

## **Kyrgyz Republic (Tier 2 Watch List)**

The Government of the Kyrgyz Republic (or Kyrgyzstan) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included the adoption of revised criminal procedures codes that removed the requirement for a demonstration of force, fraud, or coercion in the prosecution of child sex trafficking cases and provided some measures to better enable victim-witness testimony. The government also increased training of law enforcement and judicial officials; referred more victims for assistance; created several regional-level anti-trafficking coordinating bodies; adopted standards for the management and operation of shelters, and established a government body tasked with supporting and protecting the rights of Kyrgyz citizens abroad. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government finalized, but did not formally adopt a national referral mechanism and standard guidelines on victim identification. The government continued to identify and refer a relatively small number of victims. Official complicity, corruption, and the lack of victim protection has led to reports of officials dropping charges, tipping off suspects, and allowing victims to be pressured or paid to drop charges against alleged traffickers. Therefore the Kyrgyz Republic remained on Tier 2 Watch List for the second consecutive year.

### **PRIORITIZED RECOMMENDATIONS:**

Vigorously investigate and prosecute suspected trafficking crimes, including government officials allegedly complicit in trafficking or who abuse and exploit trafficking victims. • Convict and punish trafficking offenders, ensuring those convicted serve proportionate and dissuasive prison sentences. • Increase efforts to proactively identify trafficking victims, particularly among vulnerable groups such as persons in prostitution, and refer victims to protection services. • Approve and implement guidelines on victim identification and train officials on their use. • Ensure victim identification and protection measures are not tied to the prosecution of a trafficker and allow all first responders to officially identify potential trafficking victims and refer them to care. • Consistent with amendments to the national trafficking law, adopt and implement a national referral mechanism to better identify, assist, and protect potential victims. • 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 traffickers compelled them to commit. • In accordance with the criminal procedure code, allow for the use of alternate means to collect witness testimony. • Continue to collaborate with, and provide financial or in-kind support to, civil society organizations providing assistance to victims.

## **PROSECUTION**

The government maintained law enforcement efforts in some areas. Throughout 2018, the government utilized Article 124 of its criminal code, which criminalized all forms of labor trafficking and some forms of sex trafficking. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The law also defined trafficking broadly to include “child adoption for commercial purposes.” Article 124 prescribed penalties of house arrest for up to five years or five to eight years’ imprisonment, which were sufficiently stringent. However, with respect to sex trafficking, by allowing for house arrest in lieu of imprisonment, these penalties were not commensurate with those prescribed for other serious crimes. On January 1, 2019, the government adopted amendments to the criminal code which addressed these gaps. Article 171 of the new code criminalized sex trafficking and labor trafficking and prescribed penalties of two and a half to five years’ imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. The amended law also removed the requirement of a demonstration of force, fraud, or coercion to constitute a child trafficking offense and removed “child adoption for commercial purposes” as a form of exploitation under the definition of trafficking, thereby bringing the definition of trafficking in line with international law. Prosecutors could 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 was punishable by a fine or imprisonment of three to five years if the victim was an adult, five to 10 years’ imprisonment if the victim was 14-17 years old, and 10 to 15 years’ imprisonment if the victim was younger than 14 years old.

The government initiated two trafficking investigations under Article 124 in calendar year 2018 but provided no additional information, such as how many involved sex or labor trafficking. The government reported initiating eight additional investigations under Article 124, all of which involved adoption fraud with no evidence of exploitation. In comparison, the government conducted four trafficking investigations in 2017. The government prosecuted eight suspects under Article 124, however all eight were involved in fraudulent adoption, rather than trafficking offenses. The government prosecuted seven alleged traffickers in 2017 and five in 2016. The government reported that Kyrgyz courts convicted five individuals under Article 124 during the first nine months of 2018, compared with convictions of seven traffickers in 2017. Limited data was available on sentencing; one trafficker was sentenced to seven years' imprisonment. In addition, the government opened 65 investigations of trafficking-related crimes, including pimping and brothel maintenance.

Advocates for victims reported there was a general lack of proactive investigation, especially if victims did not make a specific, well-supported complaint. Civil society actors reported the need for systemic training for law enforcement, prosecutors, and judges, particularly on how to identify victims, work with them as witnesses, and gather evidence outside of victim testimony. The government, in conjunction with international funding and partners, trained 1,112 officials, including judges, prosecutors, and law enforcement. An international organization noted that many of these trainings focused on a victim-centric approach.

Corruption and official complicity in trafficking cases remained significant concerns, inhibiting law enforcement actions during the year. NGOs and international organizations reported law enforcement officials accepted bribes to drop cases and sometimes warned suspects prior to raids; legal researchers reported that changes to the criminal procedure code, implemented in January 2019, would reduce the likelihood that such bribes would be successful. Traffickers were reportedly also able to avoid punishment by offering victims payment to drop cases.

## **PROTECTION**

The government increased efforts to protect trafficking victims. The government identified and referred 32 victims to international organizations and NGOs for assistance, compared with two identified victims referred to care by the

government in the previous reporting period. The government also identified eight potential victims of sex trafficking and referred them to local NGOs for assistance. International organizations and NGOs reported assisting 183 victims in 2018, 171 of whom were subjected to forced labor, eight to sex trafficking, and four to both labor and sex trafficking; 29 of the victims were Uzbek citizens; one of the victims was a child and 106 victims were male. The government did not adopt standard identification procedures or a national referral mechanism that were initially drafted in 2017; experts have cited these gaps as an impediment to identifying and assisting victims. Although police sometimes referred potential victims to NGOs for assistance, it was not systematic. Local governments in Osh and Bishkek continued to provide rent-free facilities used by two NGO-run shelters that provided services for trafficking victims, including foreign nationals. One of the two Osh-based shelters discontinued on-site lodging for trafficking victims in 2018, after an international organization transferred operations to a local NGO; it continued to provide services on an ad hoc basis without support from the government. In March 2019, the government adopted standards to govern the operations, financing, and monitoring of shelters for victims of trafficking. Consular officials assisted eight trafficking victims abroad by providing no-cost travel documents, but the government did not report providing financial support for their repatriation. The government provided legal consultations to 29 foreign victims identified in 2018 and assisted with their repatriation.

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; the draft referral mechanism would address the treatment and proper provision of assistance to children. The government finalized but did not adopt the referral mechanism during the reporting period. Experts reported that victims were highly vulnerable to pressure from traffickers to withdraw their complaint or settle informally; Ministry of Internal Affairs (MVD)'s witness protection unit reported assisting trafficking victims, but provided no additional details. Although the law provided 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. The new criminal code allowed for judges to receive victim testimony outside of court, or electronically over video calls. Government-provided attorneys reportedly lacked knowledge on handling trafficking cases. Analysts noted a lack of legal representation for minor victims.

While the law provided the opportunity to seize traffickers' assets and compensate victims, authorities did not report granting such restitution. The continued lack of formal written procedures for the identification and protection of potential sex trafficking victims increased victims' vulnerability to arrest and penalization during brothel raids. There were no reports officials fined, detained, or penalized trafficking victims for unlawful acts traffickers compelled them to commit; due to the lack of formal victim identification procedures, however, some victims may have remained unidentified in the law enforcement system.

## **PREVENTION**

The government increased efforts to prevent trafficking. In March 2019, the government formally designated the State Migration Service as the national coordinating body to prevent and combat trafficking in persons. The Coordination Council on Migration coordinated government efforts on migration issues, including combating trafficking in persons. The Council met four times at the local level to discuss implementation of the national action plan. The government created seven local level coordination councils, comprised of regional government representatives, NGOs, and local civic groups, and tasked with implementing the national referral mechanism, upon its adoption. In November 2018, the President's Office created the Council on Relations with Compatriots Abroad, tasked with supporting and protecting the rights and interests of Kyrgyz citizens abroad. The Kyrgyz Association of Women Judges conducted an analytical review of 254 criminal cases filed between 2014 and 2017 related to trafficking in persons; the analysis revealed key gaps in the protection of victims and prosecution of alleged traffickers. The government cooperated with international organizations and 38 local NGOs to implement its media action plan to raise awareness on trafficking in persons, particularly among youth; the campaign reached an estimated 10,000 people across all seven regions of the country.

The government, with the support of an international organization, continued to operate employment centers in Bishkek and Osh that in 2018 provided an unknown number of people information on employment services, vacancy advertisements, licensed foreign labor recruitment agencies, and offered pre-departure orientation (which included trafficking prevention) for job-seekers to ensure safer migration and employment. The government also maintained two publicly available databases of private employment agencies: one contained "government licensed" agencies, and the other a list of agencies about which the government received

complaints. 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 regarding working abroad; calls to the hotline in 2018 resulted in the identification of five trafficking victims. The government continued to provide support for a mobile phone application that provided Kyrgyz migrants with information on the rights of migrant workers and contact telephone numbers including anti-trafficking hotlines and local Kyrgyz embassies. 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, human traffickers exploit domestic and foreign victims in the Kyrgyz Republic, and traffickers exploit victims from the Kyrgyz Republic abroad. 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, domestic service, and childcare provision. Kyrgyz children also are subjected to forced labor in the selling and distribution of drugs within the country, and hauling cargo both in the Kyrgyz Republic and neighboring countries. The Russian re-entry ban has changed the nature of labor migration in the Kyrgyz Republic; approximately 77,000 Kyrgyz migrants are included and unable to legally return to Russia for work. Kyrgyz families on the Russian re-entry blacklist are increasingly sending their children to work in Russia, where they are vulnerable to trafficking.

Women and girls are subjected to sex trafficking abroad, reportedly in India, Kazakhstan, Russia, South Korea, Turkey, the United Arab Emirates (UAE), and within the country. Concerns persist about police misconduct and corruption, including allegations that police threaten and extort sex trafficking victims, including children, 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 traffickers. Women and underage teenaged girls from Uzbekistan and Tajikistan may be subjected to sex trafficking and Uzbek and Tajik men are vulnerable to forced labor 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 and Kazakhstan, 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.