration Service (SMS) drafted a bill that would regulate private employment agencies by requiring SMS-issued licenses in order to operate in the country. The Parliamentary Working Group on Trafficking in Persons and a local NGO launched an awareness project in September 2016 called “Caravan of Art Against Trafficking in Persons” in the provinces of Talas, Naryn, Issyk-Kul, and the outskirts of Bishkek. In January 2017, the SMS introduced a mobile phone application that provided information on the rights of migrant workers and contact telephone numbers including anti-trafficking hotlines and local Kyrgyz embassies to Kyrgyz migrants. The government did not report providing anti-trafficking guidance for its diplomatic personnel or making efforts to reduce the demand for commercial sex acts or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, the Kyrgyz Republic is a source, transit, and destination country for men, women, and children subjected to forced labor, and for women and children subjected to sex trafficking. Adult male labor migrants working abroad are reportedly at the highest risk of trafficking. Kyrgyz men, women, and children are subjected to forced labor in Russia and Kazakhstan, and to a lesser extent in Turkey and other European countries, as well as within the Kyrgyz Republic, specifically in the agricultural, construction, and textile industries and in domestic service and forced childcare. Kyrgyz children also are subjected to forced labor in cotton, the selling and distribution of drugs within the country, and hauling cargo both in the Kyrgyz Republic and neighboring countries. Women and girls are subjected to sex trafficking abroad, reportedly in Turkey, the United Arab Emirates (UAE), India, Russia, Kazakhstan, South Korea, and within the country. Kyrgyz police officers allegedly exploit female trafficking victims, including some younger than age 18, for sex both in saunas and on the street. Concerns persist about police misconduct and corruption, including allegations that police threaten and extort sex trafficking victims, including minors, and reports that police accept bribes from alleged traffickers to drop cases. Street children who engage in begging and children engaged in domestic work (often in the homes of extended family members) are vulnerable to human trafficking. Women and underage teenaged girls from Uzbekistan increasingly are subjected to sex trafficking in the southern region of the Kyrgyz Republic. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia, the UAE, and Turkey, where they may be subjected to sex and labor trafficking. International organizations and NGOs reported some Kyrgyz individuals who join extremist fighters in Syria are forced to remain against their will and recruiters may deceive others, including minors, promising jobs in Turkey, before extremist groups force them to fight, work, or suffer sexual servitude in Syria.