



Committee for Social Affairs, Education, Science,  
Culture and Health of Jogorku Kenesh  
of the Kyrgyz Republic

# REPORT

## ON MONITORING AND EVALUATION OF IMPLEMENTATION OF THE LAW OF THE KYRGYZ REPUBLIC “ON PREVENTING AND COMBATING TRAFFICKING IN PERSONS”

Bishkek – November 2019



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## **COMMITTEE FOR SOCIAL AFFAIRS, EDUCATION, SCIENCE, CULTURE AND HEALTH OF JOGORKU KENESH OF THE KYRGYZ REPUBLIC**

This Report presents the findings of the fourth monitoring and evaluation of implementation of the Law of the Kyrgyz Republic “On Preventing and Combatting Trafficking in Persons” (the “CTIP Law”) initiated by the Committee for Social Affairs, Education, Science, Culture and Health of Jogorku Kenesh of the Kyrgyz Republic. The report contains the description of methodology of monitoring and evaluation of implementation of the CTIP Law, compliance of its law enforcement practice with the commitment of the country within the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, ratified by the Kyrgyz Republic on October 2, 2003. This report also reflects the progress of implementation of recommendations proposed in the first, second and third reports on monitoring and evaluation of CTIP report, presented in 2015, 2016 and 2018, accordingly.

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The Report on monitoring and evaluation of implementation of the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons” covers the period from 2018 to 2019. It has been developed with participation of the faculty and students of Law Departments of five higher educational institutions of Kyrgyzstan (notably, American University of Central Asia (AUCA), Kyrgyz State Legal Academy (KSLA), Osh State Legal Institute (OshSLI) (legal clinics), as well as Academy of Public Administration under the President of the Kyrgyz Republic (APAP) and Diplomatic Academy of the Ministry of Foreign Affairs of the Kyrgyz Republic (DA MFA KR) under coordination of Tyan-Shan Analytical Center of AUCA (TAC AUCA). The Report has been developed within the IOM Regional Dignity and Rights Project funded by the United State Agency for International Development (USAID), under the auspices of the Committee for Social Affairs, Education, Science, Culture and Health of the Jogorku Kenesh of the Kyrgyz Republic and the counter-trafficking coordination body, i.e. the State Migration Service under the Government of the Kyrgyz Republic.

The Report includes:

- general findings of monitoring and evaluation of implementation of the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons” for the period from December, 2018 till October, 2019 based on the conducted expert interviews with representatives of authorized state bodies and non-commercial organizations (NGOs), independent experts working in the area of preventing and combating human trafficking;
- review of legislative and institutional measures adopted for the aforesaid period to ensure compliance of provisions of the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons” and international standards in this area.
- implementation status of recommendations provided in the previous monitoring reports on implementation of the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons” carried out during 2015 – 2018.
- a number of final recommendations of legislative, institutional and organizational nature with respect to main areas of combatting trafficking in persons such as prevention, prosecution, provision of assistance to victims of trafficking and regional partnership.

This Report completes five-year cycle of monitoring of implementation of the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons”.

Authors of the Report appreciate support provided by the Committee for Social Issues, Education, Science, Culture and Health of Jogorku Kenesh of the Kyrgyz Republic and State Migration Service under the Government of the Kyrgyz Republic.

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## **Chapter 1. Introduction. Methodology of monitoring of implementation and evaluation of compliance of the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons” with the national and international counter-trafficking commitments of the Kyrgyz Republic (conducted with participation of students of law faculties of five higher educational institutions of the Kyrgyz Republic)**

The monitoring has been performed to increase efficient implementation of the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons” and promote its compliance with the national and international counter-trafficking commitments of the Kyrgyz Republic. The monitoring has been initiated by the Committee for Social Affairs, Education, Science, Culture and Health of the Jogorku Kenesh of the Kyrgyz Republic (the “KR”) and performed under the framework of the Regional USAID *Dignity and Rights* Project implemented by IOM. Collection of data for the monitoring has become possible thanks to support of the Committee for Social Affairs, Education, Science, Culture and Health of the Jogorku Kenesh of the KR and the authorized counter-trafficking coordination body, i.e. the State Migration Service under the Government of the Kyrgyz Republic (SMS).

Another goal of the monitoring was to involve the students of legal clinics of five higher educational institutions (the “HEIs”) of the country to contribute to the study thus acquiring knowledge and skills of protection of VoTs and Kyrgyz migrant workers’ rights and eventually to contribute to the development of the efficient protection system of rights of victims of trafficking (the “VoT”) and decrease the risks of trafficking for migrant workers.

Students majoring in Jurisprudence from five Kyrgyz HEIs, namely, AUCA, KSLA, OshSLI (legal clinic), as well as APAP KR and Diplomatic Academy of the MFA, have been involved in the monitoring. These students first passed trainings on legal basics of counter-trafficking, in particular, protection of VoT rights in the KR, as well as on the methodology of monitoring of implementation of the Law of the KR “On Preventing and Combating Trafficking in Persons”, developed by TAC AUCA and provided in the Monitoring Report for 2016. For the purpose of this Monitoring Report, under the guidance of the faculty / Project trainers, the students conducted expert interviews with representatives of NGOs and international organizations involved, as well as with independent experts.

This Monitoring Report for 2019, the fourth Report for the period from 2015 till 2019, contains general review of implementation of all recommendations, developed and provided in three preceding Monitoring Reports on efficient implementation of the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons” and ends with a number of final legislative, institutional and organizational recommendations on

the main areas of counter-trafficking in persons, in particular, prevention, suppression, prosecution and assistance to VoTs and regional cooperation, determined based on expert interviews conducted with the representatives of responsible state authorities, NGOs and international organizations involved, with account of new amendments to the legislation of the KR on combating trafficking in persons adopted during the period from January, 2018 till October, 2019.

## **Ahapter 2. General outcomes of monitoring of implementation and evaluation of compliance of the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons” with national and international counter-trafficking commitments of the Kyrgyz Republic.**

Labor migration plays an important role in the life of Kyrgyzstan. Social and economic situation in the country, competitive inadequacy of average wage level compared to the traditional centers of attraction of migrant workers (Russian Federation (the “RF”), Republic of Kazakhstan (the “RK”), Republic of Turkey, and others), high poverty level in the country<sup>1</sup> stimulate citizens to leave the country in the search for higher earnings.

Incentive to leave the country for better economic opportunities jointly with legal illiteracy, incomplete information about place of destination and labor conditions, and lacking knowledge about legislation of a host country lead to vulnerability of migrant workers, turning them into potential victims of trafficking in persons. In this regard, the relevance of the problem of trafficking of men, women and children in the Kyrgyz Republic remains the pressing problem.

Men, women and children from Kyrgyzstan are exposed to forced labor predominantly in the RF and RK, but also in the country, mainly in such sectors as agriculture, construction, textile and apparel industry, householding. They are also involved in drugs distribution, begging, etc. Women and girls are subject to sexual exploitation in aforementioned countries, as well as in the United Arab Emirates (the “UAE”), the Republic of India, the Republic of Korea, the Republic of Turkey and within Kyrgyzstan. Male migrant workers face high risk; there are reports about Kyrgyzstani citizens who were forced to join the extremist groupings in Syria and stayed there against their will.<sup>2</sup>

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1 Data of the National Statistics Committee of the KR available at: <http://stat.kg/ru/opendata/category/20/>

2 U.S. State Department Country Report on Trafficking in Persons, 2019, available at: [https://kg.usembassy.gov/wp-content/uploads/sites/190/2019-TIP-Report-Country-Narrative\\_RU.pdf](https://kg.usembassy.gov/wp-content/uploads/sites/190/2019-TIP-Report-Country-Narrative_RU.pdf)

Based on expert estimates up to 15 thousand of citizens of Kyrgyzstan become victims of trafficking in persons every year<sup>3</sup>, up to 24 thousand of citizens of Kyrgyzstan live in the conditions of modern slavery.<sup>4</sup>

Kyrgyzstan undertakes active measures to develop the system of counter-trafficking. Creation of an authorized body on coordination of activities on preventing and combating trafficking in persons, *i.e.* State Migration Service under the Government of the Kyrgyz Republic (by virtue of Resolution of the Government of the KR dated March 5, 2019, No. 101) has been a crucial achievement. At the same time, pursuant to the surveys of state authorities, NGOs and international organizations, there is still a problem of interaction among the ministries and agencies, local government bodies (the “LGBs”); there is no clear coordination of activities of the authorities engaged in combating trafficking in persons. Based on the surveys, lack of funds, which could have been provided in the local budgets for support and rehabilitation of VoTs represents serious obstacle.

The main countries of destination for migrants from the Kyrgyz Republic are the Russian Federation, Kazakhstan, Turkey, UAE. Victims of trafficking get assistance in return from embassies and consulates of the Kyrgyz Republic in cooperation with IOM Mission in the Kyrgyz Republic.

Pursuant to the Regulation on return to the Kyrgyz Republic of children – citizens of the Kyrgyz Republic left without parental care outside the Kyrgyz Republic<sup>5</sup>, the Ministry of Labor and Social Development of the KR (the “MLSD KR”) returned 16 children in 2018, 6 children during the first six months of 2019, who left without parental care in the territory of the Russian Federation.

Pursuant to the data of the State Migration Service under the Government of the KR, in order to exclude the risk of unlawful transportation of the citizens of KR under 16 years of age outside the country, the Government of the KR adopted Resolution “On measures to terminate use of stickers in birth certificates of children under 16 years of age”, dated March 5, 2019, No. 106, pursuant to which starting from July 1, 2019, children under 16 years of age shall be issued passports of citizens of the KR instead of stickers in birth certificates confirming citizenship of the KR.

According to the national CTIP law the victims of trafficking must be recognized as such by the court, prosecutor, investigator, in accordance with the relevant legislation

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3 Combating Human Trafficking and Assistance to Migrants in Central Asia, available at [http://iom.kg/?page\\_id=116](http://iom.kg/?page_id=116)

4 Global Slavery Index – 2018, available at: <https://www.globalslaveryindex.org/2018/data/maps/#prevalence>

5 Resolution of the Government of the KR dated October 21, 2013, No. 571.

on criminal procedures of the Kyrgyz Republic, and shall not be prosecuted by the law enforcement agencies or kept in places of temporary detention (temporary detention center, detention facility) for acts of administrative or criminal offence, if the offence was committed by the victim as a result of his/her involvement in the process of trafficking in persons.

The Government carries out work on enhancement of capacity of law enforcement and judicial bodies to combat trafficking in persons. Several coordinating councils on combatting trafficking in persons have been established at the regional level.<sup>6</sup> However, pursuant to the interviews conducted, the responsible employees of the ministries often have no sufficient knowledge in the area of preventing and combating trafficking in persons, skills of communicating with victims of human trafficking, which is of paramount importance.

Cases have been reported when victims of human trafficking refused from applying to health care bodies due to obligations of such bodies to pass the data received to the law enforcement bodies for registering a case, investigative actions and etc. VoT are often reluctant to disclose such information, as well as their situation in general.

The issue of medical aid to VoTs is quite important. At present no clinical protocol has been developed with respect to victims of trafficking; there is no program of medical aid, including psychiatric help. Medical institutions are not provided with pharmaceuticals as stipulated by Article 9.10 of the national CTIP Law. Often NGOs have to apply to private medical centers for medical examination and aid to VoTs.

On the other hand, the respondents also noted that no relevant functions are specified in the documents regulating the activities of the involved agencies, LGBs. They also raised the issue of high staff turnover at the responsible state bodies.

With the IOM support a CT training module for law enforcement agencies (LEAs) of the KR has been developed at MIA KR. The training module consists of theoretical basics and practical assignments that aim at increasing the level of understanding of CT international and national legislation. The developed manual is to assist LEAs in criminal investigations under Article 171, Trafficking in Persons of the Criminal Code of the KR.

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6 Have been interviewed as well.

<b>Article 124, Trafficking in Persons, Criminal Code of the KR</b>			
<b>Years</b>	<b>Criminal cases initiated</b>	<b>Solved</b>	<b>Unsolved</b>
<b>2016</b>	7	6	1
<b>2017</b>	2	1	1
<b>2018</b>	9	9	0

For the period from 2018 till first six months of 2019, the MIA KR jointly with the IOs organized seminars and trainings on increase of efficiency in combating trafficking in persons and related crimes for heads of territorial LEAs subdivisions.

Pursuant to the Government Office during the period of 2016 – 2018 the MIA KR organized CT trainings for 570 LEA officers and 140 customs officers. Starting from 2019, one-day seminars on professional orientation, safe migration and prevention of trafficking in persons have been organized for teachers and deputy directors of schools responsible for social and pedagogical work in all regions of the country.

To minimize negative consequences of trafficking in persons further awareness raising of population about risks of irregular migration and trafficking in persons is underway. The work of 1899 hot line at the Information and Consulting Center of the State Migration Service under the Government of the KR is a great achievement. Raising awareness activities on the issues of safe migration and risks of trafficking in persons are implemented through this hotline. According to State Migration Service, as of July 1, 2019, the Information and Consulting Center provided consultations to **21 946** people, of them **6 691** of women; assisted **5 331** people, of them **2 432** women with employment; consulted **345** people of them **115** women on employment abroad.

All interviewed NGOs noted that prevention of TIP and raising awareness of risks of trafficking in social media and messengers is of paramount importance..

For instance, *NGO Blagodot* in Osh City organizes informational campaigns on prevention of trafficking in persons, promotion of awareness of the community about risks of trafficking in persons. NGOs also cooperate with professional lyceums, Fund for training of VoTs and vulnerable migrants.

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7 Article 171 of the Criminal Code of the KR, entered into force on January 1, 2019.

*“It is necessary to conduct classes and lectures on safe migration and TIP for students of high schools”.*<sup>8</sup>

*“This is latent problem. That is why many people are not aware of very simple precautionary measures. We inform them about the Migrants’ Handbook mobile application, CT hotline numbers, addresses of Kyrgyz embassies and consulates abroad, about their human rights, etc. All this information decreases the risk of becoming a victim of trafficking”.*<sup>9</sup>

Active preventive CT activities are underway with the support of international organizations informational brochures and leaflets were developed and distributed; trainings for high school pupils are organized and etc. However, this work is not done on behalf of the state bodies. Often trainings and informational campaigns are conducted under support of international organizations if funding is available.

In addition, the preventive activities are limited in terms of timing and geographic boundaries of projects. Therefore, such activities do not have adequate coverage of targeted groups of the population.

These activities must be carried out on a systematic basis and on behalf of the State, jointly with NGOs and international organizations. This will allow larger coverage of targeted groups and conducting campaigns in a more efficient manner.

Moreover, such activities should contribute to understanding of the principle of National Referral Mechanism, which, in turn, will contribute to the VoTs approaching the relevant authorities for help without any fear and improve the legal awareness of the population.

Identification of VoT remains to be a complex issue. On October 19, 2019, the Government of the KR approved Resolution No. 493, stipulating criteria for identification of VoTs. This Resolution has been analyzed in this next sections of the Report.

## **2.1. Legislative and institutional measures in the area of counter-trafficking**

The Kyrgyz Republic has efficient legal framework for combating trafficking in persons, consisting of the Constitution of the KR, Law of the KR “On Preventing and Combating Trafficking in Persons”, legal acts of the KR, as well as international agreements and treaties in the area of counter-trafficking in persons, to which the Kyrgyz Republic is a signatory.

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8 From interview with NurJolBer PA.

9 From interview with FECA – Kyrgyzstan PF.

At present the process of improving the legislation of the KR in the area of counter-trafficking is underway, in particular, activities are underway to bring the national legislation into compliance with the international standards.

The legislation of the KR in the area of counter-trafficking in persons is described in sufficient details during the previous three monitoring exercises and evaluation of implementation of the Law of the KR “On Preventing and Combating Trafficking in Persons”. Therefore, changes in the legislation of the KR during 2018 – 2019 are briefly reviewed in this Report.

### **2.1.1. Brief review of changes in the legislation of the Kyrgyz Republic in the area of counter-trafficking in persons for the period from 2018 till the first six months of 2019**

**Law of the KR “On Preventing and Combating Trafficking in Persons”** laid down the basics of public policy of the KR in the area of counter-trafficking in persons.

In January, 2018 Law of the KR “On introducing changes into the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons” (the “Counter-Trafficking Law”) was adopted. The Counter-Trafficking Law has been supplemented with:

- a concept of “identification of victims of trafficking in persons” and its definition, notably “rules for classification of a person as a victim of trafficking based on criteria approved by the Government of the Kyrgyz Republic” (Article 1, of the Counter-Trafficking Law);
- a concept of “National Referral Mechanism for victims of trafficking in persons” and its definition, notably “a combination of actions to implement cooperation of state bodies, NGOs, as well as specialized institutions, aimed at providing assistance and protection to victims of trafficking” (Article 1 of the Counter-Trafficking Law);
- inclusion of the authorized body in the area of migration into the list of entities carrying out activities on preventing and combating trafficking in persons and determination of the area of competence thereof (Article 6 of the Anti-Trafficking Law);
- inclusion into the list of powers of the Government of the KR in the area of preventing and combating trafficking in persons such power as “creation and operationalization of National Referral Mechanism for victims of trafficking in persons”, which is the most important measure in screening, identification, referral and rehabilitation of victims of trafficking in persons (Article 7 of the Counter-Trafficking Law);
- determine a procedure for establishment of the authorized body on coordination of activities preventing and combating trafficking in persons and its operations (Article 8 of the Counter-Trafficking Law).

Pursuant to the Counter-Trafficking Law “screening, identification, referral, rehabilitation of victims of trafficking in persons, interaction among the authorized state bodies, NGOs and international organizations on assistance to VoTs, as well as with specialized organizations shall take place within the National Referral Mechanism for victims of trafficking in persons”<sup>10</sup>. The referral mechanism stipulates interaction of all entities involved in the activities on preventing and combating trafficking in persons in providing the required legal, social and other assistance to the victims of trafficking based on needs thereof.

Given that for comprehensive implementation of the aforesaid provisions of the Counter-Trafficking Law it is necessary to draft and approve a number of sub-legal acts and bylaws, the Government of the KR has been granted five months from the date of official publication of the Counter-Trafficking Law to bring its regulations into compliance with the said Law, *i.e.* during the first six months of 2018 this work should have been completed.

However, only in September 2019 the Government of the KR approved a package of legal acts on creation of the National Referral Mechanism for victims of trafficking (NRM). To ensure operationalization of NRM, there is a need to draft and adopt a number of inhouse ministerial documents. Therefore, implementation of NRM in practice is only at the initial stage of operationalization.

**Resolution of the Government of the KR “On National Referral Mechanism for Victims of Trafficking in Persons in the Kyrgyz Republic”, dated September 19, 2019, No. 493**

By virtue of the said Resolution of the Government of the KR the following documents were approved:

- Identification criteria for victims of trafficking in persons;
- Standard operating procedures (SOPs) on screening, identification and referral of VoTs;
- SOPs on confidentiality of personal data of VoTs;
- SOPs on social assistance to VoTs;
- SOPs on victim-centered approach for law enforcement bodies.

In accordance with the Resolution of the Government of the KR, the aforesaid criteria and SOPs are constituent components of the National Referral Mechanism for VoTs, under which medical psychological, social, legal and other assistance is provided to the VoTs, *i.e.* they should be provided a comprehensive assistance on rehabilitation and reintegration.

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<sup>10</sup> Article 19-1, Law of the KR “On Preventing and Combatting Trafficking in Persons”.

**Criteria for identification of VoTs** set forth rules of classification of persons as victims to ensure protection as well as provide free-of-charge legal and social assistance.

State bodies authorized to do identification of VoTs on the territory of the Kyrgyz Republic and abroad are the bodies defined in the national CTIP Law, except for prosecution bodies, as well as *Akyikatchy* (Ombudsperson) of the KR, NGOs and international organizations (if agreed).

Entities responsible for VoT identification, conduct interview using the questionnaire and established procedure and based on identification criteria, analyse data received from a person subjected to trafficking, sign the questionnaire which includes written conclusion on recognition of such person as victim of trafficking.

Identification criteria provide a uniform standard on identification of VoTs and their protection and assistance guaranteed by the CT law.

**SOPs on screening, identification and referral of VoTs** determines a procedure for identification of the alleged victim of human trafficking in the form of interviewing the said person for compliance or non-compliance with the victims of trafficking identification criteria, actions on referral VoTs for the purpose of provision of help and rehabilitation he / she needs, as well as work with minor VoTs.

**SOPs on confidentiality of personal data on victims of human trafficking** establishes a procedure for protection of personal data of presumed victims of human trafficking and victims of trafficking, regulates the activities on collection and protection of personal data, as well as procedure and terms and conditions for provision of such data, determines the bodies authorized to receive data about the victim of trafficking, regulates issues of transnational transmission of personal data.

**SOPs on social assistance to victims of human trafficking** sets forth the procedure for provision of social assistance to the victims of human trafficking, procedure for identification and social accompanying of children – victims of trafficking. The main goal of social rehabilitation is to provide assistance to persons subjected to human trafficking in exercising and protection of their rights and legitimate interests. To provide social rehabilitation assistance to the victims of trafficking, the local state administrations establish permanent inter-departmental committee on social rehabilitation of victims of trafficking.

**SOPs on victim-centered approach for law enforcement bodies** determines the procedure for providing assistance to the victims of trafficking during preparation and conduction of investigative actions, preparation for court proceedings, court proceedings itself and post-court actions. The victim-centered approach to the needs of VoT

is defined as systematic focus on needs, demands and interests of a victim of human trafficking. Under this approach needs and security of victims of human trafficking have priority over all other issues and procedures. This approach allows minimizing the risk of repeated traumas during the criminal procedures. The said instruction is implemented by the authorized state body in internal affairs.

The aforementioned documents are adopted for providing assistance to the victims of trafficking pursuant to the international standards.

*“These criteria have been developed with consideration of international practice. If all these criteria are followed, mistakes may be avoided and victims of human trafficking are clearly classified as such. The criteria serve as a pattern, based on data of which the state bodies must draft internal regulations, which include an extensive scope of work. In our opinion, this is the next stage of implementation of the National Referral Mechanism. Despite the fact that the Resolution of the Government No. 493 contains all the instructions (forms, questionnaires), perhaps, the Ministry of Labor and Social Development of the KR based on the aforementioned provision would need to develop additional 5 to 6 forms, which are necessary for internal use, and approve them by legal and regulatory act. This work will take some time. Only then it could be stated that the work on providing assistance to the victims of human trafficking has commenced”.*<sup>11</sup>

Pursuant to the legislation of the KR, victims of human trafficking are guaranteed free-of-charge medical and legal aid, social rehabilitation, including psychological, medical, professional rehabilitation, employment and accommodation. Before the said types of assistance have been mainly provided by the civil society organizations under financial support of international organizations. The aid provided to the victims of human trafficking, is mainly funded under the IOM programs, as well as under the state social service procurement.

It should be noted that representatives of non-commercial and international organizations emphasize a need in financing activities on providing assistance, as well as conducting trainings for employees of authorized state bodies engaged in the National Referral Mechanism.

*“Only training, including training for representatives of state bodies on victims of trafficking identification procedures is required. Funds should be allocated for such training, otherwise the Law does exist, but no funds are provided to implement it”*<sup>12</sup>.

*“A series of trainings are required for all authorities, responsible for implementation of the Law, including not only employees of the central office of these authorities, but also for district-level and other state bodies. Principles of the victim-centered approach (for instance, data protection, “do not harm”, confidentiality, ethical interviewing, and etc.) is the entire set of knowledge, methodologies, which all persons, who will work*

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11 From the interview with the representative of IOM.

12 From the interview with the representative of *Blagodat* PF.

*with the victims must be equipped with. For institutional purposes in-depth trainings for persons responsible for combating human trafficking should be conducted at each agency. Each agency has offices in the regions; therefore, trainings should be organized for all employees”<sup>13</sup>.*

### **Criminal Code of the Kyrgyz Republic**

From January 1, 2019 new edition of the Criminal Code of the KR was entered into force. The Criminal Code of the KR stipulates a number of articles setting criminal liability for crimes related to human trafficking. In particular, Article 171, Trafficking in Persons; Article 172, Illegal Deprivation of Liberty; Article 173, Slave Labor; Article 381, Crimes Against Humanity.

The new edition of Criminal Code of the KR mitigates penalties for human trafficking. For instance, the highest penalty for human trafficking in the form of deprivation of liberty is imprisonment for 10 years. Under the old Criminal Code of the KR such crimes entailed penalty in the form of imprisonment for 20 years.

On the other hand, penalty for slavery labor has been tightened. At present such crimes entail penalty in the form of imprisonment for up to 10 years alongside with imposition of fine in the amount of up to 2200 index rates. Under the old Criminal Code of the KR such crimes entailed penalty in the form of imprisonment for 10 years without imposition of any fine.

### **Code of the Kyrgyz Republic on Misdemeanor Offences**

From January 1, 2019 the Code of the KR on Misdemeanor Offences entered into force. The Code on Misdemeanor Offences stipulates punishment for crimes of little gravity (misdemeanor offences). These may include offences indirectly related to human trafficking such as Article 80, Illegal Actions on Child Adoption; Article 108, Violation of Rules for Hiring and Employment of Foreign Workforce in the Kyrgyz Republic; Article 122, Organizing Illegal Migration.

We note that sizes of fines for the aforesaid offence have been increased. For instance, illegal actions on child adoption entail imposition of fine from 600 to 800 index rates as opposed to the fine amounting to 400 up to 500 index rates under the old Criminal Code; violation of rules for hiring and use of foreign workforce in the KR entails imposition of fine from 400 to 600 index rates compared to the old administrative fine of 200 to 300 index rates; organizing illegal migration entails fine amounting to 600 up to 800 index rates with the deprivation of right to occupy certain positions or engage in certain activities as opposed to the old administrative fine imposed on legal entities in the amount of 200 up to 500 index rates.

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13 From the interview with the representative of IOM.

## **Code of the Kyrgyz Republic on Offences**

Pursuant to the Code of the KR on Offences entered into force on January 1, 2019, citizens and legal entities who committed an act against public governance order bear liability. Acts related to trafficking in persons may include such offences as Acceptance to Work Without Passport or Without Registration (Article 88), Unlawful Taking of Passport (Article 89).

From the date of entry of the Code on Offences into force, the amounts of fines for the aforementioned offences have been increased. For instance, if an employer hires a citizen without passport or registration, the employer will be fined for the amount of 10 index rates. Before the fine amounted to maximum 3 index rates. Unlawful taking of passport entails fine in the amount of 30 index rates as opposed to 2 index rates under the old laws.

## **Other legal and regulatory acts related to measures on counter-trafficking**

To exclude the risk of trafficking of citizens of the KR under 16 years of age outside the Kyrgyz Republic, **Resolution of the Government of the KR dated March 5, 2019, No. 106 “On adoption of measures to cancel stickers in birth certificates of children under 16 years of age” has been adopted.** Pursuant to the said Resolution starting from July 1, 2019 passports of citizens of the KR are issued instead of stickers in the birth certificates that have confirmed the KR citizenship of a child.

In 2019, the State Migration Service with the IOM support developed Minimum requirements to pre-departure preparation of labor migrants from the Kyrgyz Republic (the “Minimum Requirements”), which are designated for consultants of state institutions and private employment agencies providing employment services abroad, as well as for employees of non-commercial organizations engaged in informing citizens about migration. The goal of the Minimum Requirements is to provide recommendations that would help in organizing and increase the efficiency of pre-departure preparation of labor migrants prior to leaving to the country of employment.

### **2.1.2. Program Documents**

In accordance with the Law of the KR “On Preventing and Combating Trafficking in Persons” the Program of the Government of the KR on combating trafficking in persons in the Kyrgyz Republic for 2017 – 2020 (the “Counter-Trafficking Government Program”) and its National Plan of Actions (the “NAP”) was approved by the Resolution of the Government of the KR dated November 15, 2017, No. 743.

The goals of the Counter-Trafficking Government Program are protection of a citizen, society and the State from trafficking in persons in any forms thereof, combating trafficking in persons and minimization of consequences thereof. The NAP includes mea-

asures on prevention and suppression of trafficking in persons, inter-departmental and international cooperation, provision of assistance and protection of persons, who have been subjected to human trafficking.

By virtue of decision of the State Migration Service dated July 30, 2018, No. 144 an inter-departmental working group was established, which is to “promptly analyze the reasons for the deviation occurred and develop proposals on further implementation of the Program”.<sup>14</sup> However, there is no regulation on inter-departmental working group, therefore, it is difficult to assess efficiency of its work over the issues of control, monitoring and evaluation of implementation of the NAP.

### **2.1.3. International Documents**

Kyrgyzstan signed and ratified the following major international documents in the area of combating trafficking in persons: Slavery Convention (1926), Protocol amending the Slavery Convention (1953), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956); Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950); Convention on the Elimination of All Forms of Discrimination Against Women (1979 ); UN Convention against Transnational Organized Crimes (2000) and Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2003), Protocol against the Smuggling of Migrants by Land, Sea and Air (2004); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); UN Convention Against Corruption (2003).

Kyrgyzstan also ratified a number of ILO conventions related to combating human trafficking: Forced Labor Convention (No. 29); Convention concerning the Abolition of Forced Labor (No. 105); Convention on the Worst Forms of Child Labor (No. 182); Migration for Employment Convention (No. 97).

Kyrgyzstan is a party of the Convention on the Rights of the Child (1989), which stipulates for provisions related to prevention of trafficking in children, as well as Optional protocols on sale of children, child prostitution and child pornography and involvement of children in armed conflicts. Kyrgyzstan ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993).

### **2.1.4. Brief review of institutional structure in the area of combating trafficking in persons**

The Law of the KR “On preventing and combating trafficking in persons” establishes powers of the Government of the KR in the area of prevention and combatting the human trafficking (Article 7), determines the list of entities carrying out activities pre-

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<sup>14</sup> Resolution of the Government of the KR dated November 15, 2017, No. 743.

venting and combating human trafficking (Article 6) and areas of competence of each entity (Article 9), as well as tasks and areas of activities of the authorized body on coordination of activities preventing and combating human trafficking (Article 8).

## **Coordination mechanisms in the area of combating human trafficking**

### **Coordination Council on Migration**

To ensure efficient interaction of state bodies, public and international organizations on regulating migration processes, including combating human trafficking, the Coordination Council on Migration was established.<sup>15</sup> The said council is chaired by the Vice Prime Minister for social affairs. The main tasks of the Coordination Council are coordination of the operations of state bodies, public and international organizations on developing proposals on improvement of the legislation in the area of migration, regulation of migration processes, preventing and combating human trafficking and on developing efficient mechanism for interaction of state bodies on migration issues, preparation of recommendations on implementation of measures in migration area.

State Migration Service is the secretarial body to the Coordination Council. The issues of combating human trafficking were considered at the meeting of the Coordination Council on Migration in 2017.

### **Territorial (regional) coordination councils on preventing and combating human trafficking**

For the purpose of implementation of the Plan of Actions of the Counter-Trafficking Government Program,<sup>16</sup> coordination councils on preventing and combating human trafficking were established in the regions by decisions of the authorized representatives of the Government of the KR in the regions, as well as in Osh City by the decision of the Mayor's office of Osh City. Regulations of the said councils and work plans thereof were approved. The coordination councils consist of employees of the Offices of authorized representatives of the Government of the KR in the regions, territorial subdivisions of the authorized state bodies, representatives of the civil society and international organizations.

The work plans of the coordination councils differ by structure. For instance, Chairman of the Coordination Council on preventing and trafficking in persons in the territory of Chui region approved Plan of Actions on preventing and combating forced labor under the framework of implementation of the Counter-Trafficking Governmental Program,

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15 Ordinance of the Prime Minister of KR dated May 6, 2016, No. 254.

16 Resolution of the Government of the KR "On Program of the Government of the Kyrgyz Republic on Combating Human Trafficking in the Kyrgyz Republic for 2017 – 2020" dated November 15, 2017, No. 743.

which includes, *inter alia*, the following components: activities, responsible executors, timeframe. In Osh region Plan of monitoring of measures on human trafficking prevention has been approved.

We assume that the work plans of coordination councils have been developed with consideration of the local situation with combating trafficking at the local level.

By the decision of the Committee of Jogorku Kenesh of the KR for Social Affairs, Education, Science, Culture and Health dated January 28, 2019, for the purpose of control over implementation and improvement of the legislation in the area of migration, combating human trafficking and forced labor, a working group chaired by member of Jogorku Kenesh of the KR, Stroková E.G. was created. The working group also consists of members of Jogorku Kenesh of the KR, deputy heads of state bodies, representatives of social society organizations, as well as heads and representatives of IOM, ILO, UNODC and OSCE in the capacity of observers. By the said decision of the Committee the working group is tasked to submit information on results of the working group activities every six months.

**Entities, carrying out activities on preventing and combating trafficking in persons within the area of competence thereof**, are prosecution bodies, internal affairs bodies, authorized body in foreign affairs area, overseas missions and consular services of the Kyrgyz Republic, authorized body in national security area, authorized body in the area of safeguarding and protection of state border, authorized body in the area of customs, authorized body in the area of labor and social development, authorized body in the area of education and science, authorized body in the area of citizens health protection, authorized body in the area of migration, local state administrations, LGBs within the state powers delegated thereto.<sup>17</sup>

We note that functions related to combating human trafficking are envisaged in the regulations of only three authorized state bodies, notably, Ministry of Foreign Affairs of the KR<sup>18</sup>, Ministry of Labor and Social Development of the KR<sup>19</sup> and State Migration Service<sup>20</sup>.

Special units responsible for human trafficking were created within the structures of some authorized state bodies. For instance, unit on organizing fight with gambling,

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17 Law of the KR “On Preventing and Trafficking in Persons”.

18 Resolution of the Government of the KR dated February 20, 2012, No. 113.

19 Resolution of the Government of the KR dated December 28, 2015, No. 888.

20 Resolution of the Government of the KR dated December 11, 2015, No. 854.

crimes against foreign citizens and human trafficking<sup>21</sup> operates at Criminal Policy Service within the central office of the MIA KR.

As to other entities responsible for implementation of the Counter-Trafficking Law, we note that the issues of combating human trafficking are vested with one of the employees in addition to his / her functions, which is possibly appropriate under the current conditions. However, responsibility for handling such issues is not specified in the job description of such employee, which was also noted in the previous monitoring reports.

One of the problems in implementing measures combating human trafficking is staff turnover, absence of succession and institutional memory at state bodies.

*“The responsible bodies formally appoint specialists, who are not even aware of the issue of human trafficking, what it is and how to work with victims of trafficking. Therefore, there is a need in training specialists on specifics of work with victims of trafficking”.*<sup>22</sup>

*In addition, the key issue is staff turnover. Initially specialists with very good level of understanding of the human trafficking problem used to work with us in the working group; however, these specialists occupy other positions. Those specialists, who replaced them, need much time to get familiarized with the problem. The major issue is not in failure to implement the Counter-Trafficking Law, but in continuous staff turnover. In our opinion, when one employee leaves, training on how to work in this specific area must be organized for a new employee.*<sup>23</sup>

*The institutional memory is much needed in each agency, each organization, dealing with the issue and this is the key to success”.*<sup>24</sup>

The Counter-Trafficking Law stipulates for participation of **non-commercial organizations** in providing assistance and services to victims of trafficking under the National Referral Mechanism, involving them into creation and operationalization of shelters and centers for support and help to victims of trafficking, support activities thereof aimed at preventing and combating human trafficking. NGOs have significant work experience in providing assistance to victims of human trafficking. Prevention of human trafficking constitutes a substantial volume of activities of the NCO.

Assistance to the authorized state bodies of the KR in implementing measures combating human trafficking is mainly provided by the following **UN agencies and interna-**

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21 Information provided by the MIA KR (written questionnaire).

22 From the interview with the representative of *Aimira* PF.

23 From the interview with the representative of *Arysh* PF.

24 From the interview with the representative of IOM.

**tional organizations:** IOM, UNODC, ILO, UNICEF, UN Women, OSCE, USAID within the mission, powers and mandates thereof.

### **2.1.5. Authorized body on coordination activities on preventing and combating human trafficking**

The main responsibility for implementation of the public policy in the area of combating human trafficking has been vested with the authorized body on coordination of activities on preventing and combatting human trafficking.

Pursuant to the Resolution of the Government of the KR dated March 5, 2019, No. 101 “On the issues of preventing and combating trafficking in persons in the Kyrgyz Republic, the State Migration Service under the Government of the KR was appointed as the authorized body on coordination of activities on preventing and combating trafficking in persons.

Powers of the coordinating body are envisaged in the **Regulation on State Migration Service**.<sup>25</sup>

To perform this task the State Migration Service was assigned the following functions:

- **Sector policy functions:** draft fundamentals of the public policy in the area of preventing and combatting human trafficking in the Kyrgyz Republic, collect and analyze the information about scale, conditions and trends in human trafficking in the territory of the KR, take part in drafting international agreements of the Kyrgyz Republic in the area of preventing and combating human trafficking, jointly with the interested state, municipal bodies and public associations create shelters for temporary stay of victims of human trafficking;
- **Coordination and monitoring functions:** perform monitoring of implementation of international agreements, national and public programs in the area of human trafficking prevention; perform control over work and operations of specialized institutions on preventing and combating human trafficking in accordance with the tasks vested upon them;
- **Support functions:** conduct jointly with state and non-commercial organizations of the Kyrgyz Republic, international organizations and representatives thereof work over development of a network of social support centers for victims of human trafficking and temporary stay facilities for refugees and asylum-seekers.

Given the above, the State Migration Service has sufficient powers and functions on coordination of activities on preventing and combatting human trafficking.

Representatives of non-commercial organizations (NGOs) note that the migrants prefer receiving information through social media, which also represent one of the main

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<sup>25</sup> Resolution of the Government of the KR “On the issues of State Migration Service under the Government of the Kyrgyz Republic” dated December 11, 2015, No. 854.

sources of information in Internet. Migrants actively discuss the arising problems, share with their opinion, report about offences, offer adaptation support, disseminate information about assistance provided by various organizations.

The State Migration Service proposes to actively use social media to conduct informational work on improvement of awareness among migrants on the issues of combating trafficking in persons, risks of unlawful migration, provision of the necessary information, consultations and etc.

*“All migrants have phones. Our clients, beneficiaries, victims of human trafficking... they say that they receive more information from social media. Therefore, it would have been good to work with social media such as Facebook, Instagram, Telegram”<sup>26</sup>.*

*“The problem is that the coordinating body, the State Migration Service has no representatives in the regions. As far as I remember the Service works through the partnership with other state bodies, which are engaged in the issues of migration and combating human trafficking. This is one of the potential obstacles in implementing the policy of National Referral Mechanism”<sup>27</sup>.*

*“Another no less important issue, which is mentioned by all NGOs is to increase status of the State Migration Service as it is difficult to work with 40 employees only and perform such a huge scope of work. We hope that the State Migration Service will be assigned higher status. Agenda on various migration issues is at the consideration of the highest level. We are looking forward to improved status of the State Migration Service”<sup>28</sup>.*

## **2.1.6. Implementation of provisions of the Counter-Trafficking Law on creation and implementation of the National Referral Mechanism for victims of trafficking**

Resolution of the Government of the KR “On National Referral Mechanism for victims of trafficking” No. 493 was adopted on September 19, 2019. The Resolution approves identification criteria for victims of trafficking, Model instructions on detection, identification and referral of victims of trafficking, Model instructions on confidentiality of personal data of victims of trafficking, Instruction on social rehabilitation assistance to victims of human trafficking, Instruction on application of victim-centered approach by law enforcement bodies.

According to this plan, inter-departmental committees are to be formed in each city and district center. The inter-departmental committees must consist of representatives of state bodies, local self-government and non-governmental organizations. An instructor on the affairs of VoT is appointed; he / she identifies needs, develops plan

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26 From the interview with the representative of Aikol PA.

27 From the interview with the representative of ILO.

28 From the interview with the representative of IOM.

to solve such problems, holds meetings with the inter-departmental committee, which decides what each state body or NGO may do to satisfy the identified needs. Establishing the inter-departmental committee is the first thing required for efficient operation of the National Referral Mechanism of VoT.

Another important issue is awareness of state bodies and LGBs about adoption of such mechanism, powers and responsibility for implementation of the Resolution. Consequently, changes are to be introduced into the regulations and internal work plans.

### **2.1.7. Identification of victims of human trafficking**

On January 11, 2018 the Law “On introducing changes into the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons” was adopted. Pursuant to the said Law a number of new concepts and definitions thereof has been introduced, including, *inter alia*, a concept of “identification of victims of trafficking” defined as “rules of referring persons to victims of trafficking based on criteria approved by the Government of the Kyrgyz Republic”. The same Law introduced a concept of “National Referral Mechanism for victims of human trafficking” defined as “aggregate of actions of state bodies, non-commercial organizations, as well as specialized institutions aimed at providing assistance and protection to victims of human trafficking”.

Therefore, the Counter-Trafficking Law now includes concepts of identification of victims of human trafficking, creation and operationalization of the National Referral Mechanism for victims of human trafficking. Inclusion of these concepts into the legislation of the KR on combating trafficking in persons made possible the next step, notably, further work on development of identification of VoT criteria in the KR.

In accordance with Article 19.1 of the Counter-Trafficking Law “detection, identification, referral and rehabilitation of victims of human trafficking, interaction among the authorized state bodies, non-commercial and international organizations on establishing relations with victims of trafficking, as well as with specialized institutions is made under the framework of the National Referral Mechanism for victims of human trafficking”.

By virtue of the Resolution of the Government of the Kyrgyz Republic dated September 19, 2019, No. 493 “On approval of the National Referral Mechanism for Victims of Human Trafficking” criteria for identification of victims of human trafficking were approved and provided in one of the five annexes to the said Resolution. Therefore, the criteria for identification of victims of human trafficking become an integral component of the National Referral Mechanism for VoT. Based on these criteria persons who got into human trafficking situation will be recognized as victims of human trafficking. These criteria form unified standard of the KR on VoT identification to receive protec-

tion and assistance guaranteed by the Counter-Trafficking Law. The criteria have been developed with consideration of national and international undertakings of the Kyrgyz Republic on combating trafficking in persons.

Given that the aforementioned Resolution of the Government of the KR has been recently adopted, there is a need in preparatory activities to implement the Resolution.

### **2.1.8. Rules for organizing shelters for victims of human trafficking**

Under the framework of implementation of the Law of the KR “On Preventing and Combating Trafficking in Persons” the Resolution of the Government of the KR “On the issues of preventing and combatting trafficking in persons in the Kyrgyz Republic” dated March 5, 2019, No. 101 approved Rules for organizing shelters, procedure for operation, management, financing thereof and organizing control over shelters’ operations (the “Rules for organizing shelters”).

The Rules for organizing shelters establish procedure for organizing activities, management and financing as well as control over operations of shelters for temporary stay of victims of human trafficking.

The main tasks of the shelter are to ensure affordable, timely and efficient assistance for victims, protection and assisting the victims based on individual work plan with a victim, compliance with confidentiality of the victim’s identity and his / her private life.

The main functions of the shelter are to accept and provide accommodations for victims, conduct social rehabilitation activities for victims, render services to victims given their individual needs, interact with authorized state bodies, local state administrations and LSGBs, non-commercial and international organizations to solve the issues of social rehabilitation of victims.

The Rules for organizing shelters, *i.e.* standards for organizing shelters’ operations are needed due to a number of reasons, including, *inter alia*, protection of rights and interests of victims of human trafficking, rendering of guaranteed services and decrease of risk of low quality services, subordination of shelters regardless of their form of ownership to the clients, State and donor organizations.

Currently there are no shelters for temporary accommodation of victims of human trafficking that are funded by the State. A few shelters existing in the country do operate under financial support of international organizations and local budget of Bishkek City (*Sezim CC*).

According to the State Migration Service’s data, efforts are undertaken to find premises for shelters to be funded from the national budget.

Given the lack of national budget funds, in our opinion, creation and further operation of shelters may be possible under state social services procurement. The system of state social services procurement allows decreasing the workload on authorized state bodies and ensure targeted social assistance to victims of human trafficking under the National Referral Mechanism.

*“The Resolution of the Government should work. As of today, there is no single shelter organized by the State; there are no even plans to organize shelter in my region”.*<sup>29</sup>

*“Finances should be allocated to implement this Resolution. I only know that Sezim operates in Bishkek, both VoTs and victim of violence use the services of Sezim. In our region we have Ak-Zhurok and it hosts both victims of trafficking and victims of violence. To organize a shelter, we need funding and qualified employees.”*<sup>30</sup>

*“We have been managing shelter for 9 years. It was the only shelter in the South of the country. We provided direct assistance to the victims; we had social workers who worked with the victims as well. We had no medical nurses and social workers among the staff; we only had psychologists. Medical nurses and social workers were hired on a temporary basis. We also had a litigator and therefore provided legal consultation services. However, when the project was over, the shelter got closed as well. The Mayor’s office of Osh City allocated funding for three years only and then prolonged up to 9 years. It is quite difficult to maintain shelters under funding from state budget. International organizations may co-finance some part. The Government should pay more attention to this issue”.*<sup>31</sup>

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29 From the interview with the representative of *Aimira* PF.

30 From the interview with the representative of *Blagodat* PF.

31 From the interview with *DIA* PF.

**Chapter 3. Brief review of recommendations provided in the past reports for 2015 - 2018 on implementation monitoring and evaluation of compliance of the Law of the Kyrgyz Republic “On preventing and combating trafficking in persons” with national and international undertakings of the KR to combat human trafficking**

No.	Recommendations of Special Monitoring Report for 2015	Implementation status as of December 31, 2017
1.	<p>Introduce amendment to the Law of the KR “On Preventing and Combating Trafficking in Persons” (hereinafter referred to as the “<u>Counter-Trafficking Law</u>”) on establishing National Referral Mechanism for victims of human trafficking.</p> <p>The existing referral mechanism for victims of human trafficking is based on informal cooperation of law enforcement bodies with NGOs. The Counter-Trafficking Law may be used as the basic document for establishing the National Referral Mechanism for victims of human trafficking (pursuant to the Preamble of the Counter-Trafficking Law: “The Law sets forth a system of measures on protection and provision of assistance to victims of human trafficking”).</p> <p>During the interviews, the employees of Ministry of Internal Affairs (hereinafter referred to as the “<u>MIA KR</u>”, General Prosecution Office and Ministry of Foreign Affairs (hereinafter referred to as the “<u>MFA</u>”) shares the information if a victim is detected during activities on combating illegal migration and trafficking in persons, such person will be referred to non-commercial organizations (hereinafter referred to as the “<u>NGOs</u>”) or IOM to receive the necessary assistance. There is no any agreement on cooperation between the said bodies and NGOs.</p>	<p><b>Implemented</b></p> <p>Law dated January 11, 2018, No. 2 “On introducing changes into the Law of the Kyrgyz Republic “On Preventing and Combating Trafficking in Persons”.</p> <p>Pursuant to the Law a concept of “National Referral Mechanism for victims of human trafficking” has been introduced, which is one of the most important tools of help to victims of human trafficking (hereinafter referred to as the “<u>VoT</u>”).</p>

<p>2.</p>	<p>Establish at the national level an authorized body responsible for coordination of implementation of the Counter-Trafficking Law, already approved by the President of the Kyrgyz Republic.</p> <p>At present due to absence of the authorized coordination body each body works separately; there is no coherent system of counter-trafficking work.</p>	<p><b>Implemented</b></p> <p>Pursuant to the Resolution of the Government of the KR dated March 5, 2019, No. 101, “On issues of prevention and combating trafficking in persons in the Kyrgyz Republic” (hereinafter referred as the “<u>Counter-Trafficking Resolution No. 101</u>”) the State Migration Service under the Government of the KR has been assigned the status of the authorized body on coordination of activities on preventing and combating trafficking in persons.</p>
<p>3</p>	<p>Develop and approve standards on social protection and social rehabilitation victims of human trafficking.</p> <p>Due to absence of standards, the human trafficking victims not always receive social assistance, although the Counter-Trafficking Law stipulates for development of the Procedure for social rehabilitation of VoTs.</p>	<p><b>Implemented</b></p> <p>Instruction on social rehabilitation assistance to victims of human trafficking</p>
<p>4.</p>	<p>Qualify the elements of crime under Article 124 of the Criminal Code of the Kyrgyz Republic (hereinafter referred to as the “<u>Criminal Code</u>”) from the category of cases initiated on private and public charges grounds into the category of cases initiated on public charges grounds.</p>	<p><b>Implemented</b></p> <p>Pursuant to Article 23.5 of the Criminal Procedures Code of Kyrgyz Republic (hereinafter referred to as the “<u>Criminal Procedures Code</u>”) and Article 171 of the Criminal Code, “Trafficking in persons” is referred to the category of cases initiated on public charges grounds (points 2 and 3 of the said article</p>

		refer the specific articles of Code on Misdemeanor Offences and Criminal Code to criminal cases initiated on private, private and public charges ground; all the remaining articles of the Criminal Code fall under the category of cases initiated on public charges grounds).
5.	Introduce amendments to Article 124 of the Criminal Code pursuant to which regardless of the fact of cooperation with law enforcement body, an individual who became the victim of human trafficking must be exempted from criminal liability for committing acts that are deemed to be criminal offences, if such offence has been committed by the victims due to his / her involvement into the human trafficking process.	<b>Not implemented</b> Notes to Article 171 of the effective Criminal Code still provide for a provision pursuant to which cooperation of an individual who became the victim of human trafficking is a ground for exemption from criminal liability for committing criminal offence, if such offence has been committed due to involvement of the victim into the human trafficking process.
6.	Introduce amendment to the Counter-Trafficking Law into the list of practices that are deemed exploitative.	<b>Not implemented</b>
7.	It is necessary to bring the definition of the term “VoTs” envisaged in the Counter-Trafficking Law into compliance with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Considering the UNODC recommendations upon review of the legislation of the Kyrgyz Republic in the area of combating trafficking	<b>Not implemented</b> Pursuant to Article 1 of the Counter-Trafficking Law (as amended by the Laws of the KR dated January 11, 2018, No. 2) “a victim of trafficking in persons is a person subjected to human trafficking

	<p>in persons, the definition provided in the Law is compliant with the definition provided in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, except for the concepts of “purchase – sale” and “illegal transactions”, which have supplemented the list of actions on trafficking in persons in the Protocol. Such supplement gives broad interpretation of the definition and may lead to erroneous identification of VoTs.</p>	<p>regardless of availability of consent of this person to recruiting, transportation, transfer, sale and other actions related to trafficking in persons”.</p>
8.	<p>Introduce relevant additions to the Criminal Code and Criminal Procedures Code to ensure protection of personal data of VoTs. Measures ensuring protection of personal data of VoTs have not been yet undertaken. Article 17 of the Counter-Trafficking Law states that hearing of cases on trafficking in persons may be held in camera; however this provision may not be applicable until relevant amendments are made to the Criminal Code and Criminal Procedures Code, based on which cases on trafficking in persons will be referred to the category of cases tried in camera.</p>	<p><b>Not implemented</b> Article 281.2 of the Criminal Procedures Code provides grounds for hearing a case in camera; however this provision does not extend to the complainants who are victims of human trafficking.</p>
9.	<p>There is a need in increasing the number of days that a victim of human trafficking may stay in a shelter from 30 and over days for the purpose of rehabilitation required; and in establishing public shelters.</p>	<p><b>Implemented</b> The Counter-Trafficking Law provides a possibility for victims of human trafficking to stay in shelters for any period they need (Article 21.4 of the Counter-Trafficking Law).</p>

<p>10.</p>	<p>Introduce amendments to the Criminal Code and Criminal Procedures Code on restricting access to personal data of victims of human trafficking. Article 25 of the Counter-Trafficking Law allows introducing restrictions on access to personal data of victims of human trafficking. However, in order to implement this Article in practice it is first necessary to introduce changes into the Criminal Code and Criminal Procedures Code. The Codes have a priority legal force over other documents of the national law, yet they have no provisions on protection of personal data of victims.</p>	<p><b>Implemented</b>  Chapter 9, Safety of Participants of Criminal Court Proceedings of the Criminal Procedures Code envisages measures ensuring safety of a victim, witness and other persons. Pursuant to Article 80.1(2) of the Criminal Procedures Code, other safety measures include “restricted access to data about a defendant”. Article 80.3 of the Criminal Procedures Code stipulates that upon an application of a person, based on an investigator’s warrant background details of a person are withdrawn from the criminal case materials and stored separately from the main proceedings; the person is assigned a pseudonym and sample signature to be used thereafter. Materials with background details are stored separately in a sealed envelope. A judge, prosecution officer and investigator may have access to these materials.</p>
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№	Recommendations of Special Monitoring Report for 2016	Implementation status as of December 31, 2017
1.	Develop methodology of identification of victims of human trafficking for employees of law enforcement and other state bodies involved.	<p><b>Implemented</b></p> <p>Criteria for identification of victims of human trafficking are approved by the Resolution of the Government of the KR dated October 19, 2019, No. 493 (hereinafter referred to as the "<u>Counter-Trafficking Resolution No. 493</u>").</p>
2.	Develop National Referral Mechanism for VoTs, which sets forth the procedure of interaction between organizations and agencies, structures the cooperation and coordination of efforts in strategic partnership with the civil society and other entities.	<p><b>Implemented</b></p>
3.	<p>I.1. Organize training of specialists of state bodies for initial identification of victims of human trafficking (for instance, labor inspection, social services, health care bodies).</p> <p>I.2. Organize, if necessary, training courses for officials on current tendencies and aspects of combating human trafficking, including review of methods used by criminals (Internet and other ICTs, intimidation, etc.)</p> <p>I.3. Involve NGOs for regular training of employees of law enforcement bodies for the purpose of elimination of biased attitude to victims of human trafficking, ensuring respect for human rights and priority interests of victims during identification and investigation of crimes, fostering tolerant attitude and empathy to the victims of human trafficking.</p>	<p><b>Partially implemented.</b></p> <p>Pursuant to the Plan of Activities on implementation of the Program of the Government of the Kyrgyz Republic on Combating Trafficking in Persons in the Kyrgyz Republic for 2017 – 2020 (hereinafter referred to as the "<u>Counter-Trafficking Governmental Program</u>").</p>

<p>4.</p>	<p>4.1. Stimulate development and introduction of curricula on the issues related to trafficking in persons.</p> <p>4.2. For the purpose of raising expertise of specialists on a regular basis, develop and introduce specialized raising expertise courses (modules and curricula) at the currently operating training centers of entities responsible for implementation of the Counter-Trafficking Law.</p>	<p><b>Implemented</b></p> <p>Ministry of Education and Science of the Kyrgyz Republic (hereinafter referred to as the “<u>MES KR</u>”) published Manual for educational organizations, <i>Trafficking in Persons – the pressing issue of the modern society</i>.</p> <p>Center for raising expertise of prosecution officers and Graduate School of Justice have training modules on human trafficking issues. In 2018 MIA KR jointly with international organizations conducted seminars and trainings on improved efficiency in combating human trafficking and related crimes.</p> <p>Starting from 2019, MES KR held one-day seminars on professional orientation, secure migration and prevention of human trafficking issues throughout the country. In addition, in 88 pilot educational institutions of the Kyrgyz Republic a competition for the best knowledge of migration processes and prevention of human trafficking issues was organized.</p>
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5.	Allocate funds from the national budget to establish a center for protection of victims and witnesses and operation of hotline	<b>Partially Implemented</b> Counter-Trafficking Resolution No. 101 approved standards for shelters.
6.	Ensure regular review of legality of activities of tourist firms, legal entities and individuals providing consultation and other services to foreign citizens and citizens of the KR.	<b>Not implemented</b> Pursuant to the Plan of Activities on implementation of the Counter-Trafficking Governmental Program. Draft Law "On Private Employment Agencies" has been developed and introduced for consideration of the Jogorku Kenesh and passed the first reading.
7.	The authorized state body jointly with NGOs shall ensure financing and regular conduction of educational and informational campaigns aimed at raising awareness of KR citizens about risks of external labor migration and human trafficking, providing services for human trafficking victims.	<b>Implemented</b> The Information & Consultation Center of the State Migration Service carries out its activity on disseminating the information and providing consultations on the issues of migration, <i>i.e.</i> on prevention of trafficking in persons. All applicants are provided with information and consultations, clarification of rules of stay in the country of employment, receive booklets on the procedure of stay in the territory of the RF, following EAEU rules and regulations.

		<p>On-site consultations are carried out in all regions of the country.</p> <p>In 2018, the State Agency for Youth Affairs, Physical Culture and Sports under the Government of the Kyrgyz Republic organized 100-day national initiative on raising awareness of the population about problems of human trafficking and unregulated migration in the Kyrgyz Republic.</p>
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№	Recommendations of the Monitoring Report for 2017	Implementation status as of October 1, 2019
1.	It is deemed expedient to research the situation on preventing and combating trafficking in persons at local and national levels based on the developed and approved methodology at three levels: state, civil and international, in order to increase efficiency of the changes made and receive background information.	<p><b>Implemented</b></p> <p>State Migration Service – Agreement on cooperation of member states of Commonwealth of Independent States (CIS) over combating trafficking in persons, human organs and tissues, Moscow City, dated November 25, 2005 (ratified by the Law of the KR dated December 5, 2006, No. 193)</p> <p>Program of cooperation of member states of CIS over combating trafficking in persons for 2014 – 2018 approved by the Resolution of the Council of Heads of member states of CIS on the Program of cooperation of member states of CIS over combating trafficking in persons for 2014 – 2018 dated October 25, 2013.</p>
2.	The legislature should perform monitoring and review of implementation of the legislation of the KR on preventing and combating trafficking in persons on a continuous basis; in addition, state bodies should provide support to the civil society and international organizations in conducting such research studies.	<p><b>Implemented</b></p> <p><b>Special Report</b> on outcomes of monitoring and review of implementation of the Counter-Trafficking Law. The said report was based on the outcomes of the independent assessment and submitted to the Inter-department committee on preventing and combating trafficking in persons formed by the decision of the Committee of Jogorku Kenesh of the Kyrgyz Republic for Social Policy on December 23, 2014.</p> <p><b>Report on outcomes of monitoring</b> of implementation of the Counter-Trafficking Law for 2016 prepared by Tyan-Shan Analytical Center of American University – Central Asia (TAC AUCA) with the support of the Mission of International Organization</p>

		<p>for Migration in the Kyrgyz Republic (IOM) under the framework of implementation of the Regional <i>Rights and Dignity</i> Project of United States Agency for International Development (USAID) under the auspices of Committee for Social Affairs, Education, Science, Culture and Health Care of Jogorku Kenesh of the KR.</p> <p><b>Special report on outcomes of third monitoring</b> and evaluation of implementation of the Counter-Trafficking Law was prepared under the guidance of the Committee for Social Affairs, Education, Science, Culture and Health Care of Jogorku Kenesh of the KR with active support of the State Migration Service under the Government of the Kyrgyz Republic. Pursuant to the Regulation on State Migration Service under the Government of the KR (Resolution dated December 11, 2015, No. 854), functions of the State Migration Service include development of fundamentals of public policy in the area of preventing and combating trafficking in persons in the Kyrgyz Republic, monitoring of international agreements / treaties, national and public programs in counter-trafficking area.</p>
3.	<p>Ensure compliance with internal and international standards and undertaking to respect rights and liberties of a person to provide timely assistance to potential victims of human trafficking and victims of slavery.</p>	<p><b>Implemented</b> Counter-Trafficking Resolution No. 493 approved a set of sublegal acts for provision of timely assistance to potential VoTs and victims of slavery.</p>

4.	Draft changes and additions upon consultations with judicial bodies, national human rights organizations, international organizations as well as with the civil society organizations involved.	<p><b>Implemented</b></p> <p>Drafts of legal and regulatory acts aimed at prevention and combating human trafficking and providing timely assistance to the victims of human trafficking were published on the official websites for public discussion pursuant to the requirements of the Law of the KR “On Legal and Regulatory Acts” and Law of the KR “On Government”.</p>
5.	Conduct monitoring of efficiency in implementing the national and local strategies, programs, plans of actions on counter-trafficking in persons in order to evaluate compliance thereof with the national and international standards in this area.	<p><b>Partially implemented</b></p> <p>National plan of activities on preventing and combating trafficking in persons approved for 2017 – 2020 provides for monitoring of efficiency of the national strategy. However, there is a number of outstanding problems solution of which is postponed from year to year.</p>
6.	Cover the situation in the area of preventing and combating trafficking in persons at the official level through media and other informational channels for prophylactics and prevention of human trafficking.	<p><b>Implemented</b></p>
7.	There is a need in regulating the procedure of vertical and horizontal inter-agency interaction among the state and local bodies, involved in implementing the Counter-Trafficking Law to improve efficiency of operations and optimization of adequate implementation of the said Law at local level.	<p><b>Pending</b></p> <p>Resolution of the Government of the Kyrgyz Republic dated July 9, 2013, No. 404 “On approval of Model regulations on interaction of state executive bodies on fulfillment of related functions” sets forth the procedure of interaction of state bodies.</p>

8.	Adopt criteria for identification of victims of human trafficking developed by MIA KR for law enforcement and other state bodies with direct attraction of local authorities acting as entities responsible for implementation of the Law at the local level.	<b>Implemented</b> Counter-Traffic Resolution of the Government of the KR, Annex 1.
9.	Adopt the National Referral Mechanism for victims of human trafficking developed by the MIA (and other agencies under support of IOM and ILO) that determines the procedure of interaction between organizations and agencies, structure of cooperation and coordination of efforts in strategic partnership with the civil society and other entities.	<b>Implemented</b> Counter-Trafficking Resolution No. 493.
10.	Organize trainings for specialists of state and local bodies for initial detection of victims of human trafficking (for instance, labor inspectorate, social services, health care organizations).	<b>Partially implemented</b> To be implemented under the framework of the adopted National Referral Mechanism.
11.	Allocate funding from the national and local budgets for long-term operation of shelters and support centers for victims of human trafficking, as well as enhance the information and consultation centers to prevent human trafficking especially in the southern regions of the country and in Osh City.	<b>Partially implemented</b> Standards for shelters of victims of human trafficking have been adopted (Counter-Trafficking Resolution No. 101)

12.	Conduct on a regular basis inspection of legality of operations of tourism firms, legal entities and individuals providing consulting and other services to foreign citizens and citizens of the KR throughout the territory of the country.	<p><b>Not implemented</b></p> <p>Pursuant to Article 104 of the Constitution of the Kyrgyz Republic and Law of the Kyrgyz Republic “On Prosecution Office” the functions of supervision over accurate and uniform implementation of laws and sublegal acts by all individuals and entities in the territory of the Kyrgyz Republic is vested with the prosecution bodies. However, the information provided by the General Prosecution Office did not specify whether specific inspections of legality of operations of tourism firms providing consulting and other services to foreign citizens and citizens of the Kyrgyz Republic are conducted throughout the country.</p>
13.	There is a need in regulating the operations of private communication agencies by way of adopting a law.	<p><b>Implemented</b></p> <p>Law of the Kyrgyz Republic “On Electric and Postal Communication” dated April 2, 1998, No. 31 (as last amended) regulates the operations of private communication agencies in the area of human trafficking.</p>
14.	It is also deemed expedient to involve private employment agencies into the informational activities in the area of preventing and combating trafficking in persons.	<p><b>Implemented</b></p> <p>Information and Consulting Center operates at the State Migration Service under the Government of KR, which has database of such employers and list of vacancies in specific countries (RF, RK, South Korea, UAE and etc.). Pursuant to the internal document of the Information and Consulting Center the minimum requirements to pre-departure orientation of labor migrants have been adopted.</p>

15.	Cover the activity of legal entities and sole proprietors holding special permits to engage in activities on employment of citizens of the KR in foreign countries.	<p><b>Implemented</b></p> <p>Information about legal entities engaged in the activities of employment (private communication agencies) and holding permits to carry out such activity, as well as black list of such legal entities is published on the official website of the Information and Consulting Center of the State Migration Service under the Government of the KR (<a href="http://www.oec.kg">www.oec.kg</a>).</p>
16.	It is necessary to improve the capacity of employees of state and local bodies on a continuous basis to implement the Plan of Activities, as the structure and technologies of human trafficking always change and get adapted.	<p><b>Pending</b></p> <p>Trainings and seminars on the topic of prevention and combating trafficking in persons are conducted on a continuous basis by international organizations and NGOs.</p>
17.	Pursue proactive policy in the area of preventing and combating trafficking in persons as the age of slave trading has no boundaries; therefore, it is necessary to organize outreach and awareness raising activities with the population of all ages in all regions of the country.	<p><b>Implemented on an ongoing basis</b></p> <p>100-day campaign against human trafficking was organized (with participation of the State Migration Service under the Government of the KR, Agency for Youth Affairs, UNODC, IOM, ILO, OSCE, youth organizations, NGOs and others)</p>
18.	Enhance the activities of the State Migration Service under the Government of the KR in Osh City by delegating relevant coordination powers and creation of work places in the regions to ensure and coordinate the activities on preventing and combating trafficking in persons.	<p><b>Partially implemented</b></p> <p>Counter-Trafficking Resolution No. 101 appoints the State Migration Service under the Government of the KR as the authorized body on coordination of activities on preventing and combating trafficking in persons.</p>

19.	Assign the function of coordination of activities to the relevant employees within the areas supervised at the state bodies responsible for implementation of the Counter-Trafficking Law in Osh City	<p><b>Partially implemented</b></p> <p>Regional Coordinating Councils on Preventing and Combating Trafficking in Persons were formed.</p>
20.	Keep and update official statistical and analytical data of real victims of human trafficking not less once in 2 years, consolidated and by regions and large cities (Bishkek, Osh).	<p><b>Not implemented</b></p>
21.	There is a need in paying more attention to the southern regions as they are vulnerable and have high migration tendency.	<p><b>Pending</b></p>
22	It is necessary to revise the effective M&E methodology to conduct further efficient evaluation of activities of local state bodies on preventing and combating trafficking in persons. In particular, some indicators provided in the methodology imply conduction of monitoring and evaluation only of the activities of state bodies (for instance, Section 3.1.3, indicator: 1) Existence of agreements regulating the procedure for interaction and coordination of activities of state bodies involved in implementation of the Counter-Trafficking Law; 2) existence of agreements on cooperation in the area of combating human trafficking in the KR between the state bodies and NGOs; Section 3.1.4,	<p><b>Partially implemented</b></p> <p>The developed methodology may be applied only by non-commercial organizations.</p>

	indicator: Existence of a concept (approaches) to development of training programs (courses) for specialists on combating human trafficking at state bodies involved).	
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## Chapter 4. Conclusions and recommendations of 2019 Monitoring Report

### Conclusions

1. Legislation of the KR in the area of combating trafficking in persons allows implementing relevant provisions of the Law of the KR “On Preventing and Combating Trafficking in Persons” that fall within the competence of the authorized state bodies.
2. During the period 2018 to 1<sup>st</sup> half-year of 2019 work over improvement of the legislation of the KR has been continued in order to provide help and protect victims and presumed victims of human trafficking, including children.
3. Implementation of the National Referral Mechanism for victims of human trafficking is at the initial stage as the Resolution of the Government of the KR “On National Referral Mechanism for victims of human trafficking in the Kyrgyz Republic<sup>32</sup> that approves the relevant package of documents entered into force in October, 2019.
4. There is no information about the status of implementation of the Plan of Actions on implementation of the Program of the Government of the KR on combating trafficking in persons in the Kyrgyz Republic for 2017 – 2020 on the website of the State Migration Service.
5. Mechanisms for coordination of activities in the area of combating human trafficking have been established at the national and regional levels.
6. Powers of entities engaged in preventing and combating human trafficking are not to a full extend provided in the relevant legal acts regulating activities of such entities.
7. The State Migration Service has sufficient powers to coordinate activities on preventing and combating human trafficking.
8. At the same time there is a lack of HR capacity at the coordinating body: only 1 specialist is responsible for development and implementation of public policy in the area of combating of human trafficking as well as for coordination activities in this area.
9. Until today no shelter for temporary stay of victims of human trafficking that would have been financed from government funds has been established.

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32 Resolution of the Government of the KR dated September 19, 2019, No. 493.

## Recommendations

1. *Authorized state bodies, the competence of which includes issues of implementation of the National Referral Mechanism for victims of human trafficking*, are recommended to:

- speed-up the process of bringing departmental instructions into compliance with the Resolution of the Government of the KR dated September 19, 2019, No. 493;
- identify needs in NRM and CT training of employees;
- jointly with NGOs and international organizations organize educational activities for employees responsible for operationalization of the NRM;
- supplement the regulations on relevant structural subdivisions with the powers and functions related to preventing and combating human trafficking.

2. *State Migration Service* is recommended to:

- analyze and evaluate the implementation of the Plan of Actions on implementing the Program of the Government of the KR on combating trafficking in persons in the Kyrgyz Republic for 2017 – 2020 and post the analytical information on its website.
- for the purpose of implementation of Article 8 of the Law of the KR “On Preventing and Combating Trafficking in Persons”, draft and approve by a resolution of the Government of the KR the Regulation on operations of authorized body on coordination of measures on preventing and combating trafficking in persons;
- increase the number of specialists (up to 2 staff units) responsible for implementation of public policy and coordination of measures in the area of combating trafficking in persons;
- intensify efforts on finding premises for a shelter, as well as estimate financing required to cover costs of the shelter and submit the estimates for consideration at formation of the national budget for the next year and budget forecast for subsequent years;
- given the limited national budget consider a possibility to establish and operate the shelter under the public-private partnership;
- upon consultations with the Jogorku Kenesh of the KR, Ministry of Finance of the KR, international organizations and NGOs allocate funds in the budget for rehabilitation of victims of human trafficking and amend relevant legal and regulatory acts to include such category of beneficiaries;
- organize preventive informational campaigns on a continuous basis in partnership with NGOs and international organizations;
- carry out prevention activities on a systematic basis, including open lessons for high school, lyceum students and higher educational institutions students;
- post on the website the information on implementation status of the Plan of Actions on implementing the Program of the Government of the KR on combating trafficking in persons in the Kyrgyz Republic for 2017 - 2020.

## Annex 1.

List of state bodies, NGOs and international organizations whose representatives have been interviewed or provided the information

No.	Organization	Notes
1	Social Development Unit, Office of the Government of the Kyrgyz Republic	Questionnaire completed and submitted
2	Office of Authorized Representative of the Government of the Kyrgyz Republic in Jalal-Abad region	Information provided
3	General Prosecution Office of the Kyrgyz Republic	Questionnaire completed and submitted
4	State National Security Committee of the Kyrgyz Republic	Questionnaire completed and submitted
5	Ministry of Foreign Affairs of the Kyrgyz Republic	Questionnaire completed and submitted
6	State Migration Service under the Government of the Kyrgyz Republic	Questionnaire completed and submitted
7	State Customs Service of the Kyrgyz Republic	Questionnaire completed and submitted
8	State Border Service of the Kyrgyz Republic	Questionnaire completed and submitted
9	State Agency for Local Self-Government Affairs and Inter-Ethnic Relations under the Government of the Kyrgyz Republic	Questionnaire completed and submitted
10	Ministry of Health Care of the Kyrgyz Republic	Questionnaire completed and submitted
11	Ministry of Internal Affairs of the Kyrgyz Republic	Questionnaire completed and submitted
12	State Registration Service under the Government of the Kyrgyz Republic	Questionnaire completed and submitted

13	Ministry of Labor and Social Development of the Kyrgyz Republic	Information not provided
14	Ministry of Finance of the Kyrgyz Republic	Information not provided
15	Ministry of Education of the Kyrgyz Republic	Information not provided
16	International Organization for Migration (IOM) / UN Agency for Migration	Interviewed
17	International Labor Organization	Interviewed
18	United Nations Office on Drugs and Crime	Interviewed
20	Aikol PA, Talas town	Interviewed
21	Aimira PF, Jalal-Abad City	Interviewed
22	Arysh PF, Bishkek City	Interviewed
23	Ayalzat – Women Initiatives Development PA, Kara-Kol City	Interviewed
24	Blagodat PA, Osh City	Interviewed
25	DIA PF, Osh City	Interviewed
26	Zamandash PA, Bishkek City	Interviewed
27	ADEK-Ukuk PA, Naryn region	Interviewed
28	Nurzholber PA, Naryn City	Interviewed
29	Sezim, Crisis Psychological Center for Women and Family, Bishkek City	Interviewed
30	Chui Regional Center for Development and Training PA, Chui region	Interviewed
31	Omur Bulagy PA, Batken town	Interviewed
32	Central Asian Eurasian Fund – Kyrgyzstan PF, Bishkek City	Interviewed

## Annex 2.

### **Types of support and experience in providing support to VoTs in the regions of the KR for the period of 2018 – 2019 (prior to adoption of the Resolution of the Government of the Kyrgyz Republic dated October 19, 2019, No. 493, “On National Referral Mechanism for VoTs in the Kyrgyz Republic”)<sup>33</sup>**

In 2018-2019, partner NGOs of IOM referred victims of human trafficking to local self-government bodies, regional and district state administration to receive assistance. The organizations enumerated below provided help, which contributed to development of good practice in preparation for implementation of the National Referral Mechanism (adopted by the Resolution of the Government of the Kyrgyz Republic dated September 19, 2019, No. 493).

<b>№</b>	<b>Organization</b>	<b>Case</b>	<b>Provided support / types of support</b>
1	Jumgal district state administration	1	Consent to provide moral support and refusal from material support due to lack of possibilities
2	Jumgal district state administration	1	Material assistance in the amount of KGS 2000, consultations on approaching consular services and rights prior to migration to another country
3	Uzgen inter-district department of labor and social development	1	Material assistance in the amount of KGS 5000, payment of “suyunchu” to children in the amount of KGS 8000
4	Nookat inter-district department of labor and social development	3	Registration as unemployed
5	Osh City department of labor and social development	3	Registration as unemployed

33 According to the information of IOM partner NGOs.

6	Alai district, Korulai aiyl okmotu	1	Assistance in the amount of KGS 4000, in the form of clothes for children; it is noted that local budgets have funds to provide free-of-charge educational, social and medical assistance to the victims of human trafficking or vulnerable migrants.
7	Kyzyl-Kiya town department of labor and social development	2	Registration as unemployed
8	Nookat inter-district department of labor and social development	1	Professional training
9	Mayor's office of Kyzyl-Kiya town	1	Single-time assistance in the form of food products
10	Kyzyl-Kyshtak aiyl okmotu	1	Material assistance in the amount of KGS 3000
11	Jany-Nookat aiyl okmotu	2	Lease of 0.12 ha of land provided
12	Mayor's office of Naryn town	1	Referral from Naryn inter-district department of labor and social development
13	Aiyl okmotu of Lipenka aiyl aimak	1	Material assistance in the form of 1 ton of coal, firewood, winter clothes for children
14	Jety-Oguz district administration	1	Participation of the migrant in the seminar on business plans development
15	Jety-Oguz district department of labor and social development	1	Material assistance in the amount of KGS 1620
16	Mayor's office of Talas town	1	Material assistance in the amount of KGS 1000

17	Talas region FMC		Medical examination and basic analysis are free of charge if place of residence is registered
18	Polyclinics of Uzgen town	2	Free medical examination of victims of human trafficking and her children (analysis and consultations)
19	Uzgen City department of education	1	Help with school enrollment of children of victim of human trafficking
20	Kyzyl-Kyshtak FMC	1	Free medical examination of victims of human trafficking (analysis and consultations)
21	Mayor's office of Osh City	1	Free of charge training at vocational school of Osh City
22	FMC No. 2 of Osh City	1	Free medical examination of victims of human trafficking (analysis and consultations)
23	Nookat district FMC	3	Free medical examination of victims of human trafficking and her children (analysis and consultations)
24	Nookat district department of education	3	Help with school enrollment of 3 children of victim of human trafficking
25	Nookat district FMC	2	Free medical examination of victims of human trafficking (analysis and consultations)
26	Uzgen district FMC	1	Free medical examination of victims of human trafficking and her children (analysis and consultations)
27	Department of labor and social development of Uzgen district	1	Monthly allowance in the amount of KGS 2400 has been granted and single-time allowance has been paid

28	Department of labor and social development of Nookat district	1	Registration as unemployed
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