



Organization for Security and Co-operation in Europe

Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Foreword

On 15 - 17 February 2023 my predecessor, the then OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings Valiant Richey, conducted a country visit to Kyrgyzstan to hold consultations with high-level government officials, law-enforcement, and the judiciary as well as representatives of civil society. To update the findings of the visit conducted in 2023, I had the pleasure of paying an official visit to Kyrgyzstan on 14 – 15 May 2024. I would like to thank the colleagues at the OSCE Project Office in Bishkek for their help during both visits.

The objectives of the visit were to identify promising practices for combating trafficking in human beings (THB), as well as to promote the full implementation of OSCE commitments in the field of anti-trafficking, notably holistic and comprehensive actions aiming to better prevent and respond to human trafficking and to protect and support its victims.

The report from the visits was finalized and presented to Kyrgyzstan on 10 February 2025. The government submitted its comments on 24 April 2025, which are annexed to the report.

Kyrgyzstan has advanced its efforts to prevent and combat human trafficking by undertaking a number of initiatives, including regularly updating and adopting its National Anti-Trafficking Action Plan. I am particularly pleased to note establishment of the institute of the National Anti-Trafficking Rapporteur within the Council on Migration and Trafficking in Human Beings of the Jogorku Kenesh (Parliament) in September 2022 and the various analytical and reporting activities of the Rapporteur since then. Recent legal amendments, including to the Law "On preventing and combating trafficking in persons" and the Criminal Code, are among further positive developments and create a strong legislative framework for prosecuting the perpetrators and protecting the victims. Nonetheless, the report contains a list of recommendations to further strengthen anti-trafficking efforts in Kyrgyzstan, such as streamlining and implementation of the National Referral Mechanism or creation of a unified data collection system.

By encouraging relevant authorities to implement the comprehensive set of recommendations made in this report, I look forward to deepening our established collaboration and to furthering our future co-operation in the best interests of the most vulnerable and disadvantaged members of society.

A handwritten signature in blue ink that reads 'Kari Johnstone'.

Dr. Kari Johnstone

OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

**Report by the OSCE Special Representative and Co-ordinator for Combating
Trafficking in Human Beings, Kari Johnstone, following the country visit to
Kyrgyzstan**

15 – 17 February 2023 and 14 – 15 May 2024¹

Summary:

The then OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey, conducted an official visit to Kyrgyzstan from 15 to 17 February 2023 to assess the country's anti-trafficking laws, policies, and practices. During the visit, special attention was paid toward national efforts to coordinate anti-trafficking measures, prevent human trafficking, protect the rights of and provide assistance to trafficked persons, and prosecute perpetrators in line with OSCE commitments and relevant international standards. To update the findings of the visit conducted in 2023, the current OSCE Special Representative Kari Johnstone conducted an official visit to Kyrgyzstan on 14 – 15 May 2024.

The Special Representative Johnstone positively notes that in September 2022 Kyrgyzstan established the institute of the National Anti-trafficking Rapporteur within the Council on Migration and Trafficking in Human Beings of the Jogorku Kenesh (Parliament). In December 2023, the Rapporteur presented his first alternative report on human trafficking in Kyrgyzstan, followed by a presentation of a large-scale analysis of law enforcement practices with suggestions for improvement in May 2024. The Special Representative would welcome further institutionalization of the National Rapporteur function and his Office either in the form of a separate law, or including the relevant provisions in the existing dedicated anti-trafficking law.

Recent amendments to the Law "On preventing and combating trafficking in persons" to bring the definition of trafficking in line with the UN Convention against Transnational Organized Crime and its supplementary protocols, as well as toughened sanctions for trafficking in Art. 166 of the Criminal Code, as well as a separate article for trafficking in children (Art. 167) with the sanction of maximum deprivation of liberty, are among further positive developments. The Law on "Shelters for victims of human trafficking," together with the new version of the Law "On state-guaranteed legal aid" adopted in August 2022, create a comprehensive framework for the provision of services to the victims of trafficking, and lay out concrete steps to secure financial, psychological, and legal aid for victims.

¹ The Report was finalized on 5 May 2025

Kyrgyzstan regularly updates the National Anti-Trafficking Action Plan – the current one for 2022-2025 envisages renewed strategic guidance for consolidated and robust action to prevent and combat human trafficking with a particular focus on tackling labour migration trafficking and trafficking with the use of technology.

The Special Representative also noted several key opportunities and concerns with regard to specific actions and challenges in the country's anti-trafficking response. The National Referral Mechanism (NRM), adopted in 2019, has yet to be used and to date no victim has been identified within the NRM. While a number of agencies adopted Standard Operating Procedures (SOP) to implement the NRM, authorities described the procedure as overcomplicated and agencies are reluctant to go through the paperwork. The misclassification of human trafficking cases by law enforcement and prosecutors and charging them as forced prostitution, illegal migration or fraud limit the access of trafficking victims to services, since they are not formally identified as such. This practice also hinders the application of the non-punishment principle, resulting in trafficking victims being punished for the crimes they committed as a direct result of being trafficked.

Despite the focus of the 2022-2025 NAP on tackling labour exploitation, the moratorium on routine and unannounced labour inspections, introduced by the government in October 2022 and extended in 2023, significantly limited the ability to identify instances of labour exploitation and finding victims of trafficking. Such a moratorium contravenes Kyrgyzstan's obligation taken under the ILO convention No. 81, which ensures that labour inspectors can carry out their duties effectively, including by conducting unannounced inspections. Lifting of this moratorium would be especially timely given the shift in Kyrgyzstan's trafficking profile as the country is becoming a destination for migrant workers from Pakistan, Bangladesh, and India, at risk of exploitation.

The country also experiences challenges with collecting and maintaining trafficking related data, which in turn also affects monitoring and evaluation of anti-trafficking policies and practices. A single unified database is missing and various anti-trafficking actors report divergent numbers of trafficking crimes and victims.

In sum, these aspects reflect a need for substantive increase in the application of laws and policies and enhanced political will to ensure that anti-trafficking efforts are effective and impactful.

Below, the Special Representative makes several concrete recommendations to enhance Kyrgyzstan's response, including improving proactive identification of victims of all forms of trafficking and ensuring adequate protection services, including shelter; implementing a unified database of human trafficking victims and cases; increasing prosecutions and convictions of trafficking crimes, including by building capacities of criminal justice practitioners across the board, increasing financial investigations, and developing a dedicated guidance to all stakeholders on the key principles guiding anti-trafficking work, including the non-punishment of trafficked persons for offences committed as a result of their trafficking; and expanding efforts to prevent trafficking for labor exploitation through more proactive labor inspections and regulation of employment/recruitment agencies.

I. Introduction

1. This Report presents the central findings and recommendations of OSCE the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Kari Johnstone, based on the country visit to Kyrgyzstan of the then Special Representative Valiant Richey (hereinafter referred to as the then Special Representative) on 15 – 17 February 2023 and the current Special Representative’s official visit to Kyrgyzstan on 14-15 May 2024.²
2. The purpose of the visits was to hold consultations with government officials and experts from state institutions and civil society to learn of promising practices as well as to support and advance ongoing efforts to prevent trafficking, assist trafficked persons and protect their rights, and bring perpetrators to justice in line with OSCE commitments and relevant international standards.
3. In the course of the visits, the previous Special Representative and current Special Representative engaged in direct consultations with government officials in Bishkek, including Ministry of Labour Social Services and Migration and the National Anti-trafficking Coordinator, Ministry of Interior, Office of the General Prosecutor, Supreme Court, Jogorku Kenesh (Parliament) of the Kyrgyz Republic, and the National Anti-trafficking Rapporteur. The Special Representatives also met with the OSCE Programmatic Office in Bishkek and representatives of the local country offices of United Nations Office on Drugs and Crime (UNODC), International Labour Organization (ILO), Winrock International, and Solidarity Center, as well as online with the representative of the International Organization of Migration (IOM).

The Special Representative also benefited from meeting with anti-trafficking NGOs, such as Oasis, International Federation of Migrants, El Agartuu, Sezim Crisis Center, Progress Fund, International Protection Center, Aikol, Ulybka, Danko and Blagodot and Aimira Public Fund.

4. The Special Representative thanks the Kyrgyz authorities, and in particular, the Delegation of the Republic of Kyrgyzstan in Vienna and the National Anti-trafficking Rapporteur’s office for the co-operation. She is grateful for the assistance to the OSCE Programme Office in Bishkek for assistance in organizing and facilitating the visit. She also wishes to thank all interlocutors, including civil society organizations in Kyrgyzstan, for their willingness to share their knowledge and insights.
5. Consultations during the visit focused on the situation of trafficking in human beings (THB) in the country and the ongoing policy, legislative, and operational responses to it. More specifically, discussions focused on co-ordination, monitoring, and evaluation of anti-trafficking measures given the administrative structure of the country; the identification of, and provision of assistance to, victims of all forms of trafficking, particularly child victims of trafficking; the protection of victims’ rights, including of migrant workers and asylum seekers; efforts in the area of prevention and countering the demand that fosters sexual and labour exploitation; co-operation with civil society

² During the country visit in 2023 the then Special Representative Richey was accompanied by the Associate Officer on Combating Trafficking in Human Beings, Radu Cucos and Associate Country Visit Officer, Tarana Baghirova. During the official visit in 2024 the Special Representative Johnstone was accompanied by Associate Country Visit Officer, Alexandra Donskova-Huber.

and partnerships with public and private entities; and prosecutions and convictions of perpetrators.

6. Over the course of the visit, the Special Representative noted with appreciation that government officials and civil society representatives demonstrated significant awareness and understanding of human trafficking as a serious crime and violation of fundamental rights, knowledge of new human trafficking trends in the country, and a readiness to tackle new threats.
7. The Special Representative stressed the importance of ensuring the high political profile of the anti-trafficking agenda, of increasing of the prosecutions and convictions of THB a key government priority, and of the need to reform the NRM and set up a database to monitor and inform anti-trafficking activities. She notes that a decline in high-level attention to the problem could jeopardize the important results already achieved.

II. Legal framework

8. The Special Representative commends Kyrgyzstan for being a party to major international instruments in the fight against trafficking in human beings, such as the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (“Palermo Protocol”), ratified on 2003.

The country has also ratified a number of Conventions addressing slavery and forced labour such as the ILO Forced Labour Convention No.29 and its Protocol of 2014 ratified in 1992 and 2020, respectively; the ILO Convention on the Abolition of Forced Labour No.105, ratified in 1999; the ILO Convention on Worst Forms of Child Labour No.182, ratified in 2004 and the ILO Labour Inspection Convention No.81, ratified in 2000.

Kyrgyzstan also ratified the UN Convention on the Elimination of All Forms of Discrimination against Women in 1997 and the UN Convention on the Rights of the Child in 1994. The Optional Protocol on the involvement of children in armed conflict and on the Sale of Children, Child Prostitution and Child Pornography, were ratified in 2003.

9. As a participating State to the OSCE, Kyrgyzstan has also pledged to implement the commitments it has undertaken in the OSCE framework, in particular the recommendations contained in the 2003 Action Plan to Combat Trafficking in Human Beings, as well as its 2005³ and 2013⁴ Addendums.
10. The Special Representative recommends that Kyrgyzstan signs and ratifies the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The Convention sets minimum standards for migrant worker and members of their families with a focus on eliminating the exploitation of

³ OSCE Permanent Council Decision No. 685 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special needs of Child Victim of Trafficking for Protection and Assistance](#), PC.DEC/685

⁴ No.1107 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later](#), PC.DEC/1107/Corr.11

workers in the migration process. The ratification of this Convention is particularly important for Kyrgyzstan given its focus on enhancing prevention of labour exploitation and protection of victims who are often migrant workers. Another important international legal instrument to be adopted and ratified would be the ILO Domestic Workers Convention No. 189. Under this Convention, domestic workers are entitled to the same basic rights and standards of work as those available to other workers in their country. It mandates protecting domestic workers from violence and abuse, regulating private employment agencies that recruit and employ domestic workers, and to preventing child labour in domestic work. Taking into account the large numbers of workers in informal sectors in Kyrgyzstan, the Special Representative recommends signing and ratifying this convention.

11. Domestically, Kyrgyzstan has recently undertaken commendable efforts to update the anti-trafficking legislation. Article 28 of the Kyrgyz Constitution explicitly prohibits slavery and human trafficking. The Law of the Republic of Kyrgyzstan No. 55 of 17 March 2005 "On Preventing and Combating Trafficking in Persons" was amended on 24 January 2023 to align with the definition of trafficking provided under the Palermo protocol, including the principles of the irrelevance of consent and non-punishment. Human trafficking is defined in Article 1 of the Law as "recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation". The definition of exploitation is as follows – "involvement of the person in criminal activity; involvement of a person in prostitution or other sexual services, forced labour or services, slavery, adoption for commercial purposes, use in armed conflicts". Article 12 of the Law also includes provisions on the *irrelevance of consent* to the intended exploitation or behaviour of the trafficking victim and on the *non-punishment principle*. The Special Representative welcomes these legislative changes and encourages Kyrgyz authorities to develop targeted capacity-building activities for criminal justice professionals and all agencies responsible for identifying trafficking victims to effectively implement these provisions.
12. The Kyrgyz Criminal Code (CC) penalizes a range of human trafficking and similar offences. Article 166 defines human trafficking and prescribes a prison sentence from 3 to 6 years. Aggravating circumstances of the offence include if the crime committed against two or more persons, by a group of persons, or a group with advance agreement, by abuse of official position, by transporting or smuggling the person across the Kyrgyz borders, or against the person who is financially or otherwise dependent on the perpetrator. These acts are penalized with a prison sentence from 6 to 8 years. Further aggravating forms include if the crime is committed against a pregnant woman, with the purpose to remove an organ or tissue from an alive or deceased person, by organized crime, and penalized with a prison sentence from 8 to 11 years. The penalty is up to 5 years of imprisonment if the offence is committed against a minor. Article 166 also makes explicit reference to the irrelevance of the trafficked person's consent of, and to the non-punishment principle, though this is limited to minor and middle gravity offences committed as a result of being trafficked.
13. Since 2021 the new CC criminalizes the trafficking in children in Article 167 with imprisonment from 5 to 8 years. The aggravating forms are similar as prescribed in

Article 166 with the increased penalty of prison sentence from 11 to 15 years. These penalties are sufficiently stringent and classifying child trafficking a separate offence emphasizes the importance of prosecuting exploitation of children.

14. Forced labour is criminalized by Article 170 of the CC with imprisonment from 3 to 6 years, and the definition is aligned with the ILO definition of forced labour. If the acts are committed against two or more persons; against a minor aged from 14 to 18 years, by retention or destruction of ID documents, with the use of official position, the punishment ranges from 6 to 8 years of prison sentence. Further aggravating circumstances include if the act is committed against a minor under 14 years, resulting in a serious injury, or committed by an organized criminal group - all punishable with imprisonment from 8 to 12 years.
15. Other relevant CC provisions include Article 172, which criminalizes kidnapping for the purpose of marriage with imprisonment from 5 to 7 years, or if the crime is committed against a minor with the punishment from 7 to 10 years; Article 173, which punishes coercion of a minor to enter into an actual marital relationship with a fine or imprisonment from 3 to 5 years; Articles 157 – 158 criminalize actions of sexual nature with or without sexual contact with a minor under 16 with imprisonment up to 10 years. Pursuant to CC Article 159 “involving into prostitution” under coercion is criminalized by a monetary penalty or by a prison sentence up to 5 years; however, if a minor is involved the penalty is raised to a prison sentence from 10 to 15 years with the confiscation of all possessions. “Pimping” is criminalized by Article 160, Article 161 criminalizes production and distribution of pornographic materials with the recent addition of Article 160-1, which criminalizes pimping and engaging into prostitution online (webcamming)⁵. Engaging a minor into pornography is criminalized under Article 162 of the CC.
16. Victim identification and assistance, shelters for victims of trafficking, social rehabilitation, residency of foreign victims that cooperate with law enforcement, and the creation of a national database on human trafficking are also governed by the above-mentioned Law No. 55 "On Preventing and Combating Trafficking in Persons". The National Referral Mechanism (NRM), criteria for identification of a person as a trafficking victim, model Standard Operating Procedure (SOP) on recovery, identification and referral of a trafficking victim, guidelines on victim-serviced approach and service provision to trafficking victims, as well as protection of private data of trafficking victims have been introduced on 19 September 2019 through the Law No. 493 “On the National Referral Mechanism of Victims of Human Trafficking in Kyrgyz Republic”. The “Rules of Organization of Shelters, the Procedure for their Activities, Management, Financing and Organization of Control over their Activities” (latest amendment on 23 August 2023) is an Act of Cabinet of Ministers, which regulates the work of shelters for trafficking victims and the services provided to victims there. The scope of the implementation of these laws is further discussed in the identification and assistance sections of the present report.
17. Overall, the Special Representative commends Kyrgyzstan for its robust legislative framework to prevent and combat human trafficking and related crimes while protecting the rights of trafficked persons, including the recent amendments to the

⁵ [Кодекс КР от 28 октября 2021 года № 127 "Уголовный кодекс К](#)

Criminal Code, Law No. 55 "On Preventing and Combating Trafficking in Persons", as well as adoption of Law No. 493 "On the National Referral Mechanism of Victims of Human Trafficking" and a regular review of other important legislative acts. Nevertheless, there is an opportunity to further advance the practical implementation of this legal framework on the following key issues. During discussions on the application of the Criminal Code provisions, the Special Representative noted pimping is used frequently as an alternative to the trafficking statute, even if the elements of trafficking may be present. There are several negative consequences of failing to properly classify human trafficking cases, including that the legal focus will be on the financial aspects of third-party facilitation rather than the element of exploitation. In all of the cases of re-qualifications, victims may not gain rightful access to services or compensation. Another key issue is the lack of implementation of the NRM – at the time of the drafting of the present report, the mechanism has not been invoked and no victims identified. Despite the fact that the agency-specific SOPs on identification and referral have been developed for 6 out of 8 agencies that are mandated to formally identify victims, the NRM is considered to be overly complicated and is not utilized by the law enforcement agencies in practice. The Special Representative recommends a review of the NRM with a view to simplify the procedures and calls for dedicated capacity-building for all relevant agencies on the implementation of the SOPs.

III. Policy and institutional framework

18. With regard to policy framework, a key document for OSCE participating States is the national anti-trafficking action plan, which helps coalesce political will on the topic, lay out strategies and activities for combating trafficking, identify responsible agencies, and mobilize resources. Kyrgyzstan adopted its fourth National Action Plan to Combat Human Trafficking⁶ for the period of 2022-2025, based on consultations of main anti-trafficking actors in the country: government agencies, non-governmental organizations and the international community. The approval of the new NAP by the Cabinet of Ministers for the first time serves as a milestone in the anti-trafficking profile in Kyrgyzstan, providing high level political support to anti-trafficking action. The new NAP includes 25 measures grouped under five objectives aimed at (1) improving the regulatory legal framework in the field of combating trafficking in persons, including legal support for measures to provide assistance and protection to victims of trafficking in persons within the framework of the national referral mechanism; (2) prevention of trafficking in persons and forced labour by raising public awareness on issues of combating trafficking in persons, reducing the risk for socially vulnerable groups, delivering information and educational work to various groups of the population, as well as enhancing preventive measures in the online space; (3) increasing the effectiveness of investigations, prosecutions, and trials related to human trafficking and forced labour; (4) the organization and development of a system for providing protection and assistance to trafficking victims by integrating the provision of social services to victims into the system of guaranteed social assistance to vulnerable categories of citizens; and (5) developing of partnerships and international cooperation in the field of combating human trafficking.

⁶ [Program of the Cabinet of Ministers of the Kyrgyz Republic on combating human trafficking in the Kyrgyz Republic for 2022-2025](#) (adopted on 15 April 2022 by the Resolution of the Cabinet of Ministers No.227)

The adoption of the NAP after a two-year break is a positive development, which also provides robust measures envisaged through 2025 to advance Kyrgyzstan's anti-trafficking efforts. For the first time the document targets an increase in prosecutions and convictions as a focus area, introduces measures on amending and implementing the NRM, and dedicates several activities to data collection, including from NGOs and the creation of a database of trafficking cases. With almost three of four years allocated for the implementation of the current NAP elapsed, and certain measures still reportedly unaddressed, it is recommended that in accordance with point 5.4.1 of the NAP, Kyrgyz authorities conduct a mid-term review and critical assessment of the plan. This review should aim to verify whether the tasks planned for 2022-2024 have been implemented and to determine if any high-level political attention is required. Additionally, the review should also consider incorporating new tasks related to technology-facilitated trafficking and prevention of trafficking for the purpose of sexual exploitation by taking measures to curb the demand that fuels human trafficking. It would also be opportune to expand its focus on labour exploitation beyond assistance to Kyrgyz nationals travelling abroad to also preventing labour exploitation of foreign national within the country. Another significant step would be to allocate specific amounts of state budget funds to certain tasks, as the current budget, as outlined in Annex 4 to the NAP, relies solely on foreign donors. Such a reliance on fundraising and NGO-provided services would be particularly challenging with the implementation of the "Law of the Kyrgyz Republic on Amendments to the Law on Non-commercial Organizations", adopted on 2 April 2024. The chilling effect of uncertainty and burdensome reporting requirements to various state bodies (such as the Ministry of Justice, tax authorities etc) may limit the scope of NGOs' activities in both trafficking prevention (e.g., working with migrants and on awareness raising) and the provision of services to trafficking victims, as most NGOs receive foreign funding. Consequently, such activities would need to be implemented by the government and thus require further funding. The Law will also likely make it more difficult to attract foreign donors to fund some of the state-run anti-trafficking actions. The Special Representative recommends exempting NGOs working in the anti-trafficking field from the scope of the Law to ensure this does not negatively affect victims and anti-trafficking activities. In addition, it is advised to include specific NGOs carrying out such activities into the NAP implementation plan to solidify their status.

19. On the top of the institutional anti-trafficking framework in Kyrgyzstan is the Cabinet of Ministers. According to the Law No. 55 "On Preventing and Combating Trafficking in Persons", it is responsible for defining and implementing anti-trafficking policies, developing legislative changes to better tackle the new challenges in this area, and overseeing their implementation. It is also the body that officially establishes the programme under the NAP and the government anti-trafficking architecture. The Special Representative views the placement of responsibility for combating trafficking at the highest governmental level as a positive practice and encourages the authorities to strategically use this positioning to ensure that the inter-governmental group on trafficking meets regularly and appropriate resources are allocated for the NAP's implementation. Since November 2021, the coordination of the anti-trafficking response has been moved from the State Migration Service to the Ministry of Labour, Social Security and Migration (MLSSM) ⁷. The MLSSM is also responsible for

⁷ [Resolution of the Cabinet of Ministers of the Kyrgyz Republic dated November 15, 2021 No. 252 "On Issues of the Ministry of Labor, Social Security and Migration of the Kyrgyz Republic" \(minjust.gov.kg\)](#)

developing and carrying out labour, employment, and migration policies (for both outbound and inbound migration), assisting refugees, socially vulnerable populations, all of which thematically overlap with human trafficking issues. According to the “Regulations on the Ministry of Labour, Social Security and Migration of the Kyrgyz Republic”⁸ the Ministry is tasked with drafting state policies, laws, and international agreements in the area of anti-trafficking, collecting and analysing trafficking data and setting up shelters for the victims of trafficking. The MLSSM also coordinates the work of labour inspectorates, protects the rights of migrants in foreign countries, provides services and rehabilitation for trafficking victims, and monitors and evaluates the implementation of the NAP. Despite the breadth of these responsibilities, coordination is practically managed by a single person at the Senior Specialist level at the MLSSM. The Special Representative recommends allocating more human and financial resources to this coordination function and elevating the role of the coordinator to a higher level.

20. At the regional level, in May 2018 Kyrgyzstan established provincial Counter-Trafficking Coordination Councils (CCs) in each regional Government Administration to ensure effective interagency cooperation and coordination of joint efforts of local government bodies and civil society organizations for implementing the Government Programme on combating trafficking in persons and its Action Plan for the period 2017 - 2020 at the local level. Since then, with the support of international organizations, such as OSCE and UNODC, workshops have been conducted to strengthen the role and capacity of local government administrations in Batken, Jalal-Abad, Osh, Naryn, Issyk-Kul, Talas, and Chui oblasts and Osh city. These workshops aim to engage community-based organizations and ensure public outreach on prevention and combating trafficking, and monitor and evaluate the implementation of local anti-trafficking action plans endorsed in 2018. Recently, the OSCE Project Office in Bishkek supported both the regional outreach sessions of the CCs, as well as the annual CCs’ coordination sessions in Bishkek. The work of the regional Coordination Councils is an important aspect of the country’s anti-trafficking response, as instances of human trafficking most often occur in provinces and must be prevented and prosecuted at the regional level.
21. In September 2022, following recommendations and good practices reports from the OSCE, Kyrgyzstan established the institute of the National Anti-trafficking Rapporteur within the Council on Migration and Combating Human Trafficking under the Toraga (Speaker) of the Jogorku Kenesh of the Kyrgyz Republic. Kyrgyzstan is one of the few OSCE participating States that has a designated independent National Rapporteur on human trafficking. The National Rapporteur is tasked with the development of proposals on the NAP, programmatic activities, legislative changes, and recommendations for the President, Parliament, Cabinet of Ministers, and other government and local self-government bodies; research and preparation of analytical materials and independent reports; cooperation with the government, NGOs and diasporas on various projects and activities. In December 2023, the National Rapporteur presented his first independent report on the human trafficking in Kyrgyzstan to the Parliament, providing targeted recommendations for reviewing the existing NRM mechanism and victim identification criteria, building capacity for specialized law enforcement entities on technology and trafficking, and training law

⁸ [Regulations of the Ministry of Labour, Social Security and Migration of the Kyrgyz Republic \(minjust.gov.kg\)](https://minjust.gov.kg)

enforcement first responders to recognize trafficking signs. He further suggested creating a state-run shelter for trafficking victims, establishing a centralized database of victims, and improving co-ordination and financing of trafficking actions by international actors. In his report, the National Rapporteur also promoted the idea of state regulation of the work of private labour agencies and of employee-paid fees, as well as strengthening the role of labour inspection in preventing and detecting human trafficking.

Later in 2024, the Office of the National Rapporteur led the research on the “Analytical report on law enforcement and legal framework in the field of preventing and combating human trafficking in the Kyrgyz Republic”, examining human trafficking criminal cases and associated crimes from 2021-2023. The report, which was presented to and discussed with both state and non-state actors during a meeting in May 2024, suggested improvements for more proactive investigations, utilization of the possibility to deposit victims’ statement as evidence, better oversight for investigative bodies and prosecutors, and joint investigations with the Central Asian countries and internationally. Later that month the Office of the National Rapporteur held the second coordination meeting of anti-trafficking actors, including NGOs and international organizations. In December 2024, the Rapporteur presented his second independent report, focusing on a deeper analysis of the NRM and its implementation and providing targeted recommendations for harmonizing various legal provisions for better application of the NRM. The Special Representative welcomes the establishment of the National Rapporteur institute, praising his work in independent analysis and reporting on anti-trafficking issues, efforts to reform the NRM, and suggestions for improving the prosecution of traffickers. She also encourages Kyrgyzstan to further empower the National Rapporteur by adopting a dedicated law on the institute of the Rapporteur or including relevant provisions into the Law “On Preventing and Combating Trafficking in Persons”.

22. The vigorous work done by anti-trafficking NGOs in Kyrgyzstan in awareness-raising and prevention, identification, assistance, reintegration, and rehabilitation of trafficked persons and potential victims of trafficking is crucial. Some of the NGOs are also part of consultations to develop policy documents such as the NAP, or are on the dedicated list of NGOs that can identify and refer victims to the NRM, which is in line with the recommendations set out in the OSCE report “the Critical Role of Civil Society in Combating Trafficking in Human Beings”⁹, necessary to advance the country’s victim outreach and support and allow for the sustainability and effectiveness of organizations’ operations. As mentioned in para. 18, anti-trafficking NGOs should be supported in their work, and Kyrgyzstan should make sure that the Law “On Amendments to the Law on Non-commercial Organizations” does not inadvertently negatively affect them.
23. In conclusion, the Special Representative praises the comprehensive anti-trafficking architecture in Kyrgyzstan including both state and non-state bodies, and she recommends empowering both the National Anti-trafficking Coordinator and National Rapporteur through dedicated human and financial support, as well as elevating the status of the National Coordinator.

⁹ [The Critical Role of Civil Society in Combating Trafficking in Human Beings | OSCE](#)

IV. Identification, referral and assistance for victims of trafficking

24. The lack of unified data collection, sharing, and retention has been a constraint to understanding the true scale and scope of human trafficking in Kyrgyzstan. The total number of victims identified annually was not available from either civil society organizations or government agencies consulted during the visit. For example, the number of identified victims provided by one of the NGOs for 2023 was 86, but no official data was provided by the MLSSM, despite requests. The first report of the National Rapporteur for 2023 mentioned investigations into 2 instances of human trafficking and 5 instances of child trafficking, as well as 99 investigations into related crimes, including 37 forced disappearances, 12 forced marriages, 41 pimping crimes, 5 crimes of involvement into prostitution and 4 crimes of involving a child into prostitution, no investigations of forced labour. The second report of the National Rapporteur provided the following figures: 18 cases of human trafficking (17 Pakistani male victims subject to labour exploitation, and one Kyrgyz female victim of sexual exploitation in Türkiye) and 2 cases of child trafficking (selling of a new-born girl and of a 2-year-old boy). For 2022, the National Statistical Committee reported 1 registered crime of human trafficking and 2 for 2023¹⁰, while statistics from the Office of the Prosecutor General during the visit in February 2023 indicated 11 cases of trafficking for the purpose of sexual exploitation (including engagement into prostitution and pimping), 1 case of labour exploitation, and 2 cases of trafficking of newborn babies in 2022. These numbers hardly reflect the true magnitude of the issue and underscore the need for a single database on trafficking cases, where both law enforcement agencies and civil society can input data. Hence, the Special Representative urges authorities to develop and implement such a dataset without delay.
25. Due to the lack of standardized state data, the following sources were consulted to understand the human trafficking situation in Kyrgyzstan: UNODC Global Trafficking in Persons report and dataset¹¹, the Concluding observations on the fifth periodic report of Kyrgyzstan by the UN Commission on Elimination of All Forms of Discrimination against Women (CEDAW)¹², reports from the International Organization for Migration (IOM), Report of the U.S. Department of Labour on Findings on the worst forms of child labour¹³, U.S. State Department Trafficking in Persons Report¹⁴, Global Organized Crime Index¹⁵, media reports, and information from NGOs and international organizations that the Special Representatives met related to the visits in February 2023 and May 2024.
26. Poverty, gender inequality, domestic violence, and other harmful gender practices make Kyrgyzstan more vulnerable to exploitation. According to the Asian Development Bank data, 33.2% of the Kyrgyz population lived below the national poverty line in 2022¹⁶. The UN Human Rights Commissioner expects that poverty in Kyrgyzstan will worsen due to the Russian invasion of Ukraine. The conflict and resulting sanctions are likely to affect the Kyrgyz economy, which relies on imports

¹⁰ [Number of registered human trafficking crimes - Open Data - Statistics of the Kyrgyz Republic](#)

¹¹ [dp-trafficking-persons-offences | dataUNODC](#)

¹² [n2135171.pdf \(un.org\)](#)

¹³ [Findings on the Worst Forms of Child Labor - The Kyrgyz Republic | U.S. Department of Labor \(dol.gov\)](#)

¹⁴ [Kyrgyzstan - United States Department of State](#)

¹⁵ [Criminality in Kyrgyzstan - The Organized Crime Index \(ocindex.net\)](#)

¹⁶ [Kyrgyz Republic: Poverty | Asian Development Bank \(adb.org\)](#)

and remittances from migrants working in the Russian Federation. The World Bank estimates that remittances from migrant workers accounted for roughly 30% of the country's GDP in 2022, making Kyrgyzstan one of the most remittance-dependent economies in the world¹⁷. In 2024 IOM estimated that 328,458 Kyrgyz nationals were residing abroad between 2020 and 2023, with 79% of them in the Russian Federation, 4.5% in Kazakhstan, 4% in Türkiye, and 4% in USA; in some of Kyrgyzstan's regions around 40% of the working population migrated abroad¹⁸. These conditions make men and women vulnerable to trafficking as they search for employment, both domestically and internationally, often accepting poor working conditions. Kyrgyz nationals are exploited by traffickers both within Kyrgyzstan and abroad in neighboring countries in the Russian Federation, Central Asia, the Middle East, and Europe, while foreign nationals are also exploited in Kyrgyzstan. Women, men, and children are trafficked for various exploitative purposes, mainly for the purpose of forced labour and sexual exploitation, but also forced criminality and organ trafficking¹⁹.

27. As mentioned above, the primary destination of Kyrgyz immigrants has historically been the Russian Federation. Despite the COVID-related challenges and the sanctions against Russia following its war against Ukraine, the majority of Kyrgyz nationals working abroad still remain in Russia, where they face risks of labour and sexual exploitation. Labour trafficking predominantly occurs in service, construction industries, and domestic work. However, a new trend involves exploitation in the illicit drug trade, where victims are often not identified as such and are prosecuted for drug offences. Recruitment mainly takes place online (by ethnically Kyrgyz-Russian citizens) or through private recruitment agencies, which provide no assistance in cases of exploitation. Kyrgyz men are being recruited for military activities in Ukraine, and one particularly vulnerable group are the Kyrgyz citizens imprisoned in the Russian Federation (over 1000 persons), who are conscripted into the army with promises of an early release or easy access to Russian citizenship. Kyrgyz citizens recruited to work in Russian-occupied Ukraine territories are also at particular risk of labour exploitation. A significant number of Kyrgyz citizens have been "blacklisted" for reentry by the Russian Federation, and traffickers may use the threat of deportation to maintain exploitative situations. Consequently, women from Kyrgyzstan are more likely to travel abroad for work, increasing their risk of trafficking in domestic servitude and sexual exploitation. In Kazakhstan, migrants from the southern regions of Kyrgyzstan, such as Talas, are exploited in agriculture (onion fields), construction sector, and for the purpose of sexual exploitation according to NGOs. As Kyrgyzstan's migration profile shifts from neighboring countries to more distant destinations - Türkiye, Kuwait, U.A.E, Europe (Germany, Czech Republic, Poland), UK, US, Japan, and South Korea - cases of trafficking of Kyrgyz citizens have emerged in these locations, particularly in the construction, textile and service sectors, trucking, childcare, and domestic work.
28. Children, often left with relatives and without proper parental oversight, can end up in sexual exploitation, forced begging, and domestic servitude. Girls are especially vulnerable to commercial sexual exploitation and are frequently targeted by traffickers. Children also engage in child labour in agriculture in Kyrgyz Republic. With at least 55% of the Kyrgyz labour market operating unofficially and minimum age protections

¹⁷ [digitizing_remittances_kyrgyzrep.pdf \(worldbank.org\)](#)

¹⁸ [compilation_report_dec_2023.pdf \(iom.int\)](#)

¹⁹ [Kyrgyzstan busts organ trafficking ring, suspects apprehended](#)

not extended to children engaged in non-contractual employment, preventing and detecting child exploitation are especially challenging. According to the US Department of Labour 2022 Findings on the Worst Forms of Child Labour Report on Kyrgyzstan, child labour, including hazardous work, is most prevalent in Naryn and Osh provinces. Children of migrant parents who travel to Kazakhstan to work, either with their parents or unaccompanied, engage in child labour in construction, farming, herding, or selling products in markets. Domestically, children of labour migrants have been identified engaging in child labor in markets. Organized crime groups involve socially vulnerable youth (children without parental care, including children of migrants) in forced criminality, drug trafficking, sometimes in conjunction with sexual exploitation. Regrettably, victims are not identified by law enforcement as such and are prosecuted for selling drugs.

29. Bride kidnapping or "ala kaachu" ("to take and run away") remains a harmful practice in Kyrgyzstan. This practice is a form of forced marriage that involves abducting a woman or a girl to marry her. Typically, bride kidnapping involves a potential groom and his male friends taking a young woman into a car and then transporting her to his home. There she is pressured by the groom's female relatives to write a letter of "consent" to her family and put on a marriage scarf. Once she puts the marriage scarf over her hair, she is considered to have accepted the marriage. Frequently, the girls are raped immediately after the kidnapping, making it impossible for them to refuse marriage since their loss of virginity would disgrace their family and render them unfit for another marriage. In its 2021 report, CEDAW expressed concerns about the persistence of this harmful practice, the impunity of perpetrators, the limited enforcement of protection orders, the lack of victim support and the barriers to women's and girl's access to justice in cases of gender-based violence, including victimization during criminal proceedings. Kyrgyzstan has implemented measures to combat bride kidnapping, child marriage, and forced marriage such as amending the Criminal Code to include stricter punishments for these crimes. However, few people report cases of kidnapping to authorities and bride kidnappers are rarely prosecuted. More research and updated data are needed on this topic to inform effective prevention and prosecution strategies.
30. Domestic trafficking occurs both in the capital and in the regions. Labour trafficking primarily happens in the informal economy, such as agriculture, herding, domestic work, as well as construction and hospitality sectors. With the moratorium on labour inspections, these cases remain largely undiscovered, and once victims escape the trafficking situation, they prefer not to report to the police. A growing trend reported by NGOs is trafficking for the purpose of online scamming (forced online criminality). Girls are exploited in nightclubs and massage parlors, often under the influence of drugs, which are used to coerce the victim. Recruitment of victims mostly occurs on online social media platforms, such as Instagram, WhatsApp, Tiktok, Odnoklassniki, and Telegram. Victims are offered modelling jobs but are then pimped or exploited for webcamming. In some cases, women were lured with false promises of domestic work, e.g., as housekeepers or nannies, but ended up in sexual exploitation. Based on NGOs' research of online market places, sexual exploitation in pornography production and web-camming previously mostly took place in Bishkek and Osh, but recent instances have been reported in other regions too. The victims are mostly girls and young women, but also boys and young men. However, LGBTQ+ victims are unlikely to be detected in Kyrgyzstan due to traditional societal norms and stigma. Trafficking for the purpose of sexual exploitation is a latent crime in Kyrgyzstan, as victims are

reluctant to report being trafficked for fear of social stigmatization and not being accepted by their families and communities. More work needs to be done with society to change this and avoid the risk of re-trafficking. Sometimes trafficking victims are coerced into recruiting other victims for sexual exploitation leading to a victim/perpetrator overlap²⁰.

31. Foreign trafficking victims in Kyrgyzstan come not only from the neighboring countries like Uzbekistan and Tajikistan but also increasingly from further afield, such as India, Pakistan, and Bangladesh. Uzbek and Tajik migrants, who do not require a visa to enter for short stays, are mainly exploited in forced labour in industries such as construction and agriculture. Their recruiters are often come from their own countries, operating within an organized crime groups alongside Kyrgyz nationals. When victims overstay the visa-free period due to being trafficked, they are often reluctant to file a police report for fear of being prosecuted for migration offences. NGOs have reported at least two recent cases where trafficking victims were convicted for crossing the border illegally. Sex traffickers exploit Uzbek women and girls in southern Kyrgyzstan²¹. With the new state policy of attracting foreign students and labour force from India, Pakistan, and Bangladesh, reports of labour exploitation among these groups started to appear, especially in the textile²² and construction industries. Both law enforcement and civil society face difficulties with identifying and assisting this cohort of victims, as qualified translators for less common languages in Kyrgyzstan are often needed to understand case details, record testimony, and provide crucial assistance with documents and migration status. Railway construction in Kyrgyzstan within the framework of China's global initiative "One Belt One Road" (Belt and Road Initiative) poses a significant risk of human trafficking, and these construction sites should be regularly monitored to examine the working and living conditions of workers.
32. With regards to the identification mechanism, Kyrgyzstan adopted a National Referral Mechanism (NRM) for victims of trafficking in persons in 2019²³. The NRM established formal policies on victim identification and referral to care, provision of social services, and protection of victims' personal data. It does not require victims to participate in a criminal case to receive assistance, lists anti-discrimination, the best interest of a child, and private data protection as some of its principles, all of which the Special Representative considers a positive practice. It also includes provisions that address the treatment and special assistance to children. As part of the NRM, Kyrgyzstan also adopted Model Guidelines for the Detection, Identification, and Referral of Victims of Trafficking in Human Beings²⁴, which are applicable to Kyrgyz and foreign citizens, as well as to stateless persons, and were developed in order to implement the Law of the Kyrgyz Republic "On Preventing and Combating Trafficking in Persons". According to the NRM, the first responders (agencies that receive information about an alleged case of trafficking) are responsible for the initial assessment talk to determine the immediate needs of the alleged victim, such as medical and psychological assistance, shelter, legal aid or help with establishing contact to relatives. Then the alleged victim is referred to one of the bodies authorized

²⁰ [Understanding the Role of Women in Organized Crime. An OSCE assessment \(osce.org\)](#)

²¹ [Criminology in Kyrgyzstan - The Organized Crime Index \(ocindex.net\)](#)

²² [New Age | Bangladeshis trafficked to Kyrgyzstan plead for return \(newagebd.net\)](#)

²³ [Resolution of the Government of the Kyrgyz Republic № 493 from 19 September 2019 \(minjust.gov.kg\)](#)

²⁴ [Model Guidelines for the Detection, Identification and Referral of Victims of Trafficking in Human Beings \(minjust.gov.kg\)](#)

to formally identify someone as a victim. Identification of victims is a one-step interview process conducted by a specialist from any of the 13 stakeholders (authorized state bodies, the Ombudsman, local state administrations, bodies of local self-government, NGOs or international organizations), based on a questionnaire that serves as documentation and determines the victim status.

33. As part of the NRM, Kyrgyzstan developed and identified a range of criteria for the victim identification, distinguished between adult and child victims. The identification criteria contain features and explanations for each element of the definition of trafficking in human beings (acts, means, and the purpose of exploitation). If a person is identified as a human trafficking victim, the NRM is triggered and, depending on the identifying agency, the victim will be referred for further needs assessment and services provision to other agencies. The victim has the right to obtain free legal advice, file a complaint with law enforcement agencies against the trafficker, and participate or not participate in criminal proceedings, receive medical and psychological assistance, social and rehabilitation help and continue to stay in the shelter, if the person was previously placed in the shelter. Foreign trafficking victims should also be referred to the embassy/consulate of the country of origin and the MFA. Current NRM provisions do not stipulate any information on a reflection period or access to residence permits on the basis of the victim status; however, the Regulation on the social rehabilitation of victims of trafficking mentions the possibility for foreign victims to stay in the country if there is a risk of re-trafficking, re-traumatization or doubts about an effective law enforcement response in the country of origin.
34. As communicated by government agencies during the visits, the COVID pandemic delayed the implementation of the NRM. In 2024, six of eight ministries responsible for implementing the NRM adopted standard operating procedures, including victim referral procedures. However, the Ministry of Foreign Affairs and the State Border Guards Service still have not finalized the SOPs. To date, no trafficking victims have been formally identified and referred for service provision, with some agencies citing the lack of victims willing to undergo the identification process, or cumbersome documentation and subsequent actions connected to each case. Although several governmental agencies consulted during the visits confirmed the need to both reform and implement NRM procedures, it was unclear which body will lead the reform process. Currently, the Ministry of Interior is responsible for NRM coordination, while the overall coordination of the anti-trafficking response lies with the Ministry of Labour, Social Security and Migration. Finally, the National Rapporteur with his convening power and access to the legislators may also be well positioned to lead the consultation process for introducing amendments to the NRM. At the time of drafting, the Rapporteur had conducted an analysis highlighting the need to harmonize the NRM with anti-trafficking legislation, better define the roles and responsibilities of each agency, and improve legal aid to trafficking victims to assist them navigate the system. He further recommended that the coordination of the NRM should be assigned to MLSSM as the National Coordinator. The Special Representative recommends that the government test the current NRM by conducting several case studies with both domestic and foreign trafficking victims (who are located in the country and might be more willing to undergo the formal identification process) to identify specific areas for improvement and enhance inter-agency coordination for the benefit of victims. Additionally, it is recommended to adopt a 2-step formal identification process according to good international practices, with the first-level identification conducted

by the first responder and the second-level identification by a mobile inter-agency specialist team²⁵. All involved stakeholders and frontline responders should be adequately trained on application of the NRM. Finally, the Special Representative recommends adopting the “social path” approach to victim identification and assistance as outlined in the recent OSCE publication²⁶ and stands ready to provide support on this.

35. Despite the challenges with NRM implementation, NGOs have reported improved cooperation with law enforcement agencies and local administration, receiving information on potential victims for further assistance in addition to their own hotlines, and their international partners on cases including trans-border trafficking. The range of services provided by NGOs includes offering shelter (currently offered for female victims of trafficking only, while male victims can be accommodated in rented apartments), legal aid, information assistance and help with family contact, and repatriation. For example, in 2023 the Oasis Foundation assisted 123 victims within the framework of the project “Caring for One - Caring for Everyone”, providing psychological, legal, humanitarian, and medical support. Crisis Center SEZIM assists minor and adult victims of trafficking and domestic violence with temporary social housing, legal, psychological help, and rehabilitation activities. NGO El Agartuu created a national database of 40 NGOs engaged in anti-trafficking activities and service provision, which is being used by national authorities to help identify and assist trafficking victims in each region of the country²⁷. Additionally, El Agartuu, along with 18 other NGOs in the Kyrgyz Republic, is recognized by the government to refer victims to the NRM, enabling victims to qualify for assistance. Victim assistance offered by the MLSSM includes psychological support, initial assistance, and medical assistance. Despite its inclusion in the current NAP for the 3rd quarter of 2023 (point 4.3 of the NAP), there is still no state-run shelter for trafficking victims. The Special Representative urges authorities to open a shelter for both women and men, with provisions to ensure safe gender segregation and accommodate minors, without delay. A positive step was the inclusion of trafficking victims to the category of persons entitled to free legal aid under the Law “On State-guaranteed Legal Aid”. Effective identification of trafficking victims, legal assistance, and protection during the criminal justice process are essential prerequisites for effective prosecutions as victims are vulnerable and need support and security to cooperate with investigative authorities and testify against their alleged traffickers.
36. While the Special Representative acknowledges that the immediate needs of victims who seek services are generally met, primarily by NGOs, strategies for long-term rehabilitation, including access to work, especially for foreign victims, are lacking. The comprehensive assessment conducted during the formal victim identification process would serve as a good basis for developing an individual rehabilitation plan, but this is still missing. As a result, victims do not receive the full range of services to which they are entitled and may be prosecuted for the crimes they committed as a result of being trafficked. Many trafficking victims are not ready to cooperate with law enforcement immediately after exiting their trafficking situation due to trauma and therefore do not receive victim status in criminal proceeding. It is even more critical

²⁵ [National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook – Second Edition, 24 January 2022 \(osce.org\)](#)

²⁶ [Putting victims first: The 'social path' to identification and assistance \(osce.org\)](#)

²⁷ [Полезная информация](#)

that such victims go through the NRM to receive the formal victim status and the associated individual comprehensive rehabilitation.

V. Investigation and prosecution of human trafficking

38. Investigations of trafficking crimes in Kyrgyzstan have remained modest, but there is a recent positive trend. As mentioned earlier, in 2023 the National Rapporteur reported investigations into 7 trafficking cases (2 under Article 166 of the Criminal Code for human trafficking and 5 under Article 167 of the Criminal Code for trafficking in children) and a further 99 cases of associated crimes, compared to 3 trafficking cases in 2022. Due to various capacity-building efforts on the correct classification of the trafficking crimes, the number of investigations into trafficking cases increased to 18 in 2024 (17 cases of human trafficking for forced labour and one for sexual exploitation), along with 40 cases of pimping, 23 cases of kidnapping, and 10 cases of bride kidnapping. For comparison, in 2021, the government investigated 6 trafficking cases, (1 sex trafficking case and 5 forced labour cases) under Articles 166 (trafficking in human beings) and 170 (forced labour), 40 cases in 2020, including (24 sex trafficking cases and 16 forced labour cases), and eight cases in 2019, (1 sex trafficking case and 7 forced labour cases). Despite the positive dynamic in recent times, the discussions during the visit indicated the need for increased efforts to boost criminal investigations using special investigative techniques, financial investigations, and closer attention to the online landscape of criminal activities.
39. One possible reason for a comparatively low number of investigations on Articles 166 and 167 of the Criminal Code is the misclassification of trafficking crimes. For example, a recent case involving the kidnapping and sexual exploitation of a 15-year-old girl in Osh by a group of peers²⁸ contains all the constituent elements of a trafficking crime, including deprivation of liberty, coercion through threats, physical and psychological violence, and exploitation for the financial gain of the underage traffickers. However, this case is being investigated under CC article 159 “involvement in prostitution”. Another instance of misclassification involves charging potential traffickers with “organizing illegal immigration” under Article 122 of the Code of Misconduct, a misdemeanour with only fine as a penalty, despite indicators that the victim had been subjected to forced labour. Given the increasing identification of foreign victims in Kyrgyzstan, more attention is needed to cases of exploited migrants without legal status in the country to ensure trafficking crimes are classified and prosecuted as such. Increased awareness-raising and capacity-building are also needed for local anti-trafficking councils, as there are instances of misclassification of trafficking crimes, e.g., for pimping or fraud. This misclassification leads to a lack of protection and justice for victims, further traumatization, and victim-blaming. Even child victims might still be labelled as “prostitutes” rather than trafficking victims. Press statements issued by law enforcement agencies should correctly identify trafficking cases and respect the privacy of victims; several instances have occurred where victims’ photos were published without being blurred. This further deters victims from self-identifying due to fear their case will become public. To address the issue of misclassification, in 2020-2021, the Office of the Prosecutor General conducted extensive monitoring of cases and issued an analytical report “Monitoring on investigative practice of THB cases”, which was sent to various law enforcement

²⁸ [В Оше 15-летнюю девочку держали в сексуальном рабстве. Задержаны еще две девушки - | 24.KG](#)

agencies. They also developed a methodological handbook on effective investigations and prosecutorial oversight of trafficking cases, including on the victim-centered approach. The Special Representative considers such reviews a good practice and encourages authorities to repeat this exercise in the near future and regularly. Additionally, more capacity-building is needed for law enforcement in all regions of the Kyrgyz Republic on the constituent elements and correct classification of trafficking cases, as well as reporting on them. She draws the attention to the fact that in the case of trafficking of children the “means” element is not required and recommends issuing guidance and dedicated training for investigators, prosecutors, and judges on this aspect.

40. Analysis of offences relating to exploitation revealed that some human trafficking offences were incorrectly treated as suitable for “private” prosecution instead of “public” prosecution. Article 23 of the Criminal Procedural Code of the Kyrgyz Republic stipulates that a private prosecution may only be investigated once the victim has made a complaint, and the case may be discontinued if the victim decides to withdraw his/her complaint. In contrast in a public prosecution, the investigative authority does not require a complaint from a victim to launch an investigation. The distinction is important because of the highly vulnerable position in which victims may find themselves during the criminal justice process if the prosecution is treated as “private”, either at the initial point of contact with the police, when they may be reluctant to engage with an investigation due to fear of their traffickers, trauma, or distrust of the authorities, or later in the process when victims may face intimidation and pressure from traffickers to withdraw their complaint. The Special Representative recommends ensuring all human trafficking charges are treated as “public” prosecution to avoid deterring victims from engaging with criminal justice system. In addition, as reported during the visit, in some instances the charges against traffickers were dropped because of the reconciliation of the parties. The grave nature of the human trafficking crime and its public prosecution makes it unsuitable for the application of reconciliation between the victim and the perpetrator. Therefore, the Special Representative recommends ensuring that Chapter 58 of the Criminal Procedural Code on reconciliation and dropping of charges is not applied in the trafficking cases.

38. The Special Representative notes the heavy reliance on victim and witness testimony within criminal proceedings and notes that this is a contributing factor to the low rate of prosecution of THB cases across the OSCE.²⁹ According to criminal justice practitioners met during the visit, there are several challenges to criminal investigations of human trafficking cases, including: victims’ reluctance to file a case and fear of cooperating with law enforcement, a lack of proactive investigation and use of special investigative techniques, and difficulties in collecting evidence and producing quality intelligence for prosecution. Reports further indicate a lack of co-operation in sharing information on trafficking cases between agencies (e.g., between the police and customs and border authorities). Although the country is party to several international instruments of prosecutorial and judicial cooperation, tools from organizations like the UN, EU, Interpol, and World Customs Organization are not utilized. There were reports of few instances of utilization of the Chisinau and Minsk mutual legal agreements under the auspices of the Commonwealth of the Independent States (CIS) organization, such as in a recent case of trafficking of two young Kyrgyz citizens to the Russian Federation

²⁹ [Ending Impunity Delivering Justice through Prosecuting Trafficking in Human Beings | OSCE](#), 2020

for the purpose of forced drug-related criminality. Despite the recent introduction of the possibility of using video recorded testimonies in court, investigators and prosecutors have not used these proactively in trafficking cases. Additionally, no special child-friendly procedures were present in investigations and prosecutions. All these challenges, coupled with the lack of sufficient resources and lengthy period required for investigations, result in few human trafficking cases or requalification to other crimes. The consequences are impunity of traffickers and a failure of protection and justice for victims.

The Special Representative highlights various possible interventions to improve the situation, including incentivizing victim co-operation by providing them with effective victim protection and assistance such as adequate housing, mental health services, residency permits, and other trauma-informed care. For the criminal justice response, it is important to use strategies and tactics that emphasize collecting corroborating evidence or, ideally, develop victim-less investigations and prosecutions through under-cover operations, or alternative sources of evidence, such as financial evidence. Recalling the conclusions of the 20th Alliance against Trafficking in Persons Conference³⁰, the Special Representative recommends several actions for criminal justice practitioners. Firstly, prosecutors and investigators should pursue all available avenues for early cooperation and collaboration between their departments and internationally (especially in the Central Asian region) on combating various forms of human trafficking. Secondly, authorities should enhance their efforts to investigate and prosecute human trafficking perpetrators effectively by utilizing other sources of evidence, in addition to victim testimony, as well as improve victim assistance and protection schemes to secure and support victim co-operation in criminal proceedings, including by ensuring non-conditional residence permits for victims/witnesses. Lastly, she strongly recommends that criminal justice practitioners and prosecutors receive additional trauma-informed training on conducting investigations and prosecutions without a co-operative victim to improve the ability of authorities to hold traffickers accountable.

39. As previously mentioned, traffickers are increasingly using the Internet to recruit, exploit, and control victims for various purposes. This growing challenge was highlighted by various interlocutors concerning the rapid increase in recruitment and exploitation of all kinds of victims - minors and adults for sexual exploitation, labour exploitation, and forced criminality. To address the escalating misuse of technology for trafficking and leverage new technologies to combat human trafficking, particularly given the shift of the commercial sex industry online, the Special Representative recommends that law enforcement agencies receive increased capacity-building and human and financial resources. These resources should enable them to utilize online investigations and specialized technology tools to scale up the fight against technology-facilitated human trafficking, including the necessary software, hardware, and consistent training.³¹ She notes the recent training on the use of artificial intelligence by traffickers and by law enforcement, organized jointly by the OSCE and the Kyrgyz authorities, and development of a Roadmap to address the use of AI in THB, and hopes that the knowledge and practical skills gained during the training lead to the successful implementation of the Roadmap, resulting in improved investigations and prosecutions

³⁰ [Ending Impunity Delivering Justice through Prosecuting Trafficking in Human Beings | OSCE](#)

³¹ [Leveraging innovation to fight trafficking in human beings: a comprehensive analysis of technology tools | OSCE](#), 2020

in this area. This is a promising practice that other OSCE participating States could emulate.

40. Because human trafficking is a financially motivated crime, financial investigations conducted in parallel with criminal investigations are an increasingly important tool in disrupting the business model of traffickers and in enhancing the use of corroborating evidence in prosecutions. Financial investigations can be used both as a punitive measure against traffickers, as well as a protective measure for victims, helping to deliver reparations and compensation for trafficked persons.³² Financial Investigation Units (FIU) play a crucial role in analysing and exchanging information concerning unusual and suspicious transactions that may include finances derived from trafficking in human beings, and thus they can serve as intermediaries between the private sector and law enforcement authorities, including to facilitate exchange of strategic and tactical data. As the Kyrgyz Republic is shifting more and more towards a digitalized economy and the use of crypto currencies, it is becoming imperative to tackle trafficking in this sphere as well. The Special Representative recommends that financial investigations into THB - particularly through partnership with the financial sector - are included as a measure in the new NAP to enable closer engagement of the FIU to share typologies and red-flag indicators with the financial services sector, as well as more actively contribute to trafficking prosecution. The country should also develop capacities of investigators and prosecutors to seize assets of traffickers to fund assistance to victims and anti-trafficking efforts.

41. With regard to the adjudication of trafficking crimes, it was not possible to obtain any recent statistics despite several requests. The UNODC GLOTIP statistical database only lists several convictions prior to 2019, and none thereafter³³. The Special Representative was also not provided with information on the number or amount of compensation granted to trafficking victims. The Special Representative urges the Kyrgyz Republic to effectively adjudicate human trafficking cases, award compensation to trafficking victims, and share available data.

Reportedly, judges, prosecutors, police, migration officers, and labour inspectors have received training on combating trafficking, victim assistance, and investigating and prosecuting cases. However, counterparts met during the visit reported that high turnover within law enforcement and a lack of knowledge of trafficking crimes and capacity hindered overall law enforcement efforts. The Special Representative recommends establishing networks of investigators, prosecutors, and judges specialized in working with human trafficking cases in all regions and providing dedicated resources and frequent training to them.

VI. Prevention of human trafficking

42. The Special Representative notes the efforts of the Kyrgyz Republic to advance constructive and multi-stakeholder measures to prevent trafficking in human beings. These efforts include awareness-raising campaigns, providing pre-departure information and consultations to Kyrgyz migrants, working with diasporas, and capacity-building for various stakeholders. One recent positive example is the new

³² [Joint Statement on the Critical Role of the Financial Sector in Combating Trafficking in Human Beings and Modern-day Slavery | OSCE](#)

³³ [dp-trafficking-persons-convicted | dataUNODC](#)

Information Strategy for Prevention of Trafficking in Human Beings for 2024 - 2026³⁴, adopted by the Cabinet of Ministers in May 2024. The Strategy aims to produce information materials for various target groups that are highly vulnerable to THB to increase the general awareness of the population and migrants in particular about human trafficking, xz; to improve the cooperation between state authorities and various public organizations that work on combating THB and involve youth into anti-trafficking work; to create a positive and more accessible image on the state authorities to tackle the reluctance of victims to self-identify and seek assistance. The document is very comprehensive and based on a victim-centered, human rights-based approach, which should take into consideration age, gender, vulnerability, and ethno-cultural attributes of the various target groups. By the end of 2026 the country aims to enhance the efficiency of the anti-trafficking hotline, shape public opinion to reduce the demand for all forms of exploitation, create a network of journalists reporting on THB, and carry out awareness work in all regions of the country, schools and universities. The Special Representative welcomes the adoption of the recent Information strategy and is looking forward to its implementation.

43. The Kyrgyz Republic is actively working to prevent labour exploitation of its nationals who leave the country for employment abroad through the Center for Employment of Citizens Abroad under the MLSSM. In 2022, the Center provided information on employment services in various countries, job announcements, and a database of licensed private labour recruitment agencies to 66,325 individuals via various online channels and a hotline. The agency also offers services such as checking if a person is blacklisted from entering the Russian Federation or is on the “control list”³⁵, providing pre-departure orientation for job seekers (including information on THB), and conducting awareness-raising activities on safe migration and legal employment abroad. The widely-consulted webpage [Migrant.kg](https://migrant.kg), managed by MLSSM with support from USAID and Winrock International, offers information materials on various types of exploitation, including new forms, such as forced webcamming and forced pornography, and resources on where to get services and legal assistance for victims of trafficking. Additionally, an information kiosk (LED-screen) has been placed at two major international airports in Kyrgyzstan, providing a range of useful information, mentioned above in an accessible format, at two major international airports
38. In an effort to prevent exploitation of Kyrgyz migrants by bogus employment agencies, the country introduced a licencing process for private employment agencies and is maintaining a list of currently licenced agencies, available publicly³⁶. In 2024 the number of private recruitment agencies that organize employment of Kyrgyz migrants abroad reached 180. During the visit several interlocutors confirmed that there is no legal limit to the amount that agencies can charge as an employment fee. This is particularly worrisome, as large or untransparent fees can be used by traffickers to create debt bondage and trick a victim into labour exploitation. Therefore, the Special Representative recommends regulating the operations of private employment agencies, banning employee-paid recruitment costs, and ensuring they are not charging fees beyond reasonable amounts to cover transparently listed travel and visa costs.

³⁴ [Information strategy for prevention of trafficking in human beings for 2024 - 2026.doc](#)

³⁵ Following the restriction of stay for foreign citizens without a residence permit or work contract to max 90 days per calendar year in Russian Federation as of January 2025, people overstaying the period are subject to forced deportation from Russian Federation and are placed on the “control list”.

³⁶ [Список частных агентств занятости](#)

39. One of the traditionally important tools of checking compliance with labour legislation and a tool for preventing labour exploitation is the work of labour inspection agencies. The Special Representative notes with concern the extension of the moratorium on inspections³⁷ of businesses, despite the fact that Kyrgyzstan is a party to the ILO Convention No. 81 on Labour Inspections³⁸, which mandates unannounced and planned inspections. As a result, despite the fact that reportedly labour inspectors are being trained on trafficking indicators, to date there were no cases of human trafficking or labour exploitation uncovered during labour inspections in the Kyrgyz Republic. While the rationale of minimizing the number of various checks for businesses and creating a positive economic climate is understandable, the lack of proactive labour inspections presents a missed opportunity for both uncovering instances of violations of labour legislation and detecting trafficking victims. It further creates an atmosphere of impunity for traffickers and eliminates a low-threshold possibility for victims to self-identify. While the Special Representative acknowledges that several types of labour inspections are still taking place (e.g., inspection of a site upon a complaint about violations of labour law or workplace safety), she urges authorities to fully utilize the potential of the labour inspectorates. This includes granting them access to all work sites, including in the informal economy, and developing a joint plan for unannounced inspections for labour inspectors and law enforcement agencies.
40. Further efforts to prevent THB have included training diplomatic personnel on human trafficking and consular officers serving in 30 countries on victim identification, as well as work done by the Parliament's Migration Council and the NAR with the Kyrgyz diasporas in various destination countries on assistance and referral of Kyrgyz victims of trafficking abroad. In 2024 the MLSSM carried out a mapping of the labour market in the Kyrgyz Republic to understand the distribution of the labour force and find out sectors with worker shortages, and created over 43.000 employment opportunities for the citizens. Moreover, authorities are proactively seeking legal and safe migration pathways for their citizens by concluding Memoranda of Understanding (MOU) and agreements with other countries and foreign companies to facilitate legal employment with guaranteed salaries and benefits. Each year the government, with the support of the international community and NGOs, is conducting the "100 days against Trafficking in Persons" campaign with a joint event on 30 July, World Anti-Trafficking Day, focusing on various aspects of the national anti-trafficking response. The Special Representative considers these and above-mentioned actions positive practices and encourages the Kyrgyz Republic to continue implementing them.
41. In addition, various international actors and NGOs are actively contributing to prevention of THB by organizing information campaigns, aimed at reaching various at-risk groups such as women, youth, and persons with disabilities. Several organizations, including the OSCE Project Office in Bishkek, worked with religious leaders, village Peace Clubs and community activists, Aksakal (Elders) councils, youth councils, school teachers' and parents' groups, local police, and local governments to deliver messages to potential victims in remote and isolated communities. The NGO International Federation of Migrants worked in the area of prevention of THB among Indian and

³⁷ Moratorium was further expended at least till the end of 2024: [Главная страница | Кабинет Министров Кыргызской Республики](#)

³⁸ [Convention C081 - Labour Inspection Convention, 1947 \(No. 81\)](#), Art. 12.1.(a) and (b)

Pakistani nationals arriving to Kyrgyzstan by working with Indian partners on education and information provision, as well as Pakistani diaspora to assist the victims. The NGO Oasis organized an online course for social workers and educators on the dangers of online exploitation of children.

42. The Special Representative observes that most prevention efforts in the country are aimed at tackling trafficking of people leaving the country for work, with less emphasis on preventing domestic trafficking or trafficking of foreign nationals in the Kyrgyz Republic. Some foreign workers may be trapped in exploitative labour situations in the country due to fear of losing their work permits. Current legislation requires foreign workers to obtain a reissued work visa and work permit if they change employers, which may prevent them from escaping exploitation. The Special Representative recommends that authorities introduce legislative amendments to enable migrant workers, whose immigration status is tied to a particular employer, to change their employer without losing their immigration status as a measure to prevent the exploitation of foreign workers the Kyrgyz Republic and ease their exit from exploitative situations.
43. During the visits, the Special Representatives were not made aware of any prevention initiatives that include private sector. However, she was very pleased to hear about the adoption of the *National Action Plan on Business and Human Rights for 2025-2027* on 26 December 2024, which includes 3 components, 9 tasks and 25 activities involving government agencies, business associations, and non-profit organizations, and aims at the implementation the UN Guiding Principles on due diligence nationally. The Special Representative encourages authorities to engage with national businesses to develop and enforce companies' business and human rights guidelines, as well as develop and implement ethical recruitment guidelines for at-risk sectors, such as agriculture, construction, textile industry, hospitality, and employment agencies. This will ultimately allow the Kyrgyz Republic to attract sustainable foreign investments, compete for qualified migrant labor, and boost its export internationally.
44. Also, at the time of drafting, no measures had been implemented to address the demand that fosters trafficking for the purpose of sexual exploitation. During the exercise on mapping the online landscape of risks related to trafficking in human beings on sexual services websites across the OSCE region³⁹ it was found that while the Kyrgyz Republic has a limited number of websites offering sex services, some of the advertisements could be indicative of a trafficking situation. In addition, while prostitution and web-camming are considered an administrative offence⁴⁰, buying sex or purchasing services from a victim of trafficking are not criminalized, which might lead to punishment of the trafficking victim, but not of the person using their services. The Special Representative encourages the Kyrgyz Republic to consider legislative amendments to criminalize the purchase of services from a victim of trafficking (regardless of the purchasers' knowledge) and incorporating efforts to discourage demand into the next NAP beyond 2025, making it a strategic priority with adequate funding and resources for diverse tactics including disruption and deterrence. Moreover, educational initiatives for boys and men to address the demand that fosters trafficking for the purposes of sexual exploitation are also a strong means of

³⁹ [Mapping the online landscape of risks of trafficking in human beings on sexual services websites across the OSCE region](#)

⁴⁰ [Кодекс КР от 28 октября 2021 года № 128 "Кодекс Кыргызской", Art. 109](#)

prevention, which can be designed to target young persons as well as actual buyers and users of sexual services and have potential to deter future demand.

45. In conclusion, while positively noting the commitment and numerous steps taken in the prevention and countering of trafficking by the Government of Kyrgyz Republic, particularly through strong legislative framework, the Special Representative encourages authorities to continue their efforts and invites them to consider the following recommendations to enhance the implementation of OSCE anti-trafficking commitments, in particular the OSCE Action Plan to Combat Trafficking in Human Beings and its Addenda⁴¹. The Office of the Special Representative stands ready to provide technical assistance, if requested, to national and local authorities, as well as civil society, and welcomes further dialogue and co-operation to promote appropriate follow-up to these recommendations.

VII. Recommendations

1. Enhance legal, policy and institutional framework by:

- **Upgrading the position of the National Anti-Trafficking Co-ordinator to allow for more effective, strategic co-ordination across the entire government and to ensure anti-trafficking remains high on the political agenda of the government;**
- **Developing and maintaining a unified data collection system disaggregated to forms, types of exploitation, number, gender and age of victims identified, assisted, sheltered, including granted residence and asylum. The data on number of launched, completed investigations, prosecutions, convictions and range of sentences should be included in the system;**
- **Conducting a mid-term review/assessment of the National Action Plan to ensure the tasks envisaged are effectively implemented;**
- **Ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 2003.**

2. Enhance victim identification, assistance and protection by:

- **Developing strategies for better proactive outreach and identification of victims of all forms of trafficking in Kyrgyzstan, such as mapping high-risk areas and sectors prone to exploitation, including trafficking of people with disabilities and persons belonging to national minorities, children in institutional care, trafficking for forced criminality and labour exploitation of foreign workers;**
- **Reforming the National Referral Mechanism and harmonizing legislation, so dedicated agencies can conduct identification of presumed and actual victims of trafficking for assistance purposes irrespective of victim's wiliness or ability to co-**

⁴¹ OSCE Permanent Council, Decision No. 557/Rev.1 *OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005); OSCE Permanent Council, Decision No. 1107 *Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later* (Vienna, 6 December 2013).

operate with law enforcement, accompanied by streamlining and finalizing SOPs for each agency;

- **Ensuring availability of specialized shelters for child and male victims of trafficking, also in the regions, and services for LGBTQ+ persons;**
- Developing and implementing mandate-specific capacity-building on identification and referral of victims of various forms of trafficking for relevant authorities, especially front-line stakeholders who may be the first ones in contact with a presumed victim of trafficking, including law enforcement, labour inspectors, social workers, healthcare professionals and staff of child welfare institutions.

3. Enhance the criminal justice response to all forms of human trafficking by:

- **Increasing the prosecution and conviction rates for trafficking and making sure that trafficking crimes are prosecuted under CC Articles 166 and 167, rather than pimping, illegal migration, fraud etc, to enforce concrete penalties for the seriousness of the crime and ensure that victims receive proper services and compensation;**
- **Ensuring that trafficking crimes are investigated and prosecuted under “public prosecution” and that no reconciliation is applied in trafficking cases;**
- Enhancing cyber capabilities in law enforcement and prosecutors to investigate human trafficking facilitated through the internet, including through continuous multi-department/agency training and capacity building activities to benefit from specialized technology tools which could scale up the fight against human trafficking;
- Stepping up proactive detection of various forms of trafficking by conducting proactive intelligence and investigations in sectors prone to exploitation. This also includes improving investigations to identify and collect sources of evidence in addition to victim testimony including by making use of special investigative tools, like wiretapping, surveillance and undercover operations, financial investigations in all trafficking cases and by developing tailored and sustainable capacity building activities for investigators and prosecutors to advance the victimless investigations and prosecutions;
- Ensuring that victims are not penalized for the criminal acts they committed as a direct result of being trafficked, and considering legislative amendments to the non-punishment provision so it applies to trafficking for drug-related crimes and other serious offences.

4. Scale up prevention of human trafficking by:

- **Enhancing the measures to prevent and identify labour exploitation through lifting the moratorium on unannounced labour inspections and increasing outreach activities and unscheduled inspections to industries prone to exploitation, such as agriculture, textile, hospitality and construction work;**

- **Regulating, monitoring, and enforcing regulations on the work of private recruitment/employment agencies, including considering legislative amendments to ban employee-paid fees;**
- **Introducing legislative amendments to allow migrant workers, whose immigration status is tied to a particular employer, to change their employer without losing their immigration status;**
- Increasing and supporting prevention efforts by focusing on the demand that fosters all forms of trafficking, including by amending the legislation to criminalize the use of services of trafficking victims both in labour and sexual exploitation, and actively working with national businesses to develop and enforce companies' business and human rights guidelines, especially in high-risk areas;
- Conducting research and periodic review of the situation pertinent to less visible forms of exploitation (for forced criminality, organ removal and others), including with the involvement of frontline practitioners (for example, patrol and juvenile police, medical and transplant community) to enhance prevention and ensure early identification and response to emerging trends;
- Continuing to proactively conclude agreements with countries, which are preferred migration destinations for Kyrgyz workers to ensure safe and regulated migration opportunities.

ANNEX I

Programme of the country visit of the then Special Representative Richey

15 February 2023		Participants
10:30 – 10:45	Meeting with Ambassador Rogov	Mr. Alexey Rogov – <i>Head of the OSCE Programme Office in Bishkek</i>
11:00 – 13:00	Meeting with civil society representatives	Ms. Tulegabylova Nurzhan - <i>Head of NGO El Agartuu</i> Ms. Ogonbayeva Lola - <i>Public Association International Federation of Migrants</i> Mr. Akylbek Tashbulatov – <i>Head of NFO International Protections Centre</i> Ms. Temirbekova Gulmira – <i>Head of NGO Aikol</i> Mr. Sadykov Alexander – <i>Head of NGO Danko</i> Ms. Umarova Elmira – <i>Head of NGO Ulybka</i> Ms. Shakirova Rakhat – <i>Head of NGO Blagodat</i>
14:30 – 16:00	Meeting with the Ministry of Labour Social Security and Migration	Mr. Bazarbayev Kudaibergen Bazarbayevich – <i>Minister of Labour Social Services and Migration</i> Ms. Mambetova Zhypar Akbaraliyevna - <i>Head of the Department for Work with Kayrylmans and</i>

		<i>Refugees of the State Migration Service under the Government of the Kyrgyz Republic;</i> Mr. Tilek Aidarkanov Bakytbekovich – Deputy Head of the Department for Work with Kayrylmans and Refugees of the State Migration Service under the Government of the Kyrgyz Republic
16 February 2023		
10:00 – 11:30	Meeting with the Supreme Court	Mr. Musaev Nurlan Alisherovich - Deputy Chairman of the Supreme Court for Criminal and Misconduct Cases Mr. Almazbek Akylbekovich Usupbayev - Head of the Department of Public Relations, Mass Media and International Relations
14:00 – 16:00	Meeting with the Parliament	Azygaliev Nurlanbek Asanbekovich - Deputy Speaker of the Jogorku Kenesh of the Kyrgyz Republic Meder Rahman - Head of the Secretariat of the Migration Council under the Speaker Jogorku Kenesh of the Kyrgyz Republic Nogoibayev Ulan Keneshbekovich - Rapporteur on human trafficking, Deputy Head of the Secretariat of the Migration Council under the Speaker Jogorku Kenesh of the Kyrgyz Republic
17 February 2023		
10:00 – 12:00	Meeting with the General Prosecutors Office	Mr. Sultanov Ulugbek Tashbolotov - First Deputy Prosecutor General Mr. Kudayarov Tilek Dzhyldyzbekovich - Deputy Head of the Department of International Legal Cooperation Mr. Moldobaev Azamat Bayyshovich - Director of the Center for Professional Training of Prosecutorial and Investigative Workers
15:00 – 17:00	Meeting with the Ministry of Interior	Mr. Abdiev Nurbek Tokabaevich - Deputy Minister of Internal Affairs of the Kyrgyz Republic Major General of Militia Mr. Marlis Dzhekshenbekovich Dzhumabaev - Head of the first Department City Criminal Investigation Department of the Ministry of Internal Affairs

**КЫРГЫЗ РЕСПУБЛИКАСЫНЫН
БАШКЫ ПРОКУРАТУРАСЫ**



**ГЕНЕРАЛЬНАЯ ПРОКУРАТУРА
КЫРГЫЗСКОЙ РЕСПУБЛИКИ**

720044, Бишкек ш., Токтоналиев коч., 139
тел.: +996 312 542463, факс: 542466
press@prokuror.kg, э/э №12905341131810068
ОКПО 04728939 ИНН 02802199610185

720044, г. Бишкек, ул. Токтоналиева, 139
тел.: +996 312 542463, факс: 542466
press@prokuror.kg, р/с №12905341131810068
ОКПО 04728939 ИНН 02802199610185

22.04.25 № 25/150-16-16-8-02672

На № _____ от _____

**Секретариат Специального
представителя и Координатора
ОБСЕ по борьбе с торговлей
людьми**

Генеральная прокуратура Кыргызской Республики выражает свое уважение Секретариату Специального представителя и Координатора ОБСЕ по борьбе с торговлей людьми и рассмотрев проект Отчета Специального представителя и Координатора ОБСЕ по борьбе с торговлей людьми Кари Джонстоун по итогам визита в Кыргызстан (далее – Отчет), сообщает нижеследующее.

По итогам изучения Отчета конкретных предложений и замечаний к нему не имеются. При этом, отмечаем, что в Отчете приведены как положительные, так и отрицательные стороны работы Кыргызстана по вопросам предупреждения и противодействия торговле людьми.

Следует отметить, что в силу взятых на себя международных обязательств в Кыргызской Республике были приняты ряд нормативных-правовых актов, регулирующих вопросы предупреждения и противодействия торговле людьми. (17 марта 2005 года был принят Закон Кыргызской Республики №55 «О предупреждении и борьбе с торговлей людьми»).

Также в рамках реализации Программы по борьбе с торговлей людьми в Кыргызской Республике, государственными органами проводится большая работа в сфере предупреждения и предотвращения торговли людьми, а именно: созданы межведомственные платформы и рабочие группы по противодействию торговле людьми, а Генеральной прокуратурой республики в свою очередь проводится последовательная работа.

К примеру, распоряжением Генерального прокурора Кыргызской Республики от 21.01.2020 года была образована специальная рабочая группа из числа опытных сотрудников.

Основными задачами данной рабочей группы были определены такие направления, как совершенствование механизма реализации взаимной правовой помощи и международного сотрудничества, организация и совершенствование методов сбора данных по уголовной статистике, отражающих вопросы

предупреждения, пресечения и расследования дел, связанных с торговлей людьми.

Кроме того, в целях приведения уголовно-правового законодательства Кыргызской Республики в соответствие с нормами Международного права в 2021 году была разработана новая редакция Уголовного кодекса Кыргызской Республики, где экспертной рабочей группой, под руководством Генерального прокурора Кыргызской Республики был введен новый вид преступления – «статья 167. Торговля детьми», который предусматривает уголовную ответственность субъектов с 16-ти летнего возраста.

Кроме того, в Уголовном Кодексе Кыргызской Республики, введенном в действие с 2021 года, в статье 166 (торговля людьми) также дано юридическое определение понятиям «торговля людьми», «вербовки», «эксплуатации», который имеет три квалифицирующих признака, санкция за совершение данной категории преступлений предусматривает от 3 до 11 лет лишения свободы с конфискацией имущества.

Были внесены соответствующие изменения, вступившие в силу с 1 декабря 2021 года, а именно:

- ранее, в примечании к статье 171 УК КР в редакции от 2017 года (старая редакция) освобождение жертвы торговли людьми от уголовной ответственности предусматривалось в случае ее/его сотрудничества с правоохранительными органами, и при этом не было оговорено, идет ли речь об ответственности за преступления, совершенные, когда жертва находилась в зависимости от торговцев людьми, либо вообще о любых совершенных преступлениях. То есть, данное примечание можно было толковать достаточно широко, применяя его даже к преступлениям, которые жертва совершила до попадания ее в ситуацию торговли людьми и/или после ее освобождения из рук торговцев людьми.

Также данное примечание вступала в коллизию с Законом Кыргызской Республики «О предупреждении и борьбе с торговлей людьми». В соответствии с частью третьей статьи 12 Закона Кыргызской Республики «О предупреждении и борьбе с торговлей людьми» жертва торговли людьми не подлежит привлечению к административной или уголовной ответственности за совершение действий, являющихся административным или уголовным правонарушением, если такое правонарушение было совершено жертвой в результате вовлечения ее в процесс торговли людьми.

В связи с чем, ст.166 (Торговля людьми) в новой редакции Уголовного кодекса от 2021 года Генеральной прокуратурой Кыргызской Республики (в рамках работы экспертной рабочей группы) приведена в соответствие с требованиями международных норм.

Следует особо отметить, что с момента вступления в силу данной нормы, она широко применяется следственными органами на территории Кыргызской Республики.

В целях предупреждения и пресечения указанных преступлений правоохранительными органами Кыргызской Республики на постоянной основе ведется активная работа. В случае выявления таких фактов принимаются предусмотренными Законами меры, вплоть до возбуждения уголовных дел и привлечения виновных лиц к уголовной ответственности, за которыми на

постоянной основе осуществляется действенный надзор со стороны органов прокуратуры Кыргызской Республики.

Необходимо отметить, что в ходе осуществления надзора за расследованием всех преступлений, и в особенности преступлений указанной категории надзирающими прокурорами даются письменные указания органам следствия и дознания, о проведении ими тех или иных следственно-оперативных действий по полному, объективному и всестороннему исследованию обстоятельств событий, а также о даче юридической оценки действиям каждого виновного лица.

Так, относительно статистики преступности и осуществления надзора за следствием сообщаем, что за 2024 год правоохранительными органами возбуждено 20 уголовных дел данной категории, из которых 18 возбуждено по признакам преступления, предусмотренного ст.166 УК Кыргызской Республики (из которых 17 уголовных дел в отношении гражданина Республики Пакистан, который вербовал своих земляков), 2 возбуждено по признакам преступления, предусмотренного ст.167 УК Кыргызской Республики).

Таким образом, вышеизложенное свидетельствует о слаженной работе государственных органов Кыргызской Республики по профилактике и предупреждению правонарушений в области торговли людьми. В связи с чем, предлагаем внести в данный отчет положительную динамику работы за последние годы в данном направлении.

Начальник управления
международно-правового
сотрудничества

Р.Ибраимов

Исп.: Б.Борбоев
Тел.: 54 39 08