

Text of Kyrgyzstan's country narrative in the 2015 TIP Report. This text, as well as the entire TIP Report, is available online at: <http://www.state.gov/j/tip/rls/tiprpt/2016/index.htm>

## **KYRGYZSTAN: TIER 2**

The Kyrgyz Republic (or Kyrgyzstan) 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 Kyrgyzstan, specifically in the agricultural, forestry, construction, and textile industries and in domestic service and forced childcare. Kyrgyz children are also subjected to forced labor in cotton, the selling and distribution of drugs within the country, and hauling cargo both in Kyrgyzstan 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 are increasingly subjected to sex trafficking in southern Kyrgyzstan. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia, the UAE, and Turkey, where they may become victims of 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.

The Government of Kyrgyzstan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. A June 2015 parliamentary report provided the first evaluation of government anti-trafficking efforts in a decade and provided recommendations for improvements. As a result, ministries have formed an interagency platform to begin inter-ministerial communication on trafficking and initiated the development of victim identification guidelines for front-line officials. Additionally, in 2016, Parliament established a working group, which is focused on bringing anti-trafficking legislation in line with international standards. Further, the Ministry of Internal Affairs (MVD) has begun playing a significant role in publicly highlighting trafficking in persons problems and advocating government-wide changes to better address them. However, the government failed to address alleged complicity in trafficking and trafficking-related offenses, despite a 2013 report by the UN special rapporteur on the sale of children, child prostitution, and child pornography that concluded there was serious and endemic corruption of police officers, who allegedly participated themselves in the detention and rape of child sex trafficking victims. In addition, authorities reported fewer prosecutions and convictions of traffickers in 2015.

## **RECOMMENDATIONS FOR KYRGYZSTAN:**

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; increase efforts to identify trafficking victims proactively among vulnerable groups, particularly persons in prostitution, and refer victims to protection services; finalize guidelines on victim identification and train officials on their use; enact legislation consistent with international law to ensure prosecuting the prostitution of minors does not require proof of force, fraud, or coercion; develop and 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; amend the law to exempt identified trafficking victims 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 decreased law enforcement efforts and 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. 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 four trafficking investigations under Article 124 in 2015, three for sex trafficking and one for forced labor; authorities initiated 11 trafficking investigations in 2014. Authorities reported an additional 18 investigations under other articles that involved inducing minors into prostitution; the government did not report this number of investigations in 2014. The Prosecutor General’s Office (PGO) reported initiating prosecutions of six criminal cases under article 124 involving an unknown number of suspects in 2015, compared with nine cases involving 21 suspects in 2014. The government convicted four offenders in two cases under article 124 in 2015, compared with 15 offenders convicted in 10 cases in 2014. The government did not report 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 will not pursue investigations unless victims make a specific, well-supported complaint, while many victims believed coming forward would be dangerous or futile. In 2015, the government elevated a criminal investigation unit specializing in trafficking and prostitution from the Bishkek city police to a national-level department in the MVD to oversee national anti-trafficking law enforcement efforts; the unit had six officers. Civil society actors reported the need for increased training for police, particularly in how to identify victims and work with them as witnesses. Authorities relied on civil society and foreign partners to provide training for police, prosecutors, and judges. An international organization reported that in 2016 the judges’ training center and prosecutors’ training

center signed memoranda of understanding calling for an introduction to trafficking issues to be integrated into training for these professionals.

Corruption is a systemic problem in Kyrgyzstan. NGOs and international organizations reported law enforcement officials often accepted bribes to drop cases and sometimes warned suspects prior to raids. Traffickers were reportedly also able to avoid punishment by offering victims small amounts of money to drop cases. The UN special rapporteur on the sale of children, child prostitution, 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 increased efforts to identify victims but maintained minimal efforts to protect and assist trafficking victims. In 2015 and 2016, parliamentarians highlighted the need for the government to increase assistance to trafficking victims. The newly-established Ministry of Labor and Social Development has included in its mandate the responsibility for developing policy on and provision of assistance to victims of trafficking. The government remained without formal written procedures to guide officials in proactive identification of trafficking victims among high-risk populations; however, during the reporting period, the government began development of guidelines for officials to identify victims and refer them to care providers. In reporting on cases pursued in 2015 under article 124, the PGO reported 62 victims were involved, including six children. The government did not report a comprehensive count of identified victims in 2014, but it did report identifying 21 Kyrgyz labor trafficking victims in Russia and 23 Kyrgyz sex trafficking victims in Turkey and UAE. International organizations and NGOs reported assisting 192 victims in 2015, 162 of whom were subjected to forced labor, 26 to sex trafficking, and four to both labor and sex trafficking; two of the victims were children and 105 were male. The government continued to provide rent-free facilities used by three NGO-run shelters (two for adults and one for children) that provided services for trafficking victims. MVD's witness protection unit estimated assisting seven trafficking victims, who received physical protection for themselves and family members and help obtaining a state attorney. Consular officials assisted an unknown number of victims abroad by providing no-cost travel documents.

In 2015 and 2016, MVD was receptive to training on improving procedures for interviewing and protecting victims, but further work was needed. 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 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. A June 2015 parliamentary report highlighted the need to amend legislation to ensure trafficking victims are not punished for unlawful acts committed as a result of being subjected to trafficking, and a new parliamentary working group focused on changes to legislation. According to the 2013 UN special rapporteur report, police officers allegedly detained child sex trafficking victims, releasing them only after they performed sexual acts. Police allegedly extorted bribes from child sex trafficking victims through threats of arrest for prostitution, even though prostitution was neither illegal nor an administrative offense. MVD conducted approximately 70 brothel raids in 2015.

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 June 2015, a parliamentary commission publicized an evaluation of the government's overall anti-trafficking efforts, marking the first analysis of implementation of the 2005 national anti-trafficking law. The parliamentary report has reinvigorated efforts and directed reforms. In 2015, the government formed an interagency platform to initiate an interagency dialogue on trafficking, which had been lacking; agencies began holding these discussions in 2015. In late 2015, the government dissolved the ministry responsible for coordinating national anti-trafficking efforts and assigned this duty to the newly established State Migration Service. Civil society representatives noted a 2013-2016 national action plan remained unimplemented. Parliament established a working group in 2016 to ensure further monitoring of the government's implementation of its anti-trafficking obligations, and civil society and international organization representatives report it is working productively. The government, with the support of an international organization, continued to operate two employment centers that provided 16,552 people in 2015 employment services, vacancy advertisements, a list of licensed foreign labor recruitment agencies, and pre-departure 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 3,413 calls in 2015. In July 2015, the government passed a law to increase the penalties for private employment agencies found operating without a license. Officials lamented the law did not equip law enforcement to combat licensed but unscrupulous recruitment agencies that knowingly send Kyrgyz migrants to exploitative worksites abroad and began researching a legislative fix during the reporting period. MVD reported the government conducted 132 events and information campaigns aimed at raising awareness and preventing trafficking. The government provided anti-trafficking guidance for its diplomatic personnel. The government did not report efforts to reduce the demand for commercial sex acts or forced labor.