

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 the national referral mechanism (NRM) that also established formal policies on victim identification and provision of social services, among others. The government also increased investigations and established an interagency focus group to accelerate implementation of the NRM and improve the quality of law enforcement investigations. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not prosecute or convict any traffickers and only conducted limited training on the NRM. Reports of official complicity and corruption accused officials of dropping charges, tipping off suspects, and allowing victims to be pressured or paid to drop charges against alleged traffickers. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Kyrgyz Republic was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore the Kyrgyz Republic remained on Tier 2 Watch List for the third 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 individuals in commercial sex, migrant workers, and North Korean workers, and allow all first responders to officially identify potential trafficking victims and refer victims to protection services. * Implement the NRM and train officials on its use. * Implement the requirement that does not tie victim identification and protection measures to the prosecution of a trafficker. * 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. * Continue to collaborate with, and provide financial or in-kind support to, civil society organizations providing assistance to victims. * Improve data collection quality for law enforcement.

PROSECUTION

The government increased law enforcement efforts in some areas but did not prosecute or convict any traffickers. Articles 171 and 173 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. 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. Investigators frequently downgraded trafficking crimes to lesser charges to ease investigation and prosecution, which lead to lesser penalties.

The government initiated eight trafficking investigations (one sex trafficking and seven labor trafficking) under Articles 171 and 173 in calendar year 2019, compared with two in 2018 and four in 2017. The government reported initiating 25 additional investigations under Article 171, all of which involved adoption fraud with no evidence of exploitation. For the second year, the government did not prosecute any sex trafficking or forced labor cases. The government prosecuted 11 suspects under Article 171; however, all 11 were involved in fraudulent adoption rather than trafficking offenses, compared with eight in 2018 (all eight were also involved in fraudulent adoption rather than trafficking offenses). The government reported that Kyrgyz courts convicted 11 individuals under Article 171; however, all 11 were involved in fraudulent adoption rather than trafficking offenses. The majority of those convicted received fully suspended sentences. The government reported convicting five traffickers in 2018 and seven traffickers in 2017. In addition, the government opened 14 investigations, prosecuted seven, and convicted eight trafficking-related crimes, including child exploitation, pimping, and brothel maintenance.

Victim advocates reported a general lack of proactive investigation, especially if victims did not self-report a specific complaint. However, the new NRM looked to address this gap, allowing civil society and international organizations to file

criminal complaints on behalf of the victim. Civil society actors continued to report 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, conducted seven training sessions on the identification of victims and 14 sessions on anti-trafficking and related crimes, which trained 1,119 Ministry of Internal Affairs (MVD) officials, compared with 1,112 in 2018. The government provided training to 40 prosecutors in 2019. Despite the increasing number of vulnerable Kyrgyz migrants abroad, the government did not report any international investigations; MVD officials indicated difficulties in conducting international investigations due to a lack of effective bilateral law enforcement relationships. 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 and judges accepted bribes to drop cases and sometimes warned suspects prior to raids; legal researchers reported the changes to the criminal procedure code would reduce the likelihood that such bribes would be successful; however, there was no evidence of such a reduction. Traffickers were reportedly also able to avoid punishment by offering victims payment to drop cases.

PROTECTION

The government maintained efforts to identify trafficking victims and increased efforts to protect victims. The government identified and referred two forced labor victims to international organizations and NGOs for assistance, compared with zero in 2018. International organizations and NGOs reported assisting 72 victims in 2019, 60 of whom were exploited in forced labor and 12 in sex trafficking; one of the victims was an Uzbek citizen; one was a child; 40 were male; and 32 female. In September 2019, the government formally adopted an NRM into law. The NRM established formal policies on victim identification, assistance referral, provision of social services, protection of victims' personal data, and does not require victims to participate in a criminal case to receive assistance. Civil society reported the NRM lacked specific measures for assistance of foreign victims and how an NGO could appeal to the government if it did not identify a victim that the NGO believed had legitimate indicators of trafficking. The government trained law enforcement officials on the new NRM during the reporting period. It also reported an unspecified number of victims identified by an international

organization that were referred to local governments for assistance according to the NRM protocol. Although police sometimes screened and referred potential victims to NGOs for assistance, it was not systematic during the reporting period. Local governments in Osh and Bishkek continued to provide in-kind support to two NGO-run shelters that provided services for trafficking victims, including foreign nationals. The shelters provided assistance to nine Kyrgyz victims in 2019. The government had regulations in place to govern the operations, financing, and monitoring of shelters for trafficking victims. Consular officials assisted nineteen trafficking victims abroad by providing no-cost travel documents transiting through migration and passport control, and financial support, including procurement of the air tickets for their repatriation, compared to eight in 2018. The government provided legal consultations to one foreign victim identified in 2019 and assisted with their repatriation, compared with 29 in 2018.

The NRM included provisions that addressed the treatment and proper provision of assistance to children. Experts reported victims were highly vulnerable to pressure from traffickers to withdraw their complaint or settle informally; 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. Article 31 of the new criminal code adopted in January 2019 allowed for investigative judges to receive victim testimony outside of court, or electronically over video calls; however, there is no evidence that victims benefitted from this protection during the reporting period. 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. There were no reports officials fined, detained, or penalized trafficking victims for unlawful acts traffickers compelled them to commit.

PREVENTION

The government increased efforts to prevent trafficking. The State Migration Service (SMS) served as the national coordinating body to prevent and combat trafficking in persons and led the anti-trafficking interagency working group, which included representatives from the interagency, NGOs, and international organizations. The working group convened twice in 2019 to discuss implementation progress of the national action plan and draft the new action plan

for 2021-2024. In December 2019, the SMS established an additional interagency focus group of all relevant entities, including local state, non-state, and international actors to conduct the National Simulation Training in 2020 to accelerate implementation of the NRM and improve law enforcement TIP investigations. The Kyrgyz Parliament's anti-trafficking task force acted as the council's oversight body and met several times across the country in 2019. Anti-trafficking coordination councils at the local level, composed of regional government representatives, NGOs, and local civic groups, continued to meet and were tasked with implementing the NRM. The government cooperated with international organizations and continued to conduct awareness campaigns that reached thousands of people, including the 100 Days to Prevent Trafficking Campaign held across all seven regions of the country. The SMS trained officials from 40 district state administration offices on increasing awareness in their communities. The government lacked a uniform system of collecting trafficking data, which hindered effective evaluation.

The government, with the support of an international organization, continued to operate employment centers in Bishkek and Osh that 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 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 reported it introduced amendments to laws governing the recruitment of citizens abroad to strengthen protection for migrants; the amendments remained pending at the close of the reporting period. 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. An international organization reported calls to the hotline resulted in the identification of two trafficking victims; however, law enforcement officials reported it did not investigate any cases referred from the hotline. 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.

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 exploited in 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 agriculture, construction, textiles, domestic service, and childcare. The Russian re-entry ban has changed the nature of labor migration in the Kyrgyz Republic; thousands of Kyrgyz migrants are included and unable to return legally 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.

Sex traffickers exploit Kyrgyz women and girls 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 continued of police accepting 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 exploited in sex trafficking; the south of the Kyrgyz Republic is increasingly becoming a destination area for Uzbek and Tajik citizens who are exploited by sex and labor traffickers. 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 exploited in sex and labor trafficking. North Koreans working in Kyrgyz Republic may have been forced to work by the North Korean government. 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.