

## **KYRGYZ REPUBLIC (Tier 2)**

The Kyrgyz Republic (or Kyrgyzstan) is a source, transit and, to a lesser extent, a destination country for men, women, and children subjected to conditions of forced labor, and for women subjected to forced prostitution. Kyrgyz men, women, and children are subjected to bonded labor in China and to conditions of forced labor in the Czech Republic, Turkey, Kazakhstan, and Russia, specifically in the agricultural, forestry, construction, and textile industries. Women from the Kyrgyz Republic are subjected to forced prostitution in the United Arab Emirates (UAE), Kazakhstan, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the Kyrgyz Republic as they migrate to Russia, the UAE, and Turkey, where they are subsequently subjected to forced labor and forced prostitution. A recent NGO study estimated that over 60,000 Kyrgyz citizens are victims of trafficking, both within the country and abroad.

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, despite widespread civil unrest during much of the reporting period. The government continued to provide in-kind assistance to two NGO-run trafficking shelters which helped significantly more victims than in previous years. The Kyrgyz government also monitored migration and foreign employment data to better understand its trafficking problem. The government also increased the number of trafficking prosecutions, although fewer convicted offenders received time in prison. However, despite continued reports of corruption, the government did not investigate or prosecute any officials suspected of being complicit in human trafficking offenses, nor did they convict or criminally punish any complicit government officials.

**Recommendations for the Kyrgyz Republic:** Increase efforts to investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders, ensuring that a majority of those convicted of trafficking offenses serve time in prison; vigorously investigate and prosecute government officials suspected of being complicit in trafficking and convict and punish complicit government officials; continue to improve the collection of trafficking law enforcement data; continue trafficking sensitivity and awareness training for 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; create a new multi-year anti-trafficking action plan; and strengthen oversight and enforcement of labor recruiting companies.

### **Prosecution**

The Kyrgyz government demonstrated uneven progress in its anti-trafficking law enforcement efforts during the reporting period. However, the government's ability to prosecute trafficking offenders and report on prosecution data was hampered by political unrest. The 2005 Law on Prevention and Combating Trafficking in Persons criminalizes both sex and labor trafficking and prescribes penalties of three to 20 years' imprisonment, which are sufficiently stringent and commensurate with prescribed penalties for other serious crimes, such as rape. Due in part to the burning of the prosecutor general's office during the civil unrest in 2010, significant concerns existed regarding the ability of the government to accurately report statistics. In 2010, the government reported conducting 11 trafficking investigations – including nine for forced labor and two for sex trafficking – compared with the same number of labor and sex trafficking investigations in 2009. The government prosecuted eight suspected trafficking offenders and convicted three in 2010, compared with four prosecutions and three convictions in 2009. Only one convicted trafficking offender was sentenced to time in prison in 2010, a decrease from all three convicted trafficking offenders

sentenced to time in prison in 2009; that one offender was sentenced to 10 years' imprisonment and the confiscation of property. Members of the judiciary, law enforcement, and other government officials received trafficking-specific training provided by IOM and NGOs. NGOs contended that some low-level law enforcement officials are complicit in human trafficking and accept bribes from traffickers; other low-level police failed to investigate potential trafficking offenses due to a lack of awareness. The government reported no efforts to investigate or prosecute any government officials suspected of being complicit in trafficking or convict or punish any complicit officials.

## **Protection**

The Kyrgyz government sustained its limited efforts to assist victims, although it was hampered by the civil unrest, during the reporting period. Together with NGOs, the government identified at least 266 victims of trafficking, including two foreign victims in 2010, an increase compared with 113 victims and no foreign victims, identified in 2009. Of the 266 victims identified, IOM and NGOs report that government officials referred 15 victims of trafficking to them for assistance, and consular officials at Kyrgyz embassies in destination countries referred five victims to IOM for assistance with safe repatriation in 2010 compared with 21 victims referred by government officials and 18 victims referred by consular officials in 2009. Although the government did not provide financial assistance to any NGO or organization that provided victim assistance in 2010, the government provided in-kind assistance to anti-trafficking NGOs, including facilities for two NGO-run shelters for victims of trafficking. These shelters assisted 60 victims of trafficking, a notable increase from only 22 victims of trafficking assisted by shelters with facilities provided by the government in 2009; victims were able to freely leave the shelters. Victims who are citizens of Commonwealth of Independent States (CIS) did not need special permission to stay in the country. Victims of trafficking who were citizens of non-CIS countries were permitted to remain in the country pending investigation and prosecution of their trafficking cases, contingent on a prosecutor or investigator making such a request to immigration authorities. The government encouraged victims to participate in trafficking investigations and prosecutions; no victims assisted law enforcement during the reporting period. There were no reports of identified victims penalized for unlawful acts committed as a direct result of being trafficked during the reporting period.

## **Prevention**

The Kyrgyz government demonstrated limited progress in trafficking prevention efforts, despite the political turmoil during much of the reporting period. The border guards provided travelers leaving the country with fliers and other trafficking awareness materials prepared by IOM. The government continued to provide in-kind assistance to an NGO-run labor migration hotline which provided legal advice and assistance to potential victims of trafficking. The Ministry of Education provided anti-trafficking awareness training to students as part of a program to educate students about potential dangers when working abroad. The Kyrgyz government had a national anti-trafficking action plan for 2008-2011. The government also worked to improve efficiency and collaboration with anti-trafficking NGOs. The Kyrgyz government monitored migration and foreign employment data to estimate the scope of human trafficking within its borders and inform its anti-trafficking activities. In the previous reporting period, the government began digitizing passport records, which would make Kyrgyz nationals traveling abroad less vulnerable to trafficking. Although they continued this effort, the government had not yet expanded this program to include birth records. The government did not undertake efforts to reduce the demand for commercial sex acts.