

FINAL REPORT

**STRENGTHENING THE CRIMINAL JUSTICE RESPONSE TO TRAFFICKING IN
PERSONS IN THE KYRGYZ REPUBLIC**

ACRONYMS

KR	Kyrgyz Republic
US	United States
MOI	Ministry of Interior
GPO	General Prosecutor's Office
INL	Bureau of International Narcotics and Law Enforcement Affairs
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
TIP	Trafficking in persons
SOM	Smuggling of migrants
UNTOC	United Nations Convention against Transnational Organized Crime
SOP	Standard operating procedures
NRM	National Referral Mechanism
NGO	Nongovernmental organization
TOT	Training of trainers

Project Fiche	
Project/Sub-program number	Sub-Program 2 “Criminal Justice, Crime Prevention and Integrity”, XAC/Z61
Title	Strengthening the criminal justice response to trafficking in persons in the Kyrgyz Republic
Duration (years/months)	Phase 1: August 2016 – September 2018, no cost extension until September 2019 (38 months) Phase 2: November 2018 – November 2020, no cost extension until May 2021 (30 months) Phase 3: April 2020- April 2021, no cost extension until October 2021 (18 months)
Location(s) *	Kyrgyz Republic, Central Asia
Executing Agency	United Nations Office on Drugs and Crime (UNODC)
UNODC Regional / Country or Thematic Programme Outcome to which this program/project directly contributes *	UNODC Program for Central Asia, 2015-2021 Sub-Program 2 “Criminal Justice, Crime Prevention and Integrity” Outcome 2.1: Member States strengthen criminal Justice Systems in accordance with international standards and norms
Government Implementing Agency/Partners *	Parliament Government Administration State Migration Service Ministry of Interior and its Academy Prosecutor General’s Office and its Training Center Supreme Court and High School of Justice Bar Association and its Training Center National Statistics Committee Local government bodies Civil society and victim support organizations
UNODC Overall Budget	Phase 1 - 1,000,000 USD Phase 2 - 441,378 USD Phase 3 - 100,000 USD
Donor(s)	US State Department Bureau of International Narcotics and Law Enforcement Affairs (INL)

Introduction

The Kyrgyz Republic is a source, transit and destination country for men and women exploited in forced labor, as well as for women and children in prostitution. Men, women and children are exploited in forced labor abroad and within the country, especially in agriculture and construction. Children living in orphanages or growing up without their parents (who leave the country to find work) are vulnerable. Women and girls are victims of sex trafficking in such countries as Turkey, United Arab Emirates, Russia, Kazakhstan and South Korea.

In cooperation with civil society and victim support organizations, the Government is making efforts to prevent human trafficking and counter this crime. To support these efforts, from 2016 to 2021, UNODC implemented the project “Strengthening the criminal justice response to trafficking in persons in the Kyrgyz Republic”.

The project was embedded in the UNODC Program for Central Asia and implemented within the

framework of Sub-Program 2 “Criminal Justice, Crime Prevention and Integrity”. The project focused on:

- bringing criminal legislation in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (TIP Protocol), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC).
- establishing a government coordinated monitoring, reporting and evaluation mechanism for TIP law and policy implementation.
- improving TIP data collection, with a particular focus on tracking investigations and prosecutions of human trafficking cases.
- institutionalising capacity development and coordination of criminal justice practitioners to promote more effective criminal investigations and prosecutions of TIP cases, as well as legal aid for TIP victims.
- Promoting mutual legal assistance and international cooperation on TIP cases.

The Ministry of Interior, the General Prosecutor’s Office, the Supreme Court, and the training institutions operated by these institutions were the main target groups of the project. The project worked actively with the Parliament and relevant Parliamentary committees, as well as the Government Administration, various responsible ministries (e.g., the State Migration Service, and later the Ministry of Labor, Social Protection and Migration), and the National Statistics Committee. The Bar Association, lawyers, civil society, victims support organizations, local authorities and communities were important partners.

Key project achievements include:

- 4 legal acts and 9 standard operating procedures adopted to strengthen interagency coordination, enhance criminalisation, and put in place a national referral mechanism for victims of trafficking in persons.
- New national strategy and action plan adopted to guide national efforts to prevent and counter trafficking in persons for the period from 2017-2020, including a monitoring mechanism based on the establishment of coordination councils in each region, training of over 420 local government and non-government stakeholders and implementation of local action plans.
- New data collection mechanism on TIP rolled out to better monitor trends in the law enforcement and criminal justice response based on new data collection forms endorsed by 4 government and law enforcement bodies and training of over 700 stakeholders.
- New approach to public awareness raising on TIP introduced through a recurring annual campaign based on government ownership, civil society leadership, participation of over 26,000 young activists and outreach among over 460,000 people over a 4-year period, resulting in a 14% increase in the number of calls to the government-run TIP hotline 1899.¹
- Standardized TIP training concept implemented as a result of which 4 training manuals, a video course and methodology for mock TIP trials were introduced in the curriculum of law enforcement and judicial training institutions, and over 1200 investigators, prosecutors, judges and lawyers trained.
- New coordination platform established based on a signed memorandum to unite key criminal justice institutions, civil society and victim support organizations on victim protection, referral, investigation, and prosecution of TIP cases.
- Pro bono legal aid to victims launched by strengthening the capacity of the Bar Association, training 33 lawyers (15% men and 85% women) and facilitating partnerships with NGOs and victim support organizations resulting in 10 cases filed with the police.

¹ As per 2017 data.

- GPO review of closed criminal cases supported, resulting in the identification of 300 TIP-related cases out of which 26 were returned to the police and 15 subsequently registered for further investigation and prosecution.

Key TIP trends during project implementation

To get an overview of the TIP situation in the country and the law enforcement and criminal justice response, the project supported several data collection exercises (further described under outcome 3).

An analysis of judicial practice conducted by the project in partnership with the Supreme Court and the Association of Women Judges showed that 412 (254 men and 158 women) were prosecuted in 254 cases for 9 TIP-related crimes during the period from 2014 to 2017.

TIP-related crime, # by year	2014	2015	2016	2017
Trafficking in persons (Article 124) ²	5	5	1	4
Forced labor (Article 125)	3	2	1	2
Forced marriage of underage (Article 154)	5	1	5	2
Forced marriage of a woman, ala kachuu (Article 155)	21	17	16	23
Involvement in prostitution (Article 260)	2	5	3	3
Organization of brothels for prostitution (Article 261)	36	24	16	28
Mercenary (Article 375)	2	17	10	6

39% of the 254 cases were prosecuted under the article in the Criminal Code covering the organization of brothels for prostitution. 6% of the 254 cases were prosecuted specifically as trafficking in persons under the related article in the Criminal Code. Most of the cases (29%) concerned forced marriages and related abduction, 13% mercenary activity, 5% recruitment for the purpose of prostitution, 5% forced marriages involving a child, and 3% forced labor.

During 2016 - 2021, the Government of KR initiated 76 specific TIP investigations leading to 34 prosecutions and 36 convictions. The highest number of investigations was recorded in 2020 when the General Prosecutor's Office reexamined 300 trafficking related cases from previous years and sent 26 back to the police for reinvestigation leading to a total of 40 cases that year.

Although the data from the analytical units of the National Statistics Committee (NSC), Ministry of Interior (MOI) and General Prosecutor's Office (GPO) have slight discrepancies, the general information is given in the following tables:

NSC data (web/public-n)	2016	2017	2018	2019	2020	2021
Number of registered TIP cases	7	2	8	11	8	6

² As per the Criminal Code of Kyrgyz Republic of October 1, 1997.

Prosecuted cases	13	5	3	-	-	-
Number of convicted persons	16	10	5	-	-	-

MOI/GPO data	2016	2017	2018	2019	2020	2021
Number of registered TIP cases	7	4	8	9	7	9
Prosecuted cases	-	5	10	9	9	-
Number of convicted persons	-	-	-	-	-	-

US TIP Report	2016	2017	2018	2019	2020	2021
Number of registered TIP cases	8 (5 sex trafficking cases 2 child forced labor cases 1 case unknown type)	4 (2 cases of child trafficking 2 cases unknown type)	10 (1 sex and 1 labour trafficking case 8 cases of illegal adoption of new-borns)	8 (1 sex trafficking case 7 labour trafficking cases)	40 (24 sex trafficking 16 labor trafficking)	6 (1 sex trafficking case 5 forced labor cases)
Prosecuted cases	5	7	8	11 (11 cases of illegal adoption of new-borns)	3	-
Number of convicted persons	10	7	5	-	3	-

Activities implemented and results achieved:

Outcome 1: Criminal and other legislation brought in line with international standards

The project started in 2016-2017 with expert support to the Government and the Parliament to improve the country's legislation to prevent and counter trafficking in persons. For this purpose, the project developed and published a comprehensive legal analysis of the existing criminal legislation.

This legal analysis fed into the drafting process for new Criminal, Criminal Procedure and Criminal Executive Codes as part of a judicial reform process first initiated in 2012 with the creation of a Judicial Reform Council and related expert working groups. These developed drafts, which were

considered in Parliament in 2016. The project supported 3 focus group meetings with involvement of the relevant state agencies, international community, and civil society organizations.

As a result, the Parliament adopted new Criminal and Criminal Procedure Codes at the end of 2016. The President signed them into law in early 2017 and they entered into force in 2019. Key innovations included:

- An improved definition of human trafficking as a crime with the introduction of all relevant “acts”, such as “recruitment”, “transportation”, “harboring” and “receipt of persons”, in line with the TIP Protocol.
- A definition of the term “recruitment” to address concerns of police investigators that the lack of legal certainty around this concept prevents them from qualifying recruitment of potential victims as a trafficking offence.
- Inclusion of additional “means” to coerce victims of trafficking in persons, namely the “threat or use of force”, “abuse of power or of a position of vulnerability” and “giving or receiving payment or benefits to achieve the consent of a person having control over another”.
- Clarification that the issue of consent is not relevant in relation to the trafficking of children and that none of the means listed in the TIP Protocol are required in the case of persons below the age of 18.
- An expanded list of possible forms of exploitation to cover “servitude, abuse of debt bondage or other form of material or other dependence”.
- The possibility for the police to start investigations on human trafficking cases not only following receipt of a complaint filed by a victim, but also on its own initiative.

Following political turmoil in 2020, constitutional changes and a return to strong Presidential rule in 2021, the authorities launched an inventory of legislation as part of which the previously adopted codes were again amended. During this process, UNODC conducted additional legal analysis and supported the established expert working groups. The amended Criminal and Criminal Procedure Codes passed in the Parliament in October 2021 with about 70% of the project’s recommendations incorporated. Key innovations include:

- Exemption from criminal liability of TIP victims for unlawful acts committed by them if such acts are directly related to the acts of trafficking.
- Introduction of trafficking in children and smuggling of migrants as specific crimes in addition to trafficking in persons.
- Sufficiently stringent penalties of 3 to 11 years imprisonment for trafficking in persons, 5 to 15 years for trafficking in children, and 3 to 8 years for smuggling of migrants.

In addition to work on criminal legislation, the project supported further enhancement and implementation of the dedicated Law to Prevent and Counter Trafficking in Persons, which was first adopted in 2005. Based on the initial legal analysis produced in 2016-2017, the project supported discussions on amendments to the TIP Law, which were subsequently adopted in January 2018.

Main changes included:

- Designation of the Government Administration with responsibility for the establishment of a TIP coordinating body and inclusion of the State Migration Service in the list of implementing government agencies. Based on these provisions, the Government endorsed a decree #101 on March 4, 2019, and designated the State Migration Service (later subsumed under the Ministry of Labor, Social Protection and Migration as part of the government’s reconfiguration in 2021) as a coordinating agency to prevent and combat human trafficking in the country.
- Introduction of “TIP victim identification” and “national referral mechanism” (NRM) as new concepts, thus creating a legal basis for the creation of an NRM for victims of human trafficking.

Jointly with other national and international partners, the project facilitated dialogue platforms to develop the country's NRM. This resulted in the endorsement of a Government Decree (No. 493) on the NRM in September 2019.

Subsequently, the project provided expert support to roll out the new NRM. As part of this effort, the project conducted a functional analysis of the key government agencies (State Migration Service, Ministry of Interior, Ministry of Social Development and other TIP law-implementing agencies) for the purpose of clarifying the mandates, functions, capacities and needs of the authorized state bodies within the competencies set out in the Law "On Preventing and Combating Human Trafficking" and assisting them to improve the efficiency of their activities in combatting human trafficking.

This analysis resulted in the establishment of an interagency working group (IWG) in 2020 (Quarter 3) mandated by a decree of the Ministry of Interior to develop standard operating procedures (SOPs) for the implementation of the NRM. In partnership with Winrock International, the project supported the development of SOPs for the following state bodies: Ministry of Interior, State Border Service, State Customs Service, State Migration Service, Ministry of Foreign Affairs, Ministry of Health, Ombudsmen office, non-governmental organizations, and local state administrations.

In 2021, the government endorsed nine (9) SOPs. The project facilitated dissemination of the SOPs among law enforcement officers, criminal justice practitioners and other stakeholders and incorporated them as a key element of TIP training for law enforcement and other criminal justice practitioners (see below under outcome 4). More than 80 copies were printed out and disseminated during the training courses and the electronic version was handed over to the MOI for their further use.

Outcome 2: Government coordinated monitoring, reporting and evaluation mechanism on TIP established

The project started at a time when the Government Programme to Prevent and Counter TIP and the related National Action Plan for the period 2013 -2016 was coming to an end. In 2016-2017, the project supported an interdepartmental working group established to develop a new State Program and National Action Plan. As a first step, the project facilitated an evaluation of the 2013-2016 State Program and National Action Plan. Based on the findings of this evaluation, the project guided the development of the new State Program and National Action Plan for the period from 2017-2020.

The government endorsed the new program by decree on November 15, 2017. Following the adoption of the new State Program and National Action Plan (NAP), the project supported its implementation. For this purpose, the project:

- Supported the Interdepartmental Working Group (IWG) established in 2018 to monitor and evaluate implementation of the plan, consisting of 15 TIP Law implementing agencies, representatives of the civil society and international community (Ministry of Labor and Social Development, National Statistics Committee, Ministry of Interior, Supreme Court, Judicial Department, Ministry of Health, Ministry of Education, Prosecutor General's Office, State Migration Service, crisis centers and public foundations).
- Developed a monitoring and evaluation (M&E) framework, including an M&E guidance manual and annual reporting structure to help the State Migration Service collect data and report on NAP implementation in a comprehensive manner.
- Organized on-the-job training for 19 (including 11 women and 8 men) responsible staff of the State Migration Service and other members of the IWG on the M&E framework.

- Facilitated establishment of TIP Coordination Councils³ in all regions and trained over 400 members (36% women) from local government bodies, civil society and youth organizations on TIP, related legislation, the State Program, community engagement and public outreach during two rounds of training conducted in 2019 and 2020.
- Supported development and approval of local TIP action plans as well as related coordination on implementation and reporting back to the State Migration Service and the Government Administration at the national level.
- Introduced an annual public awareness raising campaign “100 days against Trafficking in Persons” based on partnership with government, civil society, and international partners (in partnership with the EU-funded GLO.ACT project also implemented by UNODC). During the lifetime of the project, the campaign took place 5 times, led by up to 80 youth leaders from over 30 youth organizations based on media plans jointly developed and agreed among government and civil society stakeholders.



- The campaign covered all regions and major cities engaging on average about 5,000 young people directly and reaching from 60-100,000 people among the population with key messages about the risk of exploitation and how to protect yourself. Activities implemented included official press conferences, TV and radio shows, theatre performances, photo exhibitions, flash mobs, bicycle parades / marathons, dance and song contests, youth forums, round tables, and community outreach meetings (between 30 and 120 events varying per year). Active social media use ensured daily coverage of publications by over 1,000 people. As a result of the outreach, the number of calls to the TIP victim hotline 1899 increased significantly (e.g., by 14% in 2019).



³ The members of these coordination councils are regional representatives of the TIP Law implementing government agencies (Ministry of Interior, State Border Service under the State committee for national security, State Customs Service, local state administrations, State Migration Service, Ministry of Health) and each such a regional council is headed by a Deputy Authorized Representatives of the Government in a region.

Outcome 3: Data collection mechanism on TIP established with a focus on the criminal justice response, including law enforcement and judicial data

Linked with the improvement of TIP legislation, the establishment of the NRM and the development of the 2017-2020 State Program and TIP National Action Plan, the project sought to improve overall data collection on TIP.

First, the project conducted an analysis of the current framework for data collection to identify gaps and challenges. Based on this analysis, the project supported the development of revised statistical forms (i.e., with increased disaggregation by type of exploitation). For this purpose, in 2017, four (4) meetings were held with the Information Technology Department and Public Safety Service of the Ministry of Interior, another two (2) with the Judicial Department and a separate meeting with the crisis centers. As a result, the following institutions officially endorsed these forms: Supreme Court, Prosecutor General's Office, Ministry of Interior, Ministry of Health, National Statistics Committee, and the Association of Crisis Centers.

Second, the project developed a manual with guidelines on how to use the new system for data collection on trafficking in persons. The project disseminated the manual among over 700 stakeholders and conducted training for 230 representatives (42 % women) of the National Statistics Committee, the Ministry of Interior, crisis centers and other stakeholders to roll out the new forms and related guidelines.

With the new system in place, the project then worked with the National Statistics Committee to collect relevant data. This was compiled and published in a crime digest covering the period from 2014-2018. The crime digest, which contains a special section on TIP-related crime, was published in 3 languages – Kyrgyz, Russian and English.

After the entry into force of new criminal legislation in 2019, the General Prosecutor's Office launched a new electronic crime registry. As a final step, the project worked with the GPO to adapt the paper-based forms into electronic format. The GPO endorsed the resulting Guidelines on the application of the new TIP crime data collection forms as part of the unified electronic crime registry.

With the GPO, the project also worked on a review of TIP-related cases registered in the electronic crime registry from the time when the registry was launched in January 2019 to September 2020. This analysis identified over 300 cases. Out of these 300, 26 cases, which had previously been terminated by the police, were reopened and returned to the police. 15 cases were subsequently registered in the electronic crime registry for further investigation and prosecution.

Finally, under this component, the project partnered with the Supreme Court and the Association of Women Judges to conduct an analysis of judicial practice in trafficking in persons related cases. This entailed a review of 254 cases under 9 articles of the Criminal Code covering the period from 2014 to 2017.

The analysis resulted in a report with recommendations for the Supreme Court, local courts and other relevant authorities to improve sentencing policies and practices and ensure appropriate training on adjudication of trafficking in persons cases, taking into account the new criminal legislation. The report was presented and discussed at a conference of judges organized in partnership with the Kyrgyz Association of Women Judges and the Supreme Court in October 2018. 90 judges (63 per cent women) participated in this event.

Outcome 4: Capacity development of criminal justice practitioners on investigation and prosecution of TIP cases institutionalized

Under this component, the project first conducted a training needs assessment to review the skill sets needed for effective criminal investigations into TIP cases and the challenges faced by law enforcement and judicial bodies and their training centers to develop these skill sets in a structured and sustainable manner.

Based on this training needs assessment, the project developed a training concept to outline training needs of different categories of criminal justice practitioners (e.g., neighborhood police officers, investigators, prosecutors, judges, lawyers).

In line with the training concept, the project then developed 4 training modules for: 1) police officers on TIP crime investigation techniques; 2) prosecutors on investigation and prosecution of TIP, including international cooperation and mutual legal assistance; 3) judges on adjudication of TIP cases; and 4) lawyers on protection of rights of TIP victims.

To pilot the new training materials, 128 criminal justice practitioners (48 per cent women) were trained on investigation, prosecution, adjudication of TIP and provision of legal support during a first round of training in 2018.

Another 56 prosecutors and police investigators enhanced their capacity on investigation and prosecution of TIP cases, including mutual legal assistance and SOP on detection, identification, and referral of TIP victims during a second round of training held in Osh and Bishkek in January 2020 and March 2021.



Photo caption: Participants of the training sessions in Bishkek and Osh.

In 2021, an additional 124 practitioners - 68 prosecutors and 56 police officers (7% women) across the country - enhanced their capacity on investigation and prosecution of crimes related to trafficking in persons as a result of training sessions organized in Osh and Issyk-Kul.



The project partnered with the Kyrgyz Association of Women Judges to develop a methodology for capacity development on adjudication of TIP cases based on mock trial exercises. Using this methodology, the project trained 66 criminal justice practitioners (mostly judges and prosecutors, but also lawyers) who role played TIP cases in court. To supplement the methodology (i.e., Methodological Guidelines on Preparing and Implementing Mock Trials for Criminal Justice Practitioners on Countering Trafficking in Persons), the project produced a training video, which is available on the website of the Association of Women Judges.



Инсценированное судебное заседание для сотрудников уголовного правосудия по рассмотрению судами дел, связанных с торговлей людьми. 1 марта 2022 г. Бишкек

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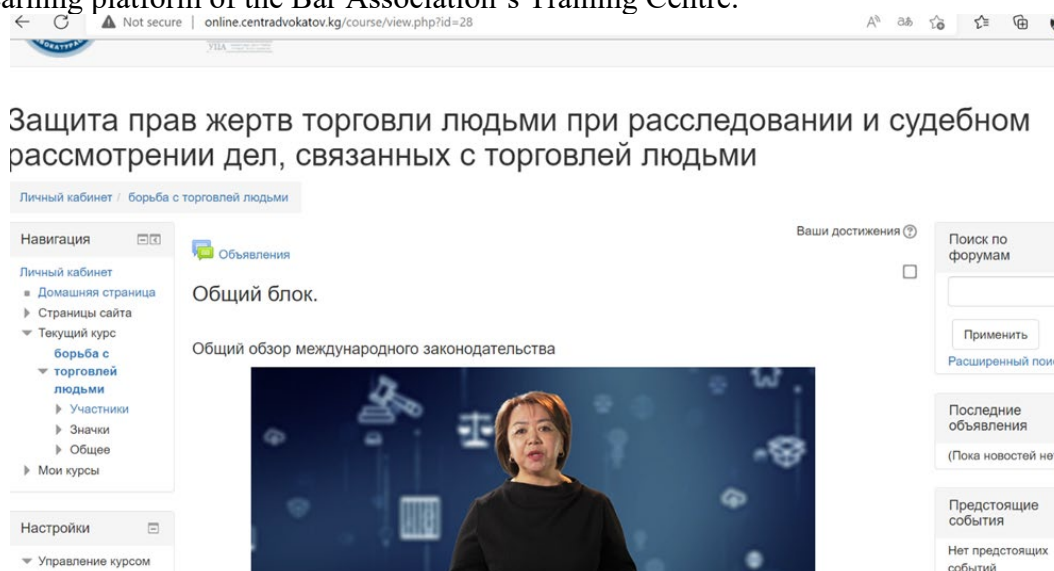


To ensure sustainability of the training process and institutionalise coordination on victim support, referral, investigation, and prosecution of TIP cases, in 2020, the project initiated the development of a Memorandum of Partnership and Cooperation among key criminal justice institutions and their training centers, government agencies, civil society and international partners. In 2021, the GPO, MOI, the Higher School of Justice under the Supreme Court, the Association of Women Judges, the Bar Association, the Training Center for Lawyers, the Information and Consultation Center of the State Migration Service under the Government, the Association of Legal Clinics, the Association of Crisis Centers, and Public Charity Foundation “Oasis” signed this Memorandum.

Justice under the Supreme Court, the Association of Women Judges, the Bar Association, the Training Center for Lawyers, the Information and Consultation Center of the State Migration Service under the Government, the Association of Legal Clinics, the Association of Crisis Centers, and Public Charity Foundation “Oasis” signed this Memorandum.

As part of the Memorandum, the project supported a GPO review of previously closed TIP cases (see above under outcome 3) and assisted the MOI to develop a compendium of normative acts and related forms to facilitate the work of police investigators dealing with TIP cases.

The project worked with the signatories of the Memorandum to produce 4 online video courses for criminal justice practitioners. The project launched these video courses, one for each category (police officers, prosecutors, judges and lawyers) in partnership with the Bar Association’s Training Centre, the MOI and its Academy, GPO and its Training Center, and the Supreme Court and High School of Justice, and international partners, such as Winrock International. The video courses are available on the e-learning platform of the Bar Association’s Training Centre.



Under the Memorandum the project also established a network of lawyers to provide pro bono legal services to victims of trafficking under the auspices of the Bar Association and its Training Center. 33 lawyers, of whom 14 were professional lawyers and 19 lawyer-students (24 female, 9 male) were selected and received training based on the module developed by the project.

Additionally, the project partnered with the national NGO “Oasis” to build resilience to crime among vulnerable young people and support legal aid provision. Within the framework of this initiative, Oasis identified 10 victims of labour exploitation. With the support of Oasis and the pro bono lawyers, 4 of them filed a report with the police (although the cases were registered as fraud rather than a TIP-related offense).



Overall, under this outcome, at least 1200 (30 per cent women) criminal justice practitioners (police, investigators, prosecutors, judiciary, and lawyers) enhanced their capacity on investigation and prosecution of TIP during the lifetime of the project.

Outcome 5: International cooperation with transition and destination countries on criminal matters related to TIP strengthened

The project supported the efforts of the GPO as central authority for mutual legal assistance to build and strengthen international cooperation on TIP cases with destination countries.

In July 2018, 35 criminal justice practitioners including prosecutors of countries of origin, transit, and destination (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, Russian Federation, and Turkey) gathered in Bishkek for a conference on international cooperation and mutual legal assistance of TIP and SOM related cases (sponsored by the EU-funded GLO.ACT Project also implemented by UNODC). This contributed to knowledge sharing on mutual legal assistance procedures in the respective countries and available UNODC tools, such as the SHERLOC (Sharing Electronic Resources and Laws on Crime) knowledge management portal, the TIP and other organized crime case law database and the Mutual Legal Assistance Request Writer Tool.

In 2019, the project facilitated an exchange visit to Turkey for the GPO to establish better coordination with the Turkish Ministry of Justice (MOJ) and GPO on TIP-related cases. As a result, the Kyrgyz GPO and Turkish MOJ started discussions on the possible signing of a declaration on cooperation to prevent and combat trafficking in persons, within the framework of a broader agreement on mutual legal assistance in criminal matters. For this purpose, the project facilitated a reciprocal visit to Bishkek for representatives of the Turkish MOJ and GPO to meet with their Kyrgyz counterparts.

The project also facilitated participation of the GPO in the Conference of the Parties to the UNTOC. In 2020, the GPO made a recommendation to develop standard operating procedures for law enforcement bodies from countries of destination to work jointly with their counterparts from countries of origin and transit to combat chains of human traffickers and ensure adequate victim support and protection. The Conference endorsed this recommendation as part of a dedicated Resolution on the effective implementation of the TIP Protocol.⁴

Lessons learned and suggested follow up

The project facilitated a significant strengthening of the legal framework to prevent and counter TIP in the Kyrgyz Republic. The project supported the establishment, for the first time, of a national referral mechanism for victims of trafficking. Law enforcement and judicial training institutions continue using the training materials produced by the project. The memorandum signed by key criminal justice institutions, civil society and victim support organizations facilitated pilots with pro bono legal aid to TIP victims, a review of TIP-related cases by the GPO and subsequent reopening of some of them.

Ongoing challenges in advancing investigations of TIP cases remain in practice. These include:

⁴ The GPO submission is available on: https://www.unodc.org/documents/treaties/WG_TIP/WEBSITE/STATEMENTS/KYRGYZSTAN.pdf. The resolution of the UNTOC Conference of the Parties can be accessed on: https://www.unodc.org/documents/treaties/UNTOC/COP/SESSION_10/Website/CTOC_COP_2020_L.6/CTOC_COP_2020_L.6_E.pdf.

- Weak implementation of the NRM and the related SOPs, which would ensure proper and ongoing victim support, thus enabling them to come forward more easily and allowing civil society to file criminal complaints on behalf of the victim.
- A reactive approach to investigations, which are launched only when a victim files a complaint and a lack of prioritization of TIP cases by police investigators, given that they deal with all types of crime and lack specialization.
- Heavy turnover within the police and prosecution, and weak coordination, which result in TIP cases being dropped or their prosecution as other offences.
- Difficulties in conducting international investigations due to a lack of knowledge and effective bilateral law enforcement relationships, particularly in relation to emerging destination countries.

To address existing shortcomings and challenges, the following interventions are recommended:

- Upgrade the NRM endorsed by the Government in 2019 and the criteria for identification of victims of human trafficking to ensure effective implementation of the mechanism, and ongoing training on the use of the SOPs.
- Keep working with and mentoring pro bono lawyers to ensure that TIP victims have effective access to justice and continue discussing sustainable mechanisms for such legal aid with the Ministry of Justice, the Bar Association, civil society, and victim support organizations.
- Further facilitate digitalization of TIP data collection through the electronic crime registry operated by the GPO and publish regular updates on the law enforcement and criminal justice response to TIP based on the forms that were endorsed with the support of the project.
- Support ongoing analysis of law enforcement and judicial practice in TIP-related cases based on the model piloted by the project in cooperation with the GPO, the Supreme Court, and the Association of Women Judges.
- Adopt updated sentencing guidelines for the adjudication of TIP cases through a decision of the Plenum of the Supreme Court.
- Build capacity of front-line police officers to identify potential TIP victims more proactively and document cases for TIP investigations to be initiated and victims to be referred for necessary assistance.
- Consolidate existing training for police investigators by providing a step-by-step methodology for investigating TIP and instilling victim-sensitive and trauma informed approaches.
- Elaborate and implement a training program on joint and mirror investigations and related information exchange and evidence collection in international TIP cases for police investigators and prosecutors.
- Facilitate establishment of a regional informal police TIP network aimed at exchanging information and experiences and assisting in evidence collection in TIP cases.
- Facilitate bilateral consultations with main destination countries for the Kyrgyz Republic and the Central Asia region and support related contacts through the UNODC Central Asia and South Caucasus Network of Prosecutors and Central Authorities from Source, Transit and Destination Countries in response to Transnational Organized Crime (CASC Network Initiative).

List of publications

Legal analysis of criminal legislation (Russian)

Comparative table of criminal legislation, 2017 version (Russian)

Comparative table of criminal legislation, 2021 version (Russian)

Analysis of the TIP data collection system in the Kyrgyz Republic (Russian/Kyrgyz)

https://www.unodc.org/documents/centralasia/2022/Publications/SP2Calendar/GBV_TIP_crimes_data_collection_analysis_RUS.pdf
Monitoring of investigative practice in criminal cases related to human trafficking (Russian/Kyrgyz)
TIP Case Law Analysis (Russian/Kyrgyz) https://kawj.kg/wp-content/uploads/2019/09/181218-%D0%B0%D0%BD%D0%B0%D0%BB%D0%B8%D1%82%D0%B8%D1%87%D0%B5%D1%81%D0%BA%D0%B8%D0%B9-%D0%BE%D1%82%D1%87%D0%B5%D1%82-%D0%BF%D0%BE-%D1%82%D0%BE%D1%80%D0%B3%D0%BE%D0%B2%D0%BB%D0%B5-%D0%BB%D1%8E%D0%B4%D1%8C%D0%BC%D0%B8.pdf
Evaluation of the 2013-2016 State Program and National Action Plan to prevent and counter TIP (Russian)
Functional analysis/review of the key government agencies' functions on combatting human trafficking (Russian) https://www.unodc.org/documents/centralasia//2021/Kyrgyzstan/Functional_analysis_of_the_activities_of_authorized_state_bodies_on_TIP.Kyrgyzstan_Rus.pdf
TIP Training needs assessment and training concept for law enforcement and criminal justice practitioners (Russian/English)
Training Module on combatting human trafficking for Police investigators and detectives (Russian) https://www.unodc.org/documents/centralasia//2021/Kyrgyzstan/Training_module_for_Police_Kyrgyzstan_Rus.pdf
Training Module on combatting human trafficking for the Police Academy (Russian) https://www.unodc.org/documents/centralasia//2021/Kyrgyzstan/Training_module_for_Police_Academy.Kyrgyzstan_Rus.pdf
Compendium of TIP related legal act for police investigators (Russian/Kyrgyz) https://www.unodc.org/documents/centralasia//2021/Kyrgyzstan/Compendium_of_TIP_related_legal_acts_Kyrgyzstan_Rus.pdf
TIP Training Module for Prosecutors (Russian/Kyrgyz) https://www.unodc.org/documents/centralasia//2021/Kyrgyzstan/Training_module_for_prosecutors_Kyrgyzstan_Rus.pdf
Manual on effective investigation and supporting public prosecution on criminal cases related to TIP (Russian) https://www.unodc.org/documents/centralasia//2021/Kyrgyzstan/Effective_investigation_and_supporting_public_prosecution.Kyrgyzstan_Rus.pdf
TIP Training Module for Judges (Russian/Kyrgyz)
Methodology on conducting mock trial sessions on TIP adjudication (Russian/Kyrgyz)
Video on investigation and prosecution of TIP cases based on mock trial methodology https://kawj.kg/ (Russian)
TIP Training Module for Lawyers (Russian) https://www.unodc.org/documents/centralasia//2021/Kyrgyzstan/Training_module_for_lawyers_Kyrgyzstan_Rus.pdf
Online TIP video courses for police officers, prosecutors, judges and lawyers http://online.centradvokatov.kg/my/ (Russian/Kyrgyz)
Memorandum of TIP Partnership and Cooperation (Russian/Kyrgyz)

