



Trafficking in Persons Report 2016 - Country Narratives - Kazakhstan

KAZAKHSTAN: Tier 2

Kazakhstan is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Domestic trafficking is a consistent problem, accounting for most identified victims. Kazakhstani women and girls are subjected to sex trafficking in the Middle East, Europe, and the United States. Women and girls from neighboring Central Asian and Eastern European countries, as well as from rural areas in Kazakhstan, are subjected to sex trafficking in Kazakhstan; in most cases, traffickers target young girls and women, luring them with promises of employment as waitresses, models, or nannies in large cities. Some children are forced to beg and others may be coerced into criminal behavior. The relative economic prosperity in the government capital Astana, the financial capital Almaty, and the western oil cities Aktau and Atyrau, attract large numbers of Kazakhstanis from rural villages, some of whom become victims of labor trafficking and sexual exploitation. Chinese, Kazakhstani, and other Central Asian citizens, in particular Uzbekistani men and women, are subjected to forced labor in domestic service, construction, and agriculture in Kazakhstan. Many victims of trafficking in Kazakhstan indicate they were lured through fraud and deceit, sometimes by friends or acquaintances, and, at times, exploited by small organized criminal groups in Kazakhstan.

The Government of Kazakhstan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government significantly increased its funding for and implementation of awareness campaigns, as well as its victim identification and case investigation efforts. The government also significantly increased its funding for victim assistance and continued its robust partnership with international organizations and NGOs to protect victims and raise awareness of trafficking crimes. The government adopted legislation that will allow funding for long-term shelters, as well as standards for the provision of services to trafficking victims. However, convictions of traffickers decreased significantly, in part attributed to insufficient resources and high turnover rates for police. Media continued to report allegations of police officers' complicity in human trafficking, but the government reported no investigations or prosecutions of police or other government officials suspected of trafficking crimes.

RECOMMENDATIONS FOR KAZAKHSTAN:

Further improve efforts to identify trafficking victims—particularly foreign forced labor victims—among vulnerable populations and refer these victims for assistance; vigorously investigate, prosecute, and convict suspected trafficking cases, respecting due process, including allegedly

complicit government officials and police officers; update laws to align with international standards; ensure victim identification is not contingent on successful investigation and prosecution efforts; increase funding and resources for anti-trafficking police units; continue to increase the number of government-funded trafficking shelters and provide longer-term shelter, free legal assistance, and rehabilitation to trafficking victims; cease deporting victims and provide legal alternatives to forced repatriation; train labor inspectors to identify victims of forced labor and report potential trafficking cases to the police; and provide anti-trafficking training or guidance for diplomatic personnel to prevent their engagement or facilitation of trafficking crimes.

PROSECUTION

The government maintained progress in anti-trafficking law enforcement efforts. Articles 128, 135, 125(3b), 126(3b), 308, and 134-1 of the penal code prohibit all forms of sex and labor trafficking and prescribe penalties of up to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Updates to the penal code that entered into effect during the reporting period, however, did not include definitions of key terms that had been included in the old codes.

Police investigated 104 trafficking cases, compared to 82 in 2014. In 2015, law enforcement officials opened 97 new criminal cases for trafficking offenses, compared to 73 in 2014. Seven cases from previous years were continued, and seven additional cases were completed, resulting in 12 convictions, a decrease compared to 37 cases completed in 2014 with 32 convictions. While police attributed the decrease in convictions to the complexity and time-consuming nature of trafficking investigations, high turnover among police officers and inadequate staffing of anti-trafficking units also hindered the government's anti-trafficking efforts. Of the 12 convictions, 10 sex traffickers received sentences ranging from three to seven years' imprisonment and two labor traffickers received sentences of one to five years. In addition, the government opened 199 investigations of trafficking-related crimes, including pimping and brothel maintenance. NGOs continued to suspect traffickers bribed low-ranking police officials to avoid these charges. Media reported several cases in which police officers were accused of trafficking or sentenced for other offenses that may have been related to trafficking, such as the cases of police officers in Zhambyl allegedly holding a resident of Kyrgyzstan in slavery for 19 years, making him work in their households in exchange for food, and of a former police officer in Akmola Region who allegedly exploited a man in his household for 10 years. Yet the government reported no official investigations or prosecutions of allegedly complicit police or other government officials in human trafficking offenses.

The government continued to provide a variety of specialized training courses in the identification, investigation, and prosecution of trafficking crimes for police, prosecutors, and judges, and funded police participation in international anti-trafficking events. In 2015, the judicial institute conducted six training sessions for 300 judges on the protection of trafficking victims during the criminal process. The Ministry of Internal Affairs (MVD) conducted six training courses on victim identification and investigative techniques for 103 police officers. During the reporting period, the government jointly investigated 17 cases related to trafficking in cooperation with foreign governments, including Kyrgyzstan, Uzbekistan, Russia, and Tajikistan. The Supreme Court released an analysis of criminal cases tried in Kazakhstani courts during 2013 and 2014, which included 36 criminal cases against 69 traffickers, and recommended best practices for applying appropriate charges and avoiding mistakes during prosecutions.

PROTECTION

The government maintained efforts to protect victims, finalized provisions that will allow for future funding of long-term shelters and set standards for the provision of services to trafficking victims. The first tranche of 44,000 Kazakhstani Tenge (KZT) (\$240,000) will be available for use in 2016. In 2015, the government identified 92 trafficking victims, an increase from 74 victims in 2014. Of those, 77 were sex trafficking victims and 15 forced labor victims. All but two of the identified victims were from Kazakhstan; 19 of the Kazakhstani victims were subjected to trafficking in Indonesia, Qatar, and United Arab Emirates, while the remaining were internal victims, recruited from rural to urban areas for both labor and sexual exploitation. All of the victims the government identified received assistance from government-funded programs.

Three NGO-operated trafficking shelters provide legal, psychological, and medical assistance and are accessible to all trafficking victims, regardless of citizenship, gender, or age. The government allocated approximately 4,700,000 KZT (\$25,700) for direct victim assistance, including 3,500,000 KZT (\$19,100) for shelter assistance to one NGO-run shelter for trafficking victims in Astana, which assisted 48 victims, and 1,200,000 KZT (\$6,600) for direct victim assistance during investigations. The government also allocated an additional 31,100,000 KZT (\$170,000) for funding NGO- and government-run shelters providing services to victims of crime, domestic violence, and trafficking. In 2015, NGOs reported assisting 162 trafficking victims, compared to 161 the previous year; among these, police referred 50 and international organizations, embassies, NGOs, and self-referrals were responsible for the additional 112. Of all trafficking victims assisted, 51 were Kazakhstani and 111 were foreigners; 49 were victims of sex trafficking, 113 of forced labor, 55 were female and 107 male.

In the previous reporting period, the government expanded the special social services law, to entitle trafficking victims to care as “victims of violence.” In 2015, the government finalized standard criteria for determining eligibility for a wide range of social services. However, the government did not implement the new standards, which will be used in the operation of shelters for trafficking victims. Amendments to the penal procedural code, made in the previous reporting period, came into force in January 2015, allowing victims to seek compensation from a government fund. However, the fund had not yet been established, as it requires the adoption of implementing regulations. NGOs reported effective victim referral and police cooperation with anti-trafficking units assigned to each region. Law enforcement units mandated to address migration or trafficking issues have a formal system to identify trafficking victims among at-risk persons, such as undocumented migrants or persons in prostitution. The government encouraged victims to participate in investigations and prosecutions by providing witness protection during court proceedings, access to pre-trial shelter services, and basic provisions such as food, clothing, and medical and legal assistance. The government provided foreign victims legal protection, including suspension of deportation proceedings, and special temporary residency throughout the criminal investigation; however, if a criminal case was not initiated, authorities did not recognize and give protective status to victims. NGOs reported foreign victims sometimes experienced problems in accessing local medical care due to a lack of health insurance or residence permits. The government did not offer legal alternatives to removal of foreign victims and forcibly repatriated all victims after expiration of their temporary residency rights. In 2015, there were no reports of authorities criminally punishing victims for crimes as a direct result of being subjected to trafficking.

PREVENTION

The government increased prevention efforts, under the direction of the Interagency Trafficking in Person Working Group, which has been led by the MVD since 2014. The government approved a national action plan for 2015-2017, which includes activities to improve anti-trafficking legislation; investigation and prosecution of human trafficking cases; victim identification and assistance; cooperation with international and non-governmental organizations; and prevention. In May 2015, the National Commission for Human Rights publicly released a special report analyzing current legislation, existing prevention mechanisms, and stakeholders' roles in addressing human trafficking. The report highlighted weaknesses in addressing corruption and victim identification and protection, along with recommendations for improvement. The government continued to fund anti-trafficking information and education campaigns targeting potential trafficking victims, including children. The Ministry of Culture and Information funded radio and television programs, as well as the publication of newspaper articles and web-publications, designed to prevent trafficking by raising public awareness. In July 2015, the MVD began a 25-day public information campaign in commemoration of International Day against Human Trafficking. During the campaign, police participated in TV and radio programs, conducted presentations at hospitals and tourist information and construction offices, and organized flash mobs at sporting events to raise public awareness of human trafficking. The MVD also distributed information in parks, shopping malls, rail stations, airports, hotels, and markets that included the number for the national anti-trafficking hotline. The hotline received more than 1,525 calls in 2015, which led to the investigation of five cases of human trafficking. The government also allocated approximately 9,800,000 KZT (\$51,800) to NGOs for prevention projects, including public awareness campaigns, compared to 7,492,500 KZT (\$41,100) during the previous year. The government did not take any action to reduce the demand for commercial sex or forced labor. The government did not provide anti-trafficking training to its diplomatic personnel.