POLICY BRIEF

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by Nina Miholicic-Ivkovic

EXECUTIVE SUMMARY

Kyrgyzstan is recognized as a source, transit, and destination country for trafficking in persons, primarily for the purposes of forced labour and sexual exploitation1. The aim of this policy brief is to shed light on this serious issue present in Kyrgyzstan by examining the causes and trends and suggesting feasible policy recommendations for the prevention of human trafficking in the country. Widespread impunity for traffickers and the lack of effective prosecution foster an environment prone to trafficking in persons in Kyrgyzstan. The negative socio-economic repercussions of the COVID-19 pandemic have further aggravated the position of the most vulnerable categories of society and forced many into emigration and illegal employment. Moreover, due to the fact that Kyrgyzstan is a remittance-dependent country with a significant number of nationals working in Russia, the international armed conflict between Russia and Ukraine that broke out in February 2022 has affected the Russian market and put many migrant workers at risk of being exploited and/or trafficked. According to the latest Trafficking in Persons Report issued by the U.S. State Department's Office to Monitor and Combat Trafficking in Persons,² Kyrgyzstan remains on a Tier 2 country as the compliance of the Kyrgyz Government with the minimum standards remains incomplete even as it is making important efforts to meet the standards for the elimination of trafficking. The Kyrgyz authorities have made certain legal and policy progress towards alleviating negative consequences of trafficking in persons, such as recognizing more victims than during previous reporting periods, providing anti-trafficking training for police and prosecutors, developing further the National Referral Mechanism (NRM), etc. Nevertheless, there remain some critical areas that require further improvement and reformation, especially in terms of the conduction of more robust investigations and inspection of more cases that involve complicity in trafficking by low-level officials, as well as tackling causes of trafficking in a broader and more proactive manner. International organizations and local NGOs remain the main actors in identifying trafficking victims, providing services for them, and conducting awareness campaigns across Kyrgyzstan.

Nina Miholjcic-Ivkovic is an international relations specialist with a strong focus on strategic analysis of the foreign policies of the South Caucasus, Russia, and Central Asia. Ms. Nina researches and writes on contemporary migration trends and challenges in Eurasia. Ms. Nina completed her undergraduate studies in Political Science at the University of Belgrade in Serbia and holds a Master's degree in Diplomacy and International Affairs from ADA University in Azerbaijan. In the past couple of years Ms. Nina has been working as an integration officer at the Belgrade Centre for Human Rights on issues related to integration of refugees, asylum seekers and people granted temporary protection residing in Serbia.

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OSCE, "Taking the combat against trafficking in persons in Kyrgyzstan to the next level", OSCE, September 6, 2021, https://www.osce.org/

programme-office-in-bishkek/497257.
U.S. Department of State, "2022 Trafficking in Persons Report: Kyrgyz Republic", July 19, 2022, https://www.state.gov/reports/2022-trafficking-in-persons-report/kyrgyz-republic/.

Human Trafficking in Kyrgyzstan: An Overview

Human trafficking represents a global issue and a serious violation of human rights that affects the well-being of millions of people around the world by forcing them into exploitative situations and robbing them of their dignity.3 The phenomenon of trafficking in human beings is a crime that affects every country in the world to a varying degree and includes the illegal transport of individuals by force or deceit for the purposes of exploiting them for profit through forced labour or commercial sexual acts.4 Kyrgyzstan is not an exception in this regard as it is recognized as a source, transit, and destination country for trafficking in persons, mostly for purposes of forced labour and sexual exploitation. Understanding the causes and trends, and proposing policy recommendations to alleviate human trafficking, can contribute to raising awareness and prevention of the issue across the country and wider region as well. As previously indicated, the Kyrgyz Republic is listed in the Tier 2 watchlist created by the U.S. State Department for the purposes of tracking and reporting on countries' developments in the area of human trafficking.5 The country's inclusion on the second tier underlines the need for further development of more effective anti-trafficking mechanisms and protective measures in Kyrgyzstan.

The Constitution of the Kyrgyz Republic recognizes and protects the fundamental rights and freedoms of the citizens, including the rights to dignity, freedom, and personal inviolability. Moreover, the most recent edition of the Criminal Code, enacted in 2021, includes a number of articles that regulate and impose criminal liability for crimes related to human trafficking. Article 166 forbids and punishes the act of human trafficking and introduces pardons for

trafficking victim, liberating them from criminal liability for committing acts that fall under the category of criminal misdemeanour or a lesser crime.7 Furthermore, articles 166 and 170 criminalize sex trafficking, labour trafficking, and kidnapping while prescribing more severe punishments ranging from three to six years of imprisonment for such serious crimes against human dignity and freedom. In some cases, the Code presents even harsher sentences, particularly when the act of trafficking is committed in relation to a woman who is in a state of pregnancy or for the purposes of removing organs or tissues. In such cases the punishment can include a term of eight to eleven years of imprisonment with confiscation of property.8 The newly enacted Criminal Code introduced an article 167 prescribes a sentence of imprisonment for a term of five to eight years for the crimes of trafficking in relation to a child. In 2019, the Kyrgyz Republic officially adopted the National Referral Mechanism (NRM) for the purposes of countering the trafficking in persons that allows civil society and international organizations to file criminal complaints on behalf of victims.9 However, despite the updated and improved legal framework and mechanisms for combating human trafficking, law enforcement efforts remain insufficient and ineffective, lacking in proactive investigations, knowledge, and experience in the prosecuting traffickers.

According to the latest 2022 Trafficking in Persons Report, the Kyrgyz authorities have made some positive contributions in the alleviation and prevention of human trafficking. These include an increased number of identified victims, further implementation of the NRM through the finalisation and adoption of standard operating procedures (SOPs) for the majority of responsible ministries, and a continuation of anti-trafficking training for police and prosecutors in cooperation with international organizations and local NGOs.¹⁰ However, the

United Nations Office on Drugs and Crime (UNODC), "Human trafficking: people for sale", UNODC, n.d. https://www.unodc.org/toc/en/crimes/human-trafficking.html.

⁴ Alese C. Wooditch and Leonard A. Steverson, «human trafficking», Encyclopedia Britannica, March 24, 2023, https://www.britannica.com/topic/human-trafficking.

U.S. Department of State, "2022 Trafficking in Persons Report: Kyrgyz Republic", 2022.

[&]quot;Constitution of the Kyrgyz Republic", Cabinet Ministers of the Kyrgyz Republic, May 5, 2021, Articles 24 and 25, https://www.gov.kg/ru/p/constitution.

[&]quot;Уголовный Кодекс Кыргызской Республики от 28 октября 2021 года № 127", Юрист, Мау 11, 2023, https://online.zakon.kz/Document/?doc_id=36675065&pos=1728;-47#pos=1728;-47".

Ibid, article 166.

⁹ U.S. Department of State, "2022 Trafficking in Persons Report: Kyrgyz Republic", 2022.

¹⁰ Ibid.

above-mentioned positive steps require more effort and further development, especially in terms of enhanced prosecution and conviction of traffickers and attention to cases that include complicit officials. Moreover, reducing the discrepancy between the official numbers and independent estimates on the number of identified victims in the country, 11 as well as less dependence on assistance from international and local organizations in both the identification processes and raising awareness among officials and public, can further alleviate the scope and damage of human trafficking.

Kyrgyzstan's Trafficking Profile

Kyrgyzstan still suffers from widespread poverty; approximately 30% of its population lives below the poverty threshold while it continues to rely heavily on remittances from migrant workers, which account for around a third of the country's GDP. 12 The unfavourable economic situation and high level of poverty place Kyrgyzstanis in a very vulnerable situation. Even though anyone can become a victim of human trafficking, it is usually the most vulnerable categories such as the young, less educated, and those from poverty-stricken and rural areas who are more susceptible to exploitation by traffickers. Kyrgyzstan's trafficking profile suggests that young men and women from rural areas and poor families, children in the child welfare system, and orphans represent the categories at highest risk for sex trafficking and forced labour in the country. 13 Moreover, Kyrgyzstan is not only a transit but also a destination

country for foreign victims of sexual and labour exploitation. Some reports reveal that women and young girls from Uzbekistan and Tajikistan are forced into prostitution in the southern region of the Kyrgyz Republic while a certain number of Uzbekistan, Tajikistan, and Turkmenistan nationals only transit the country to end up in Russia, Kazakhstan, the UAE, and Türkiye, as forced sex and labour victims. 14 15

Labour migrants working abroad remain the most vulnerable group of Kyrgyz nationals susceptible to trafficking. Migrant workers from the Kyrgyz Republic are highly exposed to forced labour, predominantly in Russia and Kazakhstan and particularly in agriculture, construction, domestic service, and childcare work environments. 16 Such kinds of exploitation can be traced even within Kyrgyzstan. Kyrgyzstani women remain at high risk of forced marriages that can act as a prelude to sex and forced labour exploitation.¹⁷ Moreover, limited employment opportunities can expose women to trafficking within the country as well as abroad. Children of labour migrants, orphans and children with disabilities are also at risk of being exploited by traffickers, especially in begging and domestic work.¹⁸

Risk Factors and Trends

As a developing country with serious domestic socio-economic challenges that keep a great portion of the population in poverty and unemployment, Kyrgyzstan remains one of countries where trafficking in persons can take on large proportions if not contained or

Zaynab Dost, "Fighting Human Trafficking in Central Asia: Problems and Challenges", CABAR, January 26, 2017, $\underline{https://cabar.asia/en/zaynab-dost-fighting-human-trafficking-in-central-asia-problems-and-challenges.}$

International Monetary Fund, "Kyrgyz Republic: 2022 Article IV Consultation-Press Release; and Staff Report", IMF eLibrary, February 16, 2023, https://www.elibrary.imf.org/view/journals/002/2023/091/article-A001-en. xml.

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Kunduz Jylkychieva, Zhannat Kovalchuk, Azhar Zholonbaeva, Zamira Azhykulova and Tatiana Zlobina, "Report on monitoring and evaluation of implementation of the law of the Kyrgyz Republic on Preventing and Combatting Trafficking in Persons," Committee for Social Affairs, Education, Science, Culture and Health of Jogorku Kenesh of the Kyrgyz Republic, November 2019, https://kyrgyzstan.iom.int/sites/g/files/tmzbdl1321/files/documents/Monitoring%2520report%2520on%2520TIP%2520law.pdf.
U.S. Department of State, "2022 Trafficking in Persons Report: Kyrgyz Republic," 2022.

Lin Taylor, "One in five girls and women kidnapped for marriage in Kyrgyzstan: study", Reuters. August 1, 2017, https://www.reuters.com/article/us-kyrgyzstan-women-bride-kidnapping/one-in-five-girls-and-women-<u>kidnapped-for-marriage-in-kyrgyzstan-study-idUSKBN1AH5GI</u>.

U.S. Department of State, "2022 Trafficking in Persons Report: Kyrgyz Republic", 2022.

at least alleviated by more effective public policies. Underdeveloped laws of protection and policies responsible for tackling human trafficking, as well as widespread impunity for traffickers, contribute to the deepening of this problem in the country. In addition to the existing issues that make the most vulnerable parts of the Kyrgyz population prone to trafficking and exploitation, there are important events occurring on a global and regional level, the consequences of which the country has limited ability counteract, that can further perpetuate migration and socio-economic inequalities and consequently contribute to increased trafficking in persons. 19 These major events, such as the COVID-19 pandemic and the Russian aggression in Ukraine, can have a significant negative impact on Kyrgyzstan's most vulnerable and the country's labour migrants.

The COVID-19 pandemic has had a devastating global effect that has particularly affected the already vulnerable and impoverished categories of societies, and which has consequently led to an increased number of trafficking victims and the disturbance of existing and planned anti-trafficking activities.20 In Kyrgyzstan, the pandemic increased inequality and poverty rates, revealing the state's lack of efficacy in tackling trafficking issues and exposing many vulnerable men, women, and children to sexual and forced labour exploitation. For instance, the state budget of Kyrgyzstan does not allocate any funds for combating human trafficking, leaving victims heavily dependent on international and NGOs assistance. During the pandemic however even these organizations were forced to redirect many funds from anti-trafficking and support projects to pandemic related issues.21 Moreover, the pandemic intensified digitalization and online activities. Traffickers used these trends to their own advantage to recruit, deceive, attract and control victims, especially targeting youth. COVID-19 has made the internet and digital platforms more popular, even among traffickers who found in them a more efficient, cost effective, and anonymous way to organize their trafficking activities, a trend which is also evident in Kyrgyzstan.²²

The COVID-19 pandemic also induced a recession in Kazakhstan, the Russian Federation, Türkiye, and other destination countries, endangering the position of many Kyrgyz migrant workers who experienced a loss of employment or reduced income that directly affected the volume of remittances and forced many to either remain stranded abroad and become exposed to various exploitative situations or return home.²³ Furthermore, the protracted effects of the pandemic increased socio-economic inequality in the country forced many, including returnees, to (re) emigrate and accept illegal and informal types of work where they could easily become victims of exploitation and trafficking.²⁴ The COVID-19-related repercussions have thus widened and increased the scope and frequency of trafficking in persons. This necessitates more efficient and coordinated efforts, primarily by state agencies, but by civil society and private entities in the country as well, to enable a response to the issue of human trafficking with re-examined and better-adapted tools and legal solutions.

The Russian aggression in Ukraine has introduced a new set of challenges for labour migrants from Kyrgyzstan. The Russian market has long served as a major source of income and employment for Kyrgyz migrants whose families rely heavily on remittances due to poverty and limited job opportunities at home.²⁵ However, with the Russian invasion of Ukraine

Maya Ivanova, "Black Swans" and Their Impact on Trafficking in Persons in Central Asia", *CABAR*, August 11, 2022, https://cabar.asia/en/black-swans-and-their-impact-on-trafficking-in-rersons-in-central-asia.

²⁰ Ibid.

²¹ Ibid.

[&]quot;UNODC and Oasis Foundation Share Safety Tips to Protect Youth from Trafficking in Persons in Kyrgyzstan", UNODC, n.d. https://www.unodc.org/centralasia/en/news/unodc-and-oasis-foundation-share-safety-tips-to-protect-youth-from-trafficking-in-persons-in-kyrgyzstan.html.

[&]quot;COVID-19 in the Kyrgyz Republic: Socioeconomic and Vulnerability Impact Assessment and Policy Response", ADB and UNDP, August2020, https://www.adb.org/sites/default/files/institutional-document/626021/covid-19-kgz-socioeconomic-vulnerability-impact.pdf.

²⁴ Maya Ivanova, "Black Swans" and Their Impact on Trafficking in Persons in Central Asia", CABAR, 2022.

Kamila Eshalieva, "I can't feed my family': Migrant workers in Russia hit hard by Ukraine war", *openDemocracy*, April 6, 2022, https://www.opendemocracy.net/en/odr/ukraine-russia-labour-migrants-kyrgyzstan/.

and the Western sanctions that followed. the Ruble has lost value and numerous foreign businesses have already abandoned the Russian market, leaving many without employment. This has resulted in a reduction in remittances and increased the pressure on labour migrants to seek alternative work destinations or work illegally in Russia.²⁶ ²⁷ Due to imposed financial restrictions, companies such as Western Union have stopped operating in Russia, which has made transferring already affected remittances much more difficult for Kyrgyz migrant workers there.28 All of this has put significant pressure on both remittancereliant families and labour migrants from Kyrgyzstan who have traditionally been dependent on the Russian market. The search for employment opportunities whether in Russia or other countries has put some desperate Kyrgyz migrants at risk of trafficking.

Policy Recommendations

Despite improvements in the legal and practical areas of combating the trafficking in persons in Kyrgyzstan, many aspects of the systematic protection of victims and prosecution of perpetrators by the government remain missing or are insufficiently effective in addressing the issue of trafficking. Major crises such as the COVID-19 pandemic and Russian invasion of Ukraine have further revealed the incompetence of the domestic strategies and responses to the trafficking problem. Human trafficking is a serious crime that usually affects the most vulnerable categories of a society, and for a country such as Kyrgyzstan that has been struggling economically with high rates of poverty and outmigration, trafficking has the potential to expand and deepen as an issue unless it is contained by more effective strategies and policies. Current levels of corruption, especially among law enforcement officials, as well as the fact that Kyrgyzstan is not only a source but also a transit and destination country, contribute to

the increase of those going unpunished and unprosecuted in the practice of trafficking. State efforts are crucial in fighting trafficking in persons due to the scope and nature of the issue, requiring more effective legal response in terms of both the legislative framework and its implementation. Government efforts must also be more coordinated with the activities of different NGOs, the media, education institutions, public figures and donor organizations aimed at reducing vulnerability to trafficking and exploitation.

Recommendations thus include:

Strengthen the responsibility and accountability of the country's law enforcement agencies by ensuring that traffickers are brought to justice and sentenced according to the law, as well as putting more effort into investigating trafficking cases that include complicit governmental officials. Statistics from NGO and international organizations' annual reports differ greatly from the official governmental data regarding the number of victims and trafficking crimes committed, suggesting that law enforcement lacks an efficient investigation and prosecuting system in tackling the issue of trafficking. Moreover, many NGO reports, as well as the personal stories of victims, indicate that some law enforcement officials are prone to accepting bribes from traffickers and thus avoid launching criminal cases against them, which consequently reduces the trust of vulnerable victims in the process of reporting and allows traffickers to go unpunished. Better internal control and the establishment of a separate department within the Ministry of Labour, Social Welfare and Migration, which was designated as the new national coordinating body for anti-trafficking in 2021, can help increase efficiency in dealing with the issue of trafficking and consequently strengthen

Maya Ivanova, "Black Swans" and Their Impact on Trafficking in Persons in Central Asia", CABAR, August 11, 2022.

Ezra Bernstein, "Human Trafficking in The Kyrgyz Republic", *The Borgen Project*, February 26, 2023, https://borgenproject.org/human-trafficking-in-the-kyrgyz-republic/#:~:text=Currently%2C%20the%20Kyrgyz%20Republic%20is,a%20satisfactory%20level%20of%20safety

Kamila Eshalieva, "I can't feed my family': Migrant workers in Russia hit hard by Ukraine war", openDemocracy, 2022

anti-corruption practices by monitoring the implementation of anti-trafficking mechanisms and measures.

- Allocate more resources and time to organizing anti-trafficking training among law enforcement and prosecution officers. This can help in improving the system of identifying and prosecuting cases of trafficking, as well as in convicting and sentencing traffickers. Such training can equip investigators, prosecutors, and judges with more efficient tools in identifying and working with victims, collecting evidence, and acquiring more appropriate prosecution and court processing actions in trafficking cases. International donors and organizations such as the OSCE, UNODC, IOM, Winrock International, in stronger cooperation with state agencies, should be key actors in conducting anti-trafficking training sessions.
- Increase the number of awareness-raising campaigns about the damaging effects of human trafficking. These campaigns should be aimed at youth, migrants, and their family members in particular since these categories are recognized as the most susceptible to trafficking. Popular social media networks such as TikTok, Facebook, and Instagram can act as effective channels for advocating and promoting anti-trafficking mechanisms, especially among youth. Influencers, public figures, and NGOs in Kyrgyzstan could be engaged in anti-trafficking campaigns and effectively pass on important messages via their social media channels and public appearances. Beside NGO efforts in raising awareness, trained state officials should

- also participate actively in such efforts by conducting visits to high schools and educating pupils about dangers and damaging effects of trafficking. Moreover, official campaigns about job search techniques and legal work abroad should be available to migrants and their families in order to help them avoid scams and possible exploitative channels that traffickers use while recruiting victims. Such initiatives could, for instance, take the form of creating informative websites concerning safe job searches abroad and the possible dangers of using unsecure and illegal recruitment sites, contributing to safer digital space.
- Improve the media coverage on human trafficking. This can help in educating the wider public about the serious consequences of trafficking. More investigative journalism is needed in order to explain, provide education on, and alleviate the effects of trafficking in persons. The majority of the news tackling this issue is approached merely on a factstating level without a deeper analysis of the underlying causes and trends that lead to an increase in victims and crime across and beyond the country.

Continue capacity-building among state officials in anti-trafficking efforts, allowing international partners to gradually withdraw and strengthening national and local responses to the trafficking issue. A more proactive state role in dealing with human trafficking can increase official accountability, effectiveness, and legal responses to this serious criminal issue and thus improve trust relations between the state and its citizens.

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Tel: +996 (312) 54-32-00, 54-12-00

E-mail: rtu@osce-academy.net

Website: www.osce-academy.net