

# Kyrgyz Republic

## OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

### 2013 Trafficking in Persons Report

#### Tier 2

The Kyrgyz Republic (or Kyrgyzstan) is a source and transit country for men, women, and children subjected to forced labor, and for women and children subjected to sex trafficking. Kyrgyzstani men, women, and children are subjected to conditions of forced labor in Russia and Kazakhstan, and to a lesser extent in Turkey and other Eastern European countries, as well as within the Kyrgyz Republic, specifically in the agricultural, forestry, construction, and textile industries, and in domestic servitude and forced child care. In 2012, 26 Kyrgyzstani forced laborers were identified in Finland. Women from the Kyrgyz Republic are subjected to forced prostitution in Turkey, the United Arab Emirates (UAE), Russia, Kazakhstan, and within the country. Small numbers of women and children from Uzbekistan have been subjected to sex trafficking in Kyrgyzstan. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the Kyrgyz Republic as they migrate to Russia, the UAE, and Turkey, where they subsequently become victims of sex and labor trafficking. Kyrgyzstani boys and girls are subjected to sex trafficking and forced labor—including the forced selling and distribution of drugs—within the country. NGOs report that some schools in the south of the country cancel classes in the fall to send children to pick cotton, and other schools require children to harvest tobacco on school grounds. Street children who engage in begging and child domestic workers are vulnerable to human trafficking.

The Government of the Kyrgyz Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to provide substantial in-kind contributions to assist NGOs and international organizations in training law enforcement officials, protecting identified trafficking victims, and raising awareness of human trafficking. However, the government identified fewer victims and investigated and prosecuted fewer suspected trafficking cases than in the previous reporting period.

**Recommendations for the Kyrgyz Republic:** Increase efforts to investigate and prosecute suspected trafficking offenses, respecting due process, and convict and punish trafficking offenders, ensuring that a majority of those convicted of trafficking offenses serve time in prison; increase efforts to systematically identify trafficking victims among vulnerable groups, such as street children, adult and child agriculture laborers, and Kyrgyzstani migrant workers, and refer those victims to protective services; vigorously investigate and prosecute government officials suspected of being complicit in trafficking and convict and punish complicit government officials; continue to provide the physical premises for NGO-run shelters; continue to contribute to efforts by international organizations to train police, prosecutors, and judges; work to ensure that identified victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked; and consider disaggregating anti-trafficking law enforcement data.

#### Prosecution

The Kyrgyzstani government made limited anti-trafficking law enforcement efforts during the reporting period. The 2005 Law on Prevention and Combating Trafficking in Persons, as amended in 2011, criminalizes both sex and labor trafficking, and covers a non-trafficking offense—“child adoption for commercial purposes.” The law prescribes

penalties of five to 20 years' imprisonment; these penalties are sufficiently stringent and commensurate with prescribed penalties for other serious crimes, such as rape. In July 2012, the president signed into law a new Code on Children; Article 15 of which prohibits all forms of forced child labor. In 2012, the government reported conducting six investigations, compared with seven investigations taking place in 2011. The government reported prosecuting 10 suspected offenders under their anti-trafficking law but convicted none in 2012, compared with 13 suspected offenders prosecuted and nine convicted in 2011. The government did not report whether these prosecutions were all for trafficking offense, as the anti-trafficking law also covers a non-trafficking offense. Major changes to the Kyrgyzstani judiciary in 2012 that included the replacement of judges at all levels stalled the judiciary's ability to issue decisions, leading to low conviction rates for a number of crimes. Potential trafficking offenses were not investigated or prosecuted due to the lack of awareness of trafficking by law enforcement officials. The government provided in-kind contributions, including building space, access to office equipment, and provision of co-trainers and moderators, for a number of seminars and conferences organized by international organizations regarding law enforcement and victim identification efforts. Corruption is a systemic issue in Kyrgyzstan; NGOs have contended in the past that some low-level law enforcement officials were complicit in human trafficking and accepted bribes from traffickers. The Government of the Kyrgyz Republic did not report any investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period.

## **Protection**

The Kyrgyzstani government sustained limited efforts to assist victims during the reporting period. The government did not have formal written procedures to guide officials in proactive identification of trafficking victims among high-risk persons with whom they came into contact. The government identified 11 victims and referred all of them to protective services in 2012, a decrease from 38 victims identified and referred in 2011. Six of these 11 victims were identified by Kyrgyzstani consular officials in destination countries; NGOs in Kazakhstan noted that Kyrgyzstani consulates were helpful in identifying and repatriating Kyrgyzstani victims. NGOs identified and assisted 278 victims in 2012, an increase from 164 victims in 2011; more than 200 of these victims were subjected to forced labor. Although the government did not provide funding to any organization that provided victim assistance in 2012, it continued to provide in-kind assistance to anti-trafficking NGOs, including facilities for three NGO-run shelters for trafficking victims; 95 victims were supported in these shelters in the reporting period. Adult victims were able to leave the shelters freely. The government did not encourage victims to participate in trafficking investigations and prosecutions. Unidentified victims may have been penalized for unlawful acts committed as a direct result of their being trafficked, such as prostitution offenses.

## **Prevention**

The Kyrgyzstani government sustained some progress in trafficking prevention efforts during the reporting period. After collaboration with NGOs and international organizations, the Kyrgyzstani government adopted a 2013-2016 anti-trafficking action plan in January 2013. During the reporting period, the Ministry of Foreign Affairs acquired the anti-trafficking portfolio from the Ministry of Labor as part of a broad reorganization of government; however, other ministries continued to play important roles. For instance, the Ministry of Labor helped design trafficking awareness materials, prepared by IOM and funded by a foreign government, and distributed these materials to Kyrgyzstani migrants. The Ministry of Education continued to hold classes about human trafficking for secondary school students. The government continued to provide a national toll-free telephone line to an NGO-run labor migration hotline which

provided legal advice and assistance to potential victims of trafficking. The government continued its program to digitize passport records and birth records, with the goal of fully computerizing the national citizen registration system; providing citizens with greater personal identification documentation contributes to the prevention of human trafficking. The government, however, did not undertake efforts to reduce the demand for commercial sex acts.