

LAW OF THE KYRGYZ REPUBLIC
as of March 17, 2005 No. 55

“On Preventing and Combating Trafficking in Persons”

(As amended by the KR laws dated May 19, 2011 year N 29, November 18, 2011 year N 218)

Present Law determines the legal framework for preventing and combating trafficking in persons, the procedure of coordination of the activities of the authorities responsible for combating trafficking in persons, establishes a system of measures to protect and assist victims of trafficking.

Chapter I. General provisions

Article 1. Terms used in the present Law:

Trafficking in persons - recruitment, transportation, harboring, receiving, transfer, purchase and sale of the person or other illegal transaction with his/her consent or without consent, carried out by coercion, abduction, fraud, deception, stealing, for the purpose of exploitation or benefits;

recruitment – hiring, engagement of a person in performance of any work, involvement in any activity, including illegal activities, involvement in the organizations, including unlawful;

country of destination – country where physical exploitation of the victim of trafficking or forced labor take place;

country of origin – country from where the transportation of the victims of trafficking is carried out; or citizens of which are the victims of trafficking; or on territory of which the organization involved in trafficking in persons or serving as a cover for trafficking in persons is registered as a legal entity;

country of transit – country through the territory of which the activities on trafficking in persons are carried out;

victim of trafficking (VoT) - the person affected by trafficking in persons regardless of his/her consent to recruitment, transportation, transfer, sale or other actions connected with trafficking;

forced labor - any work or service received under the threat of punishment, without a person's will;

slavery – condition or situation of the person when some or all principles of the right of property are applied towards him or her;

trafficker – a person or legal entity who independently or in a group of persons makes any actions connected with trafficking in persons as well as an official who promotes trafficking, and equally does not interfere and does not resist to it though is obliged to do so under the entitled powers;

shelter - special entity carrying out activities for combating trafficking in persons, established pursuant to the order of the present Law, which is aimed at providing victims of trafficking with shelter (temporary residence).

center - special entity carrying out activities for combating trafficking in persons, established pursuant to the order of the present Law, which is aimed at providing consultative, legal, social assistance to the victims of trafficking;

exploitation - involvement of the person in criminal activity; involvement of a person in prostitution or other sexual services, forced labor or services, slavery, adoption for commercial purposes, use in armed conflicts;

combating trafficking in persons – set of actions aimed at preventing, identifying, suppressing and minimizing the consequences of trafficking in persons and providing assistance to the persons affected by trafficking in persons;

protection of the victims of trafficking - actions tailored to protect the violated rights of the persons affected by trafficking;

assistance to the victims of trafficking in persons - actions including medical, psychological, social, legal, informational and other assistance to the persons affected by trafficking.

(As amended by the KR law dated November 18, 2011, N 218)

Article 2. The purposes of the present Law:

- preventing activities involving smuggling of and trafficking in persons;
- combating smuggling and trafficking in persons;
- protection of and assistance to victims of trafficking.

Article 3. The basic principles of the present law

The present Law is based on the following principles:

- secure constitutional principles of human and civil rights and freedoms;
- recognition of trafficking in persons as a social-dangerous act;
- the right to the protection of victims of trafficking, without exception;
- protection and assistance to victims of trafficking in persons regardless of the behaviour of these individuals or their willingness to testify against traffickers;
- the inevitability of punishment for trafficking in persons;
- humanism;
- compliance with the norms of international law in combating smuggling and trafficking in persons;
- citizen participation in activities to prevent and combat smuggling and trafficking;
- formation of understanding personal responsibility of citizens for their own freedom, life and health, as well as the freedom of others.

(As amended by the KR law dated November 18, 2011, N 218)

Article 4. Legislation of the Kyrgyz Republic in the area of preventing and combating trafficking in persons

Legislation of the Kyrgyz Republic in the area of preventing and combating trafficking in persons consists of the Constitution of the Kyrgyz Republic, the present law and other normative legal acts of the Kyrgyz Republic regulating the activities on preventing and combating trafficking in persons, the protection of victims of trafficking, as well as their relatives.

International treaties and agreements to which the Kyrgyz Republic is a party and which have entered into force in accordance with the law are an integral part of the legislation of the Kyrgyz Republic in the area of preventing and combating trafficking in persons.

Article 5. Grounds for the State policy in the field of preventing and combating trafficking in persons

1. State policy in the field of preventing and combating trafficking in persons envisages the unity of actions by the public authorities, local self-governments and non-governmental organizations to prevent and combat trafficking in persons.

2. State policy in the field of preventing and combating trafficking in persons is based on the following:

- prioritization of protection of the freedom, life and health of a human being and a citizen;
- coordination of activities in the field of preventing and combating trafficking in persons with the other areas of social, economic and migration policies;
- independent and effective oversight and monitoring of the implementation of legislation of the Kyrgyz Republic in the area of preventing and combating trafficking in persons;
- development and implementation of an effective mechanism to prevent and combat trafficking in persons;
- development and implementation of national programmes for the prevention and combating trafficking in persons, the financing of research work in the field of preventing and combating trafficking in persons;
- ensure free medical and legal assistance to victims of trafficking and their protection;
- the compulsory investigation and recording of each statement on the fact of trafficking and follow-up to prevent its causes, as well as making publicity to such cases;
- social protection of victims of trafficking;
- training of specialists for the prevention and suppression of trafficking in persons of the law enforcement, immigration and other relevant bodies;
- full support to the activities of non-governmental organizations and individuals, aimed at preventing and combating trafficking in persons;
- international cooperation in solving problems on prevention and combating trafficking in persons.

Chapter II principles on organization of activities to prevent and combat trafficking in persons

Article 6. Entities carrying out activities to prevent and combat trafficking in persons

1. The main entity to prevent and combat trafficking in persons and provide with the necessary funds and resources shall be the Government of the Kyrgyz Republic.

2. The executive authorities shall organize work of subordinate bodies for the enforcement of the legislation of the Kyrgyz Republic regulating issues of preventing and combating trafficking in persons.

3. Entities carrying out activities to prevent and combat trafficking in persons within its competences are:

- Government's Office of the Kyrgyz Republic
- Ministry of Interior of the Kyrgyz Republic

- Ministry of Foreign Affairs of the Kyrgyz Republic, diplomatic representations and consular department of the Kyrgyz Republic;
- State Committee on National Security of the Kyrgyz Republic
- State Border Service of the Kyrgyz Republic
- Department of Customs Service of the Revenue Committee under the Ministry of Finance of the Kyrgyz Republic;
- Ministry of Labour and Social Protection of the Kyrgyz Republic;
- Ministry of Education of the Kyrgyz Republic
- Ministry of Health of the Kyrgyz Republic
- Local self-governments and local administrations

4. Actors involved in the prevention, identification and suppression of trafficking in persons, within the limits of their competences, are other executive bodies as well, of which a list is determined by the Government of the Kyrgyz Republic.

5. In the event of a reorganization or renaming the functions of the aforementioned bodies of executive power in preventing and combating trafficking in persons pass to their cessionaries.

6. Coordination of activities of the agencies on preventing and combating trafficking in persons is carried out by the authorized body, as determined by the President of the Kyrgyz Republic.

Article 7. The powers of the Government of the Kyrgyz Republic in the area of preventing and combating trafficking in persons

1. The powers of the Government of the Kyrgyz Republic in the area of preventing and combating trafficking in persons are:

- development of the State policy in the field of preventing and combating trafficking in persons and its implementation;
- development and adoption of normative legal acts of the Kyrgyz Republic in the area of preventing and combating trafficking in persons, control over their observance;
- development, approval and implementation of national programmes in the field of preventing and combating trafficking in persons;
- introduction of special departure regimes of citizens for employment to the countries that do not comply with minimal international standards for the prevention and suppression of trafficking in persons;
- creation and maintenance of a unified system of State management in the area of preventing and combating trafficking in persons;
- international cooperation in preventing and combating trafficking in persons and fulfillment of the international treaty obligations.

2. In order to protect and assist victims of trafficking, the Government of the Kyrgyz Republic shall, in close cooperation with non-governmental organizations:

- develop and adopt normative legal acts of the Kyrgyz Republic on assistance and protection to victims of trafficking;
- develop, maintain and implement programmes to assist and protect victims of trafficking;
- provide measures to protect the rights and interests of victims of trafficking in persons who have returned to the Kyrgyz Republic
- conduct activities to improve the return of victims of trafficking;
- monitor the assistance to victims of trafficking.

(As amended by the KR law dated November 18, 2011, N 218)

Article 8. The authorized body for the coordination of activities relating to preventing and combating trafficking in persons

1. The procedure for the formation and activities of the authorized body on preventing and combating trafficking in persons (hereinafter referred to as the authorized body) in accordance with the present law is defined by the Regulations on the authorized body, approved by the President of the Kyrgyz Republic.

2. The authorized body shall be responsible for the following tasks:

a) develop public policy within framework on preventing and combating trafficking in persons in the Kyrgyz Republic and recommendations aimed at improving the efficiency of the work to identify and eliminate the causes and conditions that give rise conditions to the trafficking in persons.

b) collect and analyze information on the volume, status and trends of trafficking in persons in the Kyrgyz Republic;

c) consider proposals of the executive authorities on the establishment of shelters for temporary accommodation of victims of trafficking, as well as monitor the work and functioning of the institutions to prevent and combat trafficking in persons in accordance with their assigned tasks;

d) take part in the preparation of international agreements of the Kyrgyz Republic in the field of the preventing and combating trafficking in persons;

e) develop suggestions on enhancement of the legislation of the Kyrgyz Republic in the field of the prevention and combat trafficking in persons;

f) organize advocacy campaigns on trafficking in persons for the citizens;

3. The authorized body composition includes as equal members the representatives of public associations and non-governmental international organizations that have their offices in the Kyrgyz Republic, carrying out activities on preventing and combating trafficking in persons.

4. The authorized institution shall have a legal status.

(As amended by the KR law dated May 19, 2011, No. 29)

Article 9. The competence of the entities carrying out activities on preventing and combating trafficking in persons.

1. Entities carrying out activities to prevent and combat trafficking in persons, shall be guided in its activities by present Law, other laws, in accordance with the legally enforced international treaties and agreements to which the Kyrgyz Republic is a party to, and the generally recognized principles and norms of international law, as well as issued normative legal acts regulating this activity.

2. The General Prosecutor's Office of the Kyrgyz Republic within its field of competence shall carry out activities to prevent and combat trafficking in persons in accordance with the legislation of the Kyrgyz Republic.

3. The Ministry of Internal Affairs of the Kyrgyz Republic and its territorial bodies carrying out activities for the prevention, detection and suppression of offences related to trafficking in

persons, as well as prevent, detect and suppress international activities on trafficking in persons, in accordance with the criminal procedure law are shall conduct investigation of criminal cases of such crimes.

4. The Ministry of Foreign Affairs of the Kyrgyz Republic, diplomatic missions and consular institutions of the Kyrgyz Republic shall protect the rights and interests of citizens of the Kyrgyz Republic, victims of trafficking in persons outside the Kyrgyz Republic.

5. The National security service of the Kyrgyz Republic and its territorial bodies shall carry out activities to identify the links between international terrorist organizations with the organized crime groups and traffickers.

6. Border Service of the Kyrgyz Republic shall provide service to identify, prevent and combat the activities of persons involved in trafficking in persons, as well as victims of trafficking in persons at the State border of the Kyrgyz Republic.

7. Department of Customs Service of the revenue Committee under the Ministry of Finance of the Kyrgyz Republic shall detect and prevent attempts by traffickers crossing the customs border of the Kyrgyz Republic, and also the illegal movement of victims of trafficking in persons across the customs border of the Kyrgyz Republic.

8. The Ministry of Labour and Social Protection of the Kyrgyz Republic shall develop proposals for assistance to victims of trafficking in persons and the maintenance of special institutions for their inclusion to the national program on preventing and combating trafficking in persons and other State programs.

9. The Ministry of Education of the Kyrgyz Republic shall develop educational programs to train the authorized officials on preventing and combating trafficking in persons. The Ministry shall include the principles of preventing and combating trafficking in persons to the existing Humanities subjects, highlighting the problems of the modern trafficking in persons and the legislative framework on combating trafficking in persons.

10. The Ministry of Health of the Kyrgyz Republic shall develop programmes to provide medical aid including psychiatric assistance to victims of trafficking, as well as special institutions.

11. Local state administration and local self-government bodies shall:

- develop and provide implementation of measures to prevent and combat trafficking in persons at the local level;
- cooperate within programmes with NGOs and international organizations operating in the relevant territory;
- conduct advocacy campaigns among the local population on prevention of trafficking in persons.

12. The funds necessary to carry out the duties to prevent and combat trafficking in persons, shall be provided for in the relevant articles of the law on Republican budget for the current year, establishing funding for the relevant executive authority.

(As amended by the KR laws dated May 19, 2011, N 29, November 18, 2011, N 218)

Article 10. The main functions of the entities involved in activities to prevent and combat trafficking in persons.

Executive authorities enumerated in Article 6 of present Law and their territorial bodies shall be involved in activities relating to preventing and combating of trafficking in persons within its competence through the development and implementation of prevention, sensitive, organizational, informational, educational and other measures to prevent, detect and combat trafficking in persons.

The procedure for providing information, logistical and financial tools, vehicles and communication equipment, medical equipment and medicines to the specialized institutions that provide assistance to victims of trafficking shall be established by the Government of the Kyrgyz Republic.

Article 11. Assistance to authorities involved in preventing and combating trafficking in persons.

1. Executive authorities of the Kyrgyz Republic, local self-governments, public associations and non-governmental organizations, and other officials shall provide assistance to the bodies involved in activities preventing and combating trafficking in persons.

2. It is a civil duty of the citizens to inform the law enforcement authorities on any known information about trafficking in persons and any other circumstances which could contribute to the prevention, detection and suppression of trafficking in persons, as well as minimizing its effects. In the case of the concealment of particularly serious offences related to trafficking in persons, the perpetrator shall be punished in accordance with the legislation of the Kyrgyz Republic.

Chapter III. Liability for the organization and implementation of trafficking in persons

Article 12. Liability for the organization and implementation of trafficking in persons

1. Persons involved in the organization and implementation of trafficking shall be prosecuted under the legislation of the Kyrgyz Republic.

2. The behavior of a victim of trafficking, expressed in an unwillingness or inability to change their anti-social behavior associated with trafficking in persons, cannot exclude liability of trafficking in accordance with the legislation of the Kyrgyz Republic, as well as be seen as softening their guilt.

3. A victim of trafficking in persons shall be liable to administrative or criminal liability 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.

Article 13. Features of the criminal and civil proceedings in cases of trafficking in persons

Crimes related to trafficking in persons as well as cases of compensations to victims of trafficking in persons by a court decision can be considered in closed court sessions with the observance of all the rules of legal procedure.

Article 14. Liability of legal persons for trafficking in persons

1. In the event the Court establishes the fact of trafficking by organizing-legal entity having a license to carry out activities, which served as the cover of knowingly trafficking, such legal entity shall be liquidated in accordance with the Court's decision.

2. In the event the Court recognizes an international organization (its department, branch, representative office) registered outside the territory of the Kyrgyz Republic, known to be involved in trafficking activities of an international organization (its department, branch, representative office) in the territory of the Kyrgyz Republic such international organization shall be prohibited.

3. Statement of the prosecution in relation to the organization managers - a legal entity, international organization (its department, branch, representative office) located on the territory of the Kyrgyz Republic, for involvement in trafficking in persons shall be sent to the Court by the General Prosecutor of the Kyrgyz Republic or subordinate prosecutor.

Chapter IV. Prevention of trafficking in persons

Article 15. Information policy in the sphere of prevention of trafficking in persons

Information policy of the Kyrgyz Republic in the area of prevention of trafficking in persons shall be implemented regularly through informing the population of the Republic by the state bodies and local self-government on:

- targeted programs for preventing and combating trafficking in persons;
- methods and tools for preventing and combating trafficking in persons.

Article 16. Educational policy in the sphere of prevention of trafficking in persons.

Educational policy of the Kyrgyz Republic in the area of prevention of trafficking in persons is implemented by:

- inclusion of thematic courses on prevention of trafficking in persons to the training programmes of the organizations of primary, secondary and higher education;
- training and retraining of state authorities to prevent and combat trafficking in persons.

Article 17. The right to get information on the status of working conditions of the citizens leaving to work abroad

1. The employer, when recruiting workers travelling abroad shall inform them of the status of working conditions, accruing benefits and compensation as well as measures taken to ensure the health and safety at work.

2. The employer who provided the information shall be liable for its completeness and correctness in accordance with legislation of the Kyrgyz Republic.

Article 18. Measures to prevent and combat trafficking in persons

In order to prevent, combat and punish trafficking in persons, authorized state bodies carrying out passport and visa, border and customs control, shall organize and conduct activities within its competences in:

- identification and registration of individuals crossing or attempting to cross the State border of the Kyrgyz Republic without travel documents or with documents belonging to other persons, traffickers or the victims of such trafficking;
- development and improvement of the system of measures to prevent offences involving trafficking in persons;
- informational and analytical activities to prevent and combat trafficking in persons;

- training and re-training of professional skills of the staff on combating trafficking in persons;
- interaction with special services, law enforcement agencies and organizations of foreign states, to carry out tasks relating to the preventing and combating trafficking in persons

Article 19. Automated data base on trafficking offences

For the purpose of preventing and combating trafficking in persons by the authorized body shall create an automated data base on trafficking offences, connected with the information systems of other state bodies.

Chapter V. Special agencies to provide protection and assistance to victims of trafficking

Article 20. Special agencies to provide protection and assistance to victims of trafficking

1. In order to provide protection and assistance to victims of trafficking, in full accordance with their basic rights in the Kyrgyz Republic the following institutions shall be established:

- a) shelters for temporary accommodation of victims of trafficking;
- b) centers to provide support and assistance to victims of trafficking.

2. Relevant bodies of executive power and bodies of local self-government shall allocate funds from their budgets, necessary for the formation and functioning of the institutions referred to in paragraph 1 of this article, in accordance with present Law and other normative legal acts of the Kyrgyz Republic.

Article 21. Shelters for temporary accommodation of victims of trafficking

1. Shelters for temporary accommodation of victims of trafficking in persons (hereinafter referred to as the shelter) shall be created by the state, municipal authorities and public associations for the purpose of providing of civilized living conditions and personal care for victims of trafficking, providing food and medicines to persons in the shelter, emergency medical, psychiatric, social, legal and other assistance, to protect their security, as well as helping to establish contacts with their relatives.

2. Shelter shall be created by:

- a) the authorized body according to the proposal of the competent executive power;
- b) legal entities with the state or municipal ownership in accordance with present Law and other normative legal acts of the Kyrgyz Republic.

3. Shelter shall be granted to a person, recognizing himself/herself a victim of trafficking in persons, by his personal request for a period of ten days, regardless of the behavior of this person or his willingness to testify against traffickers.

4. The period of shelter providing, stated by the paragraph 3. This article may be extended for the duration of the case proceedings on the proposal of the authorized body, investigation or court bodies or by a reasoned request of the person affected by trafficking in persons.

5. The rules and regulations of the shelter organization, the order of activities, management, funding and organization of monitoring over the activities in accordance with present Law shall be determined by the Government of the Kyrgyz Republic.

(As amended by the KR law dated November 18, 2011, N 218)

Article 22. Centers of support and assistance to victims of trafficking

Centers of support and assistance to victims of trafficking in persons (hereinafter referred to as the Centre) may be established by the authorized body or public associations.

2. The core functions of the centers are:

- a) providing of information in plain language on available form on the existing judicial and administrative procedures to protect the interests of victims of trafficking;
- b) providing of qualified psychiatric and medical care;
- c) social rehabilitation of victims of trafficking.

3. Financing of the centers' activities shall be on the founders.

Article 23. Cooperation with public associations and non-governmental organizations

1. When creating shelters and centers under the Articles 20-22 of the present Law, the authorized body shall involve associations and non-governmental organizations working in the field of preventing and combating trafficking in persons.

2. The authorized body shall provide organizational, financial and other assistance to the activity of public associations and non-governmental organizations, aimed at preventing and combating trafficking in persons and assisting victims of trafficking.

3. Financial support to the public association or non-governmental organization may be given out of the republican budget funds, in case when the program preventing and combating of trafficking in persons or the creation of the Shelter or the Center proposed by the public association or non-governmental organization shall be incorporated to the state program on preventing and combating trafficking in persons other government programs based on the competitive process results.

(As amended by the KR law dated November 18, 2011, N 218)

Chapter VI. Social rehabilitation and protection of victims of trafficking in persons

Article 24. Social rehabilitation of victims of trafficking in persons

1. Social rehabilitation of victims of trafficking in persons shall be carried out with a view to their return to a normal lifestyle, including legal assistance to these persons, their psychological, medical, vocational rehabilitation, employment, provision with housing.

2. Social rehabilitation of victims of trafficking in persons shall be carried out by funds of the republican budget of the Kyrgyz Republic.

3. Rules and procedures of social rehabilitation of victims of trafficking in persons shall be determined by the Government of the Kyrgyz Republic in accordance with present Law.

Article 25. Assistance to victims of trafficking in persons and the measures for their protection

1. Assistance to victims of trafficking in persons should be provided by the state bodies of an executive power, the authorized body, shelters and centers under their jurisdiction in accordance with present Law and other normative legal acts upon substantiated request of the investigation bodies, the investigator, the prosecutor, the court.

2. Access to data on the identity of victims of trafficking in persons in reference services and reference funds shall be closed on the basis of the decision of the body conducting investigative activities, the investigator, the prosecutor, the court.

3. It shall not be allowed to disseminate information about victims of trafficking in persons or on circumstances of trafficking in persons, capable of a threat to the life or health of the victim of trafficking, or his or her close relatives, as well as on persons assisting in preventing and combating trafficking in persons.

4. In case of a real risk to life and health of the victims of trafficking in persons the person shall be given the opportunity to change the name, surname, patronymic, date and place of birth in accordance with the legislation of the Kyrgyz Republic upon decision of the court, the prosecutor, investigator, the authority conducting investigative activities following the request from the victim of trafficking

5. Disclosure of information on the security measures and confidential information about victims of trafficking in persons as well as the disclosure of the investigation and information on the security measures applicable to persons involved in criminal proceedings, shall be prosecuted in accordance with the legislation of the Kyrgyz Republic.

6. Officials of the executive authorities, as well as employees of public associations and non-governmental organizations involved in activities relating to the preventing and combating trafficking in persons shall be liable for disclosure of confidential information on victims of trafficking in persons and for the failure to provide assistance to such persons in accordance with the legislation of the Kyrgyz Republic.

Article 26. Responsibilities of diplomatic representations and consular establishments of the Kyrgyz Republic on assistance and protection of victims of trafficking

1. Diplomatic missions and consular institutions of the Kyrgyz Republic outside the Kyrgyz Republic shall be working to protect the rights and interests of citizens of the Kyrgyz Republic, victims of trafficking in persons in the state of their stay and contribute to their return to the Kyrgyz Republic in accordance with its powers, and the legislation of the host country.

2. In case of loss or inability to confiscate from traffickers identification documents of citizens of the Kyrgyz Republic - victims of trafficking, the consular authorities of the Kyrgyz Republic together with the executive bodies of the Kyrgyz Republic responsible for internal affairs, shall register and issue identification documents to such citizens in quick terms qualify for their return to the Kyrgyz Republic.

3. In accordance with the laws of the Kyrgyz Republic and the laws of the host country diplomatic representatives and consular institutions of the Kyrgyz Republic shall be obliged to provide information on the legislation of the Kyrgyz Republic to prevent and combat trafficking in persons to the relevant bodies of executive power of the host country as well as distribute information on the rights of victims of trafficking in persons among the relevant persons.

Article 27. Assistance to children-victims of trafficking

1. In the case of assistance to child victims of trafficking in persons all possible measures should be taken in accordance with the prior interests of the child and the UN Convention on the rights of the child.

2. The authorized body, shelters and centers shall immediately notify the executive authorities of

the Kyrgyz Republic responsible for trusteeship and guardianship, if they have information about a child-victim of trafficking in persons, in order to ensure and protect the rights of the child in accordance with the legislation of the Kyrgyz Republic.

3. In case of placement of children-victims of trafficking in persons in the shelter, they shall be separated from adults.

4. Child victims of trafficking, placed in the shelter, shall be provided with the opportunity to attend public educational institutions in accordance with the Kyrgyz Republic's law "On education".

5. In the case of a child victim of trafficking in persons remaining without parental care or not being aware of the whereabouts of his family, family tracing or establishment of guardianship or curatorship over him shall be provided in accordance with the legislation of the Kyrgyz Republic.

(As amended by the KR law dated November 18, 2011, N 218)

Article 28. State guarantees for the victims of trafficking in persons

1. Victim of trafficking in persons must be recognized by the court, prosecutor, investigator, in accordance with the applicable legislation on criminal procedure of the Kyrgyz Republic, the victim shall not be prosecuted by the law enforcement agencies or kept in places of temporary detention (temporary detention center, detention facility).

2. The court, the prosecutor, the investigator shall take security measures provided for by the criminal procedure legislation of the Kyrgyz Republic, in respect of victims of trafficking in persons, which stated its willingness to cooperate with authorities in the investigation in order to detect persons suspected of trafficking in persons.

3. If a foreign citizen or person without citizenship is a victim of trafficking, recognized in accordance with the current legislation on criminal procedure of the Kyrgyz Republic, the victims shall witness in a criminal case or assist bodies carrying out investigative activities, upon substantiated request of the court, the prosecutor, the investigator and the investigation bodies. Measures of deportation pending a decision in the criminal proceedings against perpetrators of trafficking cannot be applied to such persons. A victim of trafficking in persons shall be granted the right of temporary residence in the Kyrgyz Republic, irrespective of the circumstances of the person's entry to the Kyrgyz Republic.

The decree on the appointment of the administrative penalties for violations related to trafficking in persons shall be terminated against such persons on substantiated request of the relevant body if a criminal case was initiated based on the fact of trafficking in persons and the victim of trafficking in persons was recognized as a victim or a person who provided aid to investigation bodies in identification of trafficking in persons facts or search of the wanted traffickers.

4. The Ministry of Interior of the Kyrgyz Republic or its territorial bodies in accordance with the Kyrgyz Republic's law " On the legal status of foreign citizens in the Kyrgyz Republic" shall sign and issue the residence permit in the Kyrgyz Republic without regard to the length of stay in the Kyrgyz Republic to the foreign citizen or person without citizenship, victims of trafficking, who had provided assistance to the investigation, conducting investigative activities, in denouncing the person (s) accused of trafficking.

5. The provision in par.2 of this Article, shall not be applied to a foreign citizen or person without citizenship who is a victim of trafficking in persons but does not have documents certifying his identity, and refused to assist competent authorities in establishing their identity.

6. Measures of assistance and security, provided for in para.2-3 of this article may be cancelled on the following grounds:

a) The victim of trafficking in persons regained communication with persons in respect of which investigations have been conducted, the investigation or proceeding without coercion exercised by these persons;

b) reliably established fact that the willingness of the person to cooperate with authorities conducting investigation, inquiry and court is false or the person's evasion of further cooperation;

in) such persons void petition for termination of the appointment of the administrative punishment.

c) such persons void petition for termination of the appointment of the administrative penalties for acts they committed previously, if the Statute of limitations has expired on the execution of the decisions of the sentencing.

(As amended by the KR law dated May 19, 2011, No. 29)

Chapter VII. International cooperation of Kyrgyz Republic on preventing and combating trafficking in persons

Article 29. International cooperation of the Kyrgyz Republic to prevent and combat trafficking in persons

The Kyrgyz Republic and its competent authorities shall cooperate in preventing and combating trafficking in persons with the foreign states and their competent authorities, as well as with international organizations working to prevent and combat trafficking in persons in accordance with the norms and principles of the international law.

Article 30. The jurisdiction of the Kyrgyz Republic to prevent and combat trafficking in persons

Kyrgyz Republic, guided by the interests of the safety and security of individuals, society and the State, given the transnational character of trafficking in persons, pursues on its territory the persons involved in trafficking in persons, including the cases where trafficking in persons or its individual stages are carried out outside the Kyrgyz Republic, caused harm to Kyrgyz citizens or to the Kyrgyz Republic and in other cases stipulated in the order established by the law of the acting international treaties, whereto the Kyrgyz Republic is a member.

Chapter VIII. Final provisions

Article 31. Financing of activities related to the preventing and combating of trafficking in persons as well as protection of and assistance to persons affected by these actions.

1. Financing of activities related to the preventing and combating of trafficking in persons as well as protection of and assistance to persons affected by these actions shall be carried out from both budgetary and extra-budgetary funds.

2. Sources of funding for activities on preventing and combating the smuggling and trafficking in persons are:

- the funds from the republican and local budgets;
- the funds derived from the confiscated property of physical persons and the transformation of the legal entities' property to the state ownership on the basis of a court decision, regardless of their form of ownership, located on the territory of the Kyrgyz Republic for activities related to the smuggling and trafficking of humans
- financing of international organizations;
- other sources which do not contradict the legislation of the Kyrgyz Republic.

3. Budget allocations to prevent and combat the smuggling and trafficking in persons as well as protection of and assistance to victims of these actions (the republican and local budgets) allocated to the relevant budgets in a separate line shall be used for running costs of the offices working on preventing and combating trafficking in persons, financing of research work, implementation of the state targeted programmes to prevent and combat the smuggling and trafficking in persons, as well as assist those affected by these actions.

4. Non-governmental organizations shall have the right to establish funds to prevent and combat the smuggling and trafficking in persons, to assist those affected by these actions.

5. Funds may be established at the national and local levels.

Article 32. Supervision over the implementation of the present Law

Supervision over the exact and unified implementation of present Law shall be carried out by Prosecutor General of the Kyrgyz Republic and the subordinate prosecutors.

Article 33. Entry of present Law into force

1. The present Law shall enter into force on the day of its official publishing.

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2. The Government of the Kyrgyz Republic, within the period of 6 months, shall bring its normative acts in compliance with the present Law.

3. Paragraph 4 of Article 25 of the present Law shall enter into force on the date of entry into force of the Law of the Kyrgyz Republic's law "On acts of civil status".

Pending the entry into force of the Law of the Kyrgyz Republic "On acts of civil status" the rules of section V of the "Marriage and family" code of the Kyrgyz SSR "Acts of civil status" shall be valid (Newsletter of the Supreme Council of the Kyrgyz SSR, 1969, No. 20, art. 167).

4. The articles of the present Law, providing for the allocation of funds from the republican budget of the Kyrgyz Republic shall enter into force from the date of entry into force of the Law "On republican budget of the Kyrgyz Republic for the current year".

The President of the Kyrgyz Republic A. Akaev

Adopted by the Legislative Assembly of the
Jogorku Kenesh on January 4, 2005